SENATE—*Thursday, September 30, 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. Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In Psalm 24 we hear:

The Lord's are the earth and its fullness; the world and those who dwell in it. For He founded it upon the seas and established it upon the rivers. Who can ascend the mountain of the Lord or who may stand in His holy place? He whose hands are sinless, whose heart is clean, who desires not what is vain? He shall receive a blessing from the Lord, a reward from God His savior. Such is the race that seeks for him, that seeks the face of the God of Jacob.

Let us Pray.

All powerful God, You always show mercy toward those who love You and are never far away from those who seek You. Remain with Your sons and daughters who serve in the Senate of the United States and guide their way in accord with Your will. Shelter them with Your protection, and protect also those who guard them; give these servants of Yours the light of Your wisdom, and give Your grace also to their staffs. We ask this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, today the Senate will begin at this point 30 minutes of debate on the amendment offered by the Senator from California, Mrs. BOXER, regarding afterschool programs. We had been scheduled to debate the Gregg second-degree amendment. It is my understanding Senator GREGG is now disposed to withdraw the amendment unless there is objection to that. So we will proceed with 30 minutes of debate on the Boxer amendment, with the first vote occurring at 10 a.m.

On behalf of the leader, I am announcing that we will try to complete action on the bill today. Therefore, votes will occur throughout the day and into the evening.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

Pending:

Reid amendment No. 1807, to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

Boxer amendment No. 1809, to increase funds for the 21st century community learning centers program.

Gregg amendment No. 1810 (to amendment No. 1809), to require that certain appropriated funds be used to carry out Part B of the Individuals with Disabilities Education Act.

Mr. SPECTER. Mr. President, when we concluded yesterday afternoon, the ranking member and I talked about a unanimous-consent agreement for all amendments to be filed. We had talked about 12 noon today, and there was concern that since the announcement was made late in the day, Senators would not have an opportunity to understand that since many had gone home. But it is my expectation that when Senator HARKIN arrives, we will confer and try to pick a time when we will ask unanimous consent that all amendments be filed.

AMENDMENT NO. 1810, WITHDRAWN

On behalf of Senator GREGG, I withdraw the Gregg amendment.

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

AMENDMENT NO. 1809

Mr. SPECTER. The essential point on the amendment of the Senator from California is to add $200 million to afterschool programs. I believe afterschool programs are very valuable, and I have supported afterschool programs in the past. In fact, in collaboration with Senator HARKIN, we included $200 million in addition to the $200 million now allocated for afterschool programs. This is an enormous increase on a program that just 3 years ago was at $1 million, then increased to $40 million, then to $200 million, and we have doubled it this year to $400 million. It is an integral part of the school violence prevention initiative.

In crafting this bill, which comes in at $91.7 billion, Senator HARKIN and I have made an assessment of priorities among some 300 programs. And while we would like to have more money for afterschool programs—we would like to have more money for many programs—it simply is not possible to do it.

In crafting this bill, which will be passed by the Senate, to get at least 51 votes, there is very considerable concern on my side of the aisle about a bill with $91.7 billion. Then we have to go to conference. Then we have to find a bill which the President will sign. The metaphor is, it is like running between the raindrops in a hurricane. So it is with reluctance I must oppose the Boxer amendment; it is not realistic to do it.

Some have argued that the $200 million advocated yesterday by Senator MURRAY, which was defeated, or the $200 million sought to be added by Senator BOXER would dip into Social Security. I am not going to make that argument because no one really knows that. We are determined to craft a total appropriations package which is within the caps. In order to accomplish that, there has to be advance funding. Of course, the Boxer amendment provides for advance funding as well. But at some point, if there is sufficient advance funding going into the projected $38 billion in surplus for fiscal year 2000, even on the advance funding line, Social Security will not be intact, and I think there is agreement that we have to protect Social Security and Medicare, that our expenditures even on an advance line cannot go beyond.

I note my distinguished colleague from California is ready to present her case, so I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

The amendment I have at the desk is No. 1809? I just want to make sure that is what the clerk has.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. I thank the Chair.

I am going to make some very brief remarks and then yield 7 minutes to the Senator from Massachusetts, who is such a leader on education. I will begin just by setting the stage for his remarks.

The amendment we have at the desk—and it is cosponsored by many on my side of the aisle—would allow 370,000 children the opportunity to get into afterschool programs. This is a program that works. I understand both sides agree that it works. The difference is that we on this side want to be a little more bold. We want to really say that if education is a priority, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

if our children are a priority, we ought to go up to the President's requested level of $600 million for this program.

The bill goes up to $400 million. That leaves out 370,000 children.

Think of the impact for those children. It doesn't only impact them where they are safe after school. It impacts their parents, their grandparents, their communities, and their neighborhoods.

It is a very simple amendment. We use a technique used all through the bill, which is forward funding. We don't touch Social Security or anything else. We simply forward fund it because the school year starts later, and that kind of funding would work.

I want to share with my colleagues before you hear from Senator KENNEDY that last night the National Association of Police Athletic Leagues was so delighted to hear we had this amendment pending that they got on the phone and called everyone they could in the Senate. I am going to read a little bit from their letter:

DEAR SENATOR: The National Association of Police Athletic Leagues is endorsing and supporting Senator Boxer's afterschool legislation, and anticrime amendment to the Labor-HHS appropriations bill. It would add $200 million to the 21st century learning center funding. This would total $600 million.

This is what the National Association of Police Athletic Leagues says.

Our kids need it. They need to be in safe places during nonschool hours. There is no safer place in any community than the school, especially when law enforcement personnel are involved in their activities. This is where PAL plays a part in the afterschool and anticrime amendment. The amendment directly addresses the issue of the juvenile crime rate during nonschool hours by providing productive activities, and improves the academic and social outcome for students.

He goes on to explain how the Police Athletic Leagues is involved in afterschool programs.

We are very delighted to be here this morning. We are pleased Senator GREGG withdrew his amendment because I think it flattened the issue. We are all for IDEA, and that has been taken care of in the bill before us. But afterschool has been shorted.

At this time, I am pleased to yield 7 minutes of time to Senator KENNEDY, who is our leader in the Senate on education issues.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from California. This has been an ongoing and continuous effort on her part, since the beginning of this program 3 years ago when it started out as an extremely modest program. The reason it has grown to where it currently stands at $200 million, is to a great extent, because of Senator BOXER bringing to the attention of both the administration and the Congress, the impact of this program on children, on families, and also in terms of law enforcement.

I think many of us were heartened earlier this year when the President asked for $600 million. But I think most of us thought, given the amount of the request for that program, that it far exceeded that by two or three times. As with very strong programs, it will get the kind of focus, attention and priority it deserves. I want to express our appreciation to the Appropriations Committee because they have at least added some resources to that.

But, of course, we face a significant decline in terms of the commitment from the House of Representatives. By accepting the Boxer amendment, we will strengthen the commitment that our appropriators have demonstrated in terms of funding this program.

As we come into the second day's debate on this appropriations bill, we are seeing the targeting of scarce resources that we have at the national level in areas of proven achievement and accomplishment.

Yesterday, under the leadership of Senator MURRAY in the area of smaller class size—and the record is very complete—with smaller class size and with better trained teachers, the academic achievement and accomplishment for children are enhanced significantly, and the benefits of those experiences stay with those children. Of course, if they are enhanced later on, they even expand. The afterschool program is a similar program.

If we are able to take both of these programs together—smaller class size and afterschool programs—with the kind of improvement of those afterschool programs, including tutoring, helping children with their homework, and also exposing children in many different instances, as we see in Boston, to a wide variety of other subjects—for example, photography and graphic arts, areas which have awakened enormous interest among children—students may find these are areas where they may concentrate either near school or later as the source of employment.

The bottom line is very clear. The results are in. Every dollar we invest in afterschool programs means that a child will have an enhanced academic achievement and accomplishment, period.

As this country debates, families say: What can we do about education?

This morning many families, as they saw their children going off to school, were saying: I hope my child is going to have a good day in school; that they are going to have good teachers; and that they are going to continue their learning experience.

One of the things we know and that has been demonstrated and proven is that afterschool programs work. They have a positive academic impact in terms of children. This ought to be prioritized. That is what this amendment does.

I welcome the fact that Senator GREGG withdrew his amendment because I think it is rather cynical to try to place disabled children against afterschool children. Hopefully, we are interested in all children. Disabled children go to afterschool programs. Why try to say to people in local communities: Look, you have to do this, or do that? We ought to do what is necessary in terms of those children who qualify for IDEA, and we ought to do something for the afterschool program. Now we have the opportunity to do something for the afterschool program.

I want to state very quickly some of the results of the afterschool program to date. One is in the student achievement. The second is in decreasing juvenile crime.

The Senator from California has been able to reflect that in the very strong support from law enforcement officials that she mentioned in the RECORD. That has been demonstrated. It was demonstrated in Waco, TX, where many of the students participated in what they called the Lighted Schools Program for afterschool programs. They saw an important and significant reduction in juvenile delinquent behavior over the course of the school year. It produces that result, as we saw, as in some of the presentations we made yesterday about giving the students a youthful, productive, and healthy kind of alternative to using their time in a wasteful way after school. It has the result of reducing juvenile crime.

Finally, the parents support it. In Georgia, over 70 percent of students, parents, and teachers agree that children are receiving helpful tutoring in The Three O'clock Project, a statewide network of afterschool programs. The parents are the ones who have been the strongest supporters of this program.

As we have seen in other programs, there is no requirement and no mandate on this. If the local school and community want to do it, they had better get their applications in because there are going to be scarce resources. We are doing it on the basis of a solid record of achievement, academic improvement, and reduction in crime. They have seen that there have been expanded opportunities for students because of additional learning experiences.

This is a win-win-win. I think the Senate of the United States ought to go on record in supporting what the parents want and what has been demonstrated to be effective in enhancing academic achievement in afterschool programs.

We are glad for what the appropriators have done. But we are talking about a $1.7 trillion budget. We think $200 million more for the afterschool program, which will bring it up to the

$600 million the President had requested, makes a good deal of sense. Again, it is an issue of priority.

Mrs. BOXER. Mr. President, I ask that the Senator have an additional 2 minutes. I will ask him to yield for a question.

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

Mrs. BOXER. Mr. President, I think my friend makes a very important point about the priorities when he talks about the overall size of this budget of the United States of America. Comparing that with the $200 million we are asking for in this program would add 370,000 children who are awaiting in line.

I ask my friend another question. Our friend from Pennsylvania is not supporting our amendment and alludes to the fact that, well, we just can't keep spending more. But yet every Republican, as I remember, voted for an enormous tax cut of billions and billions of dollars. Now that is off the table.

I say to my friend, it seems ironic there would be complaints about spending more on education than the bill already provides, when every single one of my Republican friends voted for this huge tax cut to benefit the wealthiest. All we want is to take a relatively small amount of that and put it into afterschool.

Mr. KENNEDY. Mr. President, the Senator is correct. We had a tax cut for $792 billion over the period of the next 10 years. As the Senator remembers, we had the opportunity to fully fund the IDEA program and only reduce the tax cut by one-fifth. That was real money going toward education for the disabled. That was rejected on party lines. Those who are advocating and supporting the Boxer amendment supported it. It was turned down on the other side.

If we were able to have that amount of money that would be used in the tax cut, why not take $200 million of that $792 billion and put it in afterschool programs to service 370,000 children? It makes sense to me.

Mrs. BOXER. I want to give my friend some information. I know he fought this tax battle and a lot of the numbers have perhaps slipped away. The number of dollars that would have been lost in the school year 1999–2000 as a result of the Republican tax cut was $5.273 billion in the first year, this year that we are talking about.

They were willing to give to the wealthiest people in this country $5.273 billion in the school year 1999–2000. All we are asking is to take the latter part of that figure—the $5 billion we are not touching—the $273 million.

When it comes to priorities, I think this vote is very important.

Mr. KENNEDY. The Senator has brought up an enormously important point, one that some Members understand, and hopefully the American people understand.

To move ahead with that tax cut would mean an effective reduction in support of programs that reach out and benefit children in the public schools. That is part of the money they were going to use to fund that tax break, and, of course, the President vetoed it so we are able to at least effectively hold those programs at their current level.

However, the Senator additionally makes the point that we have 447,000 new children going to school this next year, about 300,000 the following year, and 300,000 the next year. Unless we see an important increase, we will not be able to serve all the children in need.

I think the Senator from California's program will move us down that road in an important way.

Mrs. BOXER. I reserve the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. Mr. President, the agreement to vote at 10 o'clock is complicated by the withdrawal of the Gregg amendment. For the record, I ask unanimous consent the time restraints outlined in the previous consent agreement apply to the Boxer amendment, with a vote to occur at 10 o'clock. That is our plan 6 minutes from now.

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

Mr. SPECTER. By way of brief reply to the arguments made by the Senator from California, did I understand the Senator from California to say that no Republican voted against the $792 billion proposed tax cut?

Mrs. BOXER. I thought that was correct. How many did vote against it?

Mr. SPECTER. Quite a few. I wouldn't want to cite an exact number.

Mrs. BOXER. I don't think it was ''quite a few.'' It might have been three.

I stand corrected.

Mr. SPECTER. It might have been more than three; it was some.

Mrs. BOXER. I stand corrected. I apologize. I know my friend did vote against it.

Mr. SPECTER. I can testify to that from direct personal knowledge; I voted against it and others did. There were some Republicans against the tax cut.

Mrs. BOXER. I congratulate the Senator for that.

Mr. SPECTER. We thank the Senator more for the accurate identification than the congratulations. My vote against it was based upon concern of what the surplus would be.

I think it ought to be noted the President has come forward with a proposal for a tax cut of his own. It is not a tax cut of the magnitude passed by the Senate and the House, but he has come forward with a role for a tax cut.

Back to the issue on more money for afterschool programs. I think it is very important to consider this issue in the perspective of what has happened with this program which was created as recently as 1994. For the fiscal year 1995, enacted in 1994, the last year when the Congress was controlled by the Democrats, the afterschool program was $750,000. The next year it was $750,000. In fiscal year 1997, it went to $1 million. In 1998, when I chaired the subcommittee and Senator HARKIN was ranking, we raised it to $40 million. Last year, we raised it to $200 million. This year, we are raising it another $200 million. I believe there has been a real recognition of the value of the afterschool program.

The Senator from California and I had an extended debate yesterday afternoon on the question of whether there would be a request for more money. Had we added $400 million, there would still have been many applications and many meritorious applications. Among the total number—there were some 2,000 applications—only 184 were granted. That brings me to the conclusion that regardless of what we craft in a bill and how much money we add for afterschool programs there will be an effort by someone to up the ante so that no figure is satisfactory.

Someplace the line has to be drawn. The overall education budget, which the subcommittee recommended and the full committee recommended and is now before the Senate, increases educational funding over last year by $2.3 billion—$2.3 billion. It is more than $500 million more than the President's request. When we take education in the aggregate, we have done more than President Clinton has asked. When we go down to some of the specific items, we have not put quite as much as he wants into some programs. He asked for the program on preparing disadvantaged secondary high school students for college, GEAR UP; he asked for an increase from $120 million to $240 million, doubling it. We increased it to $180 million, $60 million over last year's funding level.

However, the Congress has the principal responsibility in the appropriations process under the Constitution. It is true the President has to sign the bill, but we are the baseline appropriators. While we have disagreed on some of the priorities, I believe that Senator HARKIN and I have crafted a bill, which the subcommittee accepted and the full committee accepted, that is a realistic and appropriate allocation of those priorities. It is for that reason, as much as I like afterschool programs, there has to be some limit before we go into Social Security, some limit considering how much we have added to education.

Mrs. BOXER. Will my friend yield for a clarification on a conversation we had a moment ago?

Mr. SPECTER. On the four Republicans who voted against the tax bill?

Mrs. BOXER. No, it is only two, that is what we were told.

Mr. SPECTER. Senators VOINOVICH, COLLINS, SNOWE, and I all voted against the tax bill; it was a 50–49 vote. One Republican was absent, four Republicans voted against it. Forty-five Democrats voted against it, plus four Republicans: VOINOVICH, COLLINS, SNOWE, and SPECTER.

Mrs. BOXER. We have the vote. It shows two voted against.

Mr. SPECTER. You have the first tax bill, the bill out of the Senate, where VOINOVICH and ARLEN SPECTER voted against it. The conference report, which is the tax bill, had four Republicans voting in opposition.

Mrs. BOXER. I was speaking about the vote in the Senate, when the Senate bill came before us. There were two and you were one of the two. I want to make sure the RECORD shows that.

Mr. SPECTER. It is a vote in the Senate on the conference report.

Mrs. BOXER. Fine. Then we could say two voted against it the first time in the Senate and when it came back from the conference, four.

The point I made is very obvious.

Mr. SPECTER. Will the Senator from California agree that some Republicans voted against it?

Mrs. BOXER. I agree that two Republicans out of 55 voted against it in the Senate. I don't know what the point is. I am glad you did, Senator.

The PRESIDING OFFICER (Mr. BUNNING). All time has expired.

Mr. SPECTER. Mr. President, I take that as a concession that some Republicans voted against it.

Mrs. BOXER. Well, don't. I don't mean it as a concession.

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

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

Mr. SPECTER. I move to table. Mr. President, 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 the motion to table amendment No. 1809.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—54

Abraham	Ashcroft	Bond
Allard	Bennett	Brownback
Bunning	Gramm	Murkowski
Burns	Grams	Nickles
Campbell	Grassley	Roberts
Chafee	Gregg	Roth
Cochran	Hagel	Santorum
Collins	Hatch	Sessions
Coverdell	Helms	Shelby
Craig	Hutchinson	Smith (NH)
Crapo	Hutchison	Smith (OR)
DeWine	Inhofe	Specter
Domenici	Jeffords	Stevens
Enzi	Kyl	Thomas
Feingold	Lott	Thompson
Fitzgerald	Lugar	Thurmond
Frist	Mack	Voinovich
Gorton	McConnell	Warner

NAYS—45

Akaka	Edwards	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Snowe
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NOT VOTING—1

McCain

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT REQUEST—S. 82

Mr. LOTT. Mr. President, we have been working quite some time now to get a final agreement on how to bring up the FAA reauthorization bill. This is important legislation. We have tried to extend the time, and there has been resistance to that. We have tried to direct a conference; there has been resistance to that.

So it is important we have a couple days to have debate relevant amendments and deal with this issue. We are working on both sides of the aisle, and I think we have resolved most of the questions. If there is any one remaining problem, I would like to flesh it out so we can deal with it.

I ask unanimous consent that on Monday, October 4, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be authorized to modify the committee amendments and, further, that only aviation-related amendments and relevant second-degree amendments be in order to the bill.

Mr. DASCHLE. Mr. President, I will object at this point. I do so only because it is my understanding that the junior Senator from New York, Mr. SCHUMER, is still awaiting an answer from the manager of the bill, Senator MCCAIN. They have been negotiating now for several days. The Senator from New York indicated he hopes that in a matter of hours he will hear from Senator MCCAIN's office. As soon as he gets that clarification from Senator MCCAIN, I think he will be more than happy to agree to this unanimous consent request. I will certainly notify the majority leader when that happens. Then it would be my expectation we could agree to this unanimous consent request. We have worked through a number of other problems and issues Senators have raised.

I appreciate the cooperation of all Senators, especially those on my side of the aisle who have worked with us to get to this point. This is an important bill. It needs to be done. I hope it will be done next Monday.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I thank the Democratic leader for that response.

The manager of the bill and the ranking member, Senator MCCAIN and Senator HOLLINGS, are really anxious to go forward with this. There is an understanding on both sides of the aisle that this is very important legislation we have to complete.

We have worked through problems that Senator ROBB had, Senator ABRAHAM, a number of Senators who have amendments, but they will be able to offer those relevant amendments under this agreement.

I hope later on today we can lock in this agreement and be on this bill then next Monday, and after a reasonable time for debate and amendments, surely we can finish it by the close of business on Tuesday.

Also, Mr. President, there had been an indication that some amendment might be offered on the Labor-HHS-Education appropriations bill on an unrelated matter but one with which, frankly, we are prepared to go forward.

UNANIMOUS-CONSENT REQUEST—TREATY DOCUMENT NO. 105–28

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 10 a.m. on Wednesday, October 6, the Foreign Relations Committee be discharged from further consideration of treaty document No. 105–28 and the document be placed on the Executive Calendar, if not previously reported by the committee.

I further ask consent that at 10 a.m. on Wednesday, the Senate begin consideration of treaty document No. 105–28—this is the Comprehensive Test Ban Treaty—and the treaty be advanced through the various parliamentary stages up to and including the presentation of the resolution of ratification, and there be one relevant amendment in order to the resolution of ratification to be offered by each leader; in other words, there would be two of those.

I further ask that there be a total of 10 hours of debate to be equally divided in the usual form and no other amendments, reservations, conditions, declarations, statements, understandings, or motions be in order.

I further ask that following the use or yielding back of time and the disposition of the amendments, the Senate proceed to vote on adoption of the resolution of ratification, as amended, if amended, all without any intervening action or debate.

I also ask consent that following the vote, the motion to reconsider be laid upon the table, the resolution to return to the President be deemed agreed to, and the Senate immediately resume legislative session.

Basically, after consultation on both sides of the aisle, and especially with the chairman of the Foreign Relations Committee, we are asking that we go to a reasonable time for debate and a vote on this Comprehensive Test Ban Treaty.

I think this treaty is bad, bad for the country and dangerous, but if there is demand that we go forward with it, as I have been hearing for 2 years, we are ready to go.

Mr. DASCHLE. Mr. President, I object to this request for three reasons.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. First, 10 hours of debate is totally insufficient for a treaty as important as this. I appreciate very much the majority leader's willingness to respond to the continued requests we have made for consideration of this treaty. He and I hold a different view about the importance of it, but we are certainly willing to have a debate and have the vote.

I appreciate as well his willingness to respond as quickly as he has. In this case, we have been attempting to get to this point for a long period of time. But October 6 is a time that I don't think allows for adequate preparation for a debate of this magnitude.

Keep in mind, no hearings have been held yet on this issue. Unfortunately, as a result of that, I don't think people are fully cognizant of the ramifications of this treaty and the importance of it. I will certainly agree to a time certain if we can extend the length of debate.

I would also be concerned about the language in the unanimous-consent request that assumes this treaty will be defeated. The last paragraph makes an assumption that we are not prepared to make at this point. We don't think it necessarily will be defeated.

We look forward to working with the leader and coming up with a time we can debate it and give it the time it deserves. I hope it will be done sometime this coming month. I look forward to working with the majority leader to make that happen.

Mr. LOTT. Mr. President, three responses: First, if additional time is needed to have a full debate, I think we can work that out. Second, with regard to the leader's objection, I guess to the language in the last paragraph, we can talk about that and probably can work out an agreement to drop that. Third, there have been lots of hearings on this issue over a long period of time and a lot of individual briefings by Members on both sides of the aisle. I think the Senator would be surprised at the amount of knowledge Members have on this subject.

Finally, there is one sure way it will be defeated—that is, not to ever take it up. I would like us to get a time as soon as possible, within the very near future, and have that debate and have a vote.

Mr. DORGAN. Will the Senator from Mississippi yield for a question?

Mr. LOTT. Do I have time, Mr. President?

The PRESIDING OFFICER. The Senator has the floor.

Mr. LOTT. Yes, I am glad to yield.

Mr. DORGAN. I appreciate the courtesy of the majority leader. I hope we can find a way by which we are able to debate and vote on this treaty. I don't share the opinion that it is dangerous. I think it is important for the interests of this country that we ratify this treaty. Whatever the agreement, I also think it would be useful to have a hearing in the coming days and have the Joint Chiefs of Staff and others come forward and tell us their views.

Mr. LOTT. One observation, if the Senator will withhold for a second: This agreement doesn't preclude hearings in the appropriate committees either this week or next week.

Mr. DORGAN. I understand it would not preclude it, but would it necessarily include it? Does the majority leader think such hearings will be held? Notwithstanding that, I still think, one way or the other, we ought to get to this treaty, get it to the floor, debate it, and vote on it.

Mr. LOTT. We are ready, Mr. President.

Mr. DORGAN. Does the Senator believe there will be a hearing in the coming days?

Mr. LOTT. I don't know. I assume that could happen. There are at least two chairmen who would probably be willing to do something in that area.

I yield to the distinguished chairman of the Foreign Relations Committee.

Mr. HELMS. Mr. President, I am getting a little weary of this business of saying this is true and that is true when it is not true.

We have held at least nine hearings on this matter. We have invited Senators to come. They didn't want to come. I have done the best I can to have hearings. But if the Senators won't come, and if the news media won't report what we have had, I believe I have discharged my responsibility.

Let's hear no more about ''no hearings.'' There have been hearings; the Senators from the other side just didn't participate.

Mr. LOTT. Mr. President, if it would be appropriate, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am always reluctant to disagree publicly with my friend from North Carolina, the chairman of the full committee, because we get along so well. We have a fundamental disagreement on this issue. But I am unaware of any hearings we have had in the Foreign Relations Committee on this treaty.

We have had hearings on the ABM Treaty. We have had hearings on the ABM Treaty. We have had hearings on the protocol to the ABM Treaty, and the demarcation issue. We have had hearings on the impact of theater missile defense. We have had those hearings. They all implicate the Comprehensive Test Ban Treaty. But we have had, to the best of my knowledge, no hearings on the Comprehensive Test Ban Treaty.

I note for the RECORD one Senator's view. I think it is shared by many.

This is the single most significant issue facing the entire question of proliferation of nuclear weapons, and it holds the key for good or bad, depending on your perspective, on every other aspect of our strategic defenses.

So it is, to me, not reasonable. The chairman has been very straightforward with me—and I respect him for it—in the many urgings I have made to him to have hearings. He said to me: Joe, we will have hearings if the following things occur.

He lays it out. He said: We will have hearings if we first do ABM, if we first do the Kyoto treaty, if we first do other things. He has set priorities. He has been straightforward, honest, and up front about it for the last 2 years. This is the only thing he and I have had a real disagreement on.

But the idea that we have had hearings on this treaty is not true. I am not suggesting that the chairman is intentionally misleading the Senate. He may think in terms of since we have had hearings that implicate other aspects of our strategic defenses and our strategic offensive capability that we have done this, but we haven't.

The Government Affairs Committee, I thought, had some hearings on it relating particularly to the stockpiling issue and the testing of the stockpiling. And I think maybe even the Armed Services Committee may have had hearings on it.

But I want to get something straight. I am going to sound to the public like a typical Washingtonian Senator. The only outfit that has jurisdiction over this is the Foreign Relations Committee—the Foreign Relations Committee. That is one of our principal functions.

With all due respect to my colleagues, we haven't had hearings.

Let me say one word in conclusion.

I am willing and anxious to have an up-or-down vote on this because, as the majority leader said, if we don't vote, the treaty loses anyway. I would rather everybody be counted. I want everybody on the line. I want every Senator voting yes or no on this treaty so we all can put ourselves in line so that, if India and Pakistan end up—while we are pleading with them to ratify this treaty, while we are pleading with them not to deploy—if they end up deploying nuclear weapons, I am going to be on the floor reminding everybody what happened and the sequence of events. I will not be able to prove that is why they did it. But I can sure make a pretty strong case.

I want everybody coming up this next year—everybody from the Presidential candidates to all of our colleagues running for reelection—to be counted on this issue.

That is why I am willing—I am in the minority—to have the vote today. I am willing to go ahead. I am not the leader. But I will tell you, I think this is a critical issue. We have had no hearings.

It makes sense what my friend from North Carolina says—that we should have hearings, and we should do it in an orderly fashion. We should proceed this way. Apparently, we are not going to proceed this way; therefore, we will have to do it in a way in which the committee system was not designed to function. If that is the only way we can get a vote, fine.

I conclude by saying that I don't doubt for a second the intensity with which my friend from North Carolina believes this treaty is against the interests of the United States any more than he doubts for a second my deep-seated belief that it is in the ultimate interest of the United States.

But these are the issues over which people should win and lose. These are the big issues. These are the issues that impact upon the future of the United States and the world. This is the stuff we should be doing instead of niggling over whether or not you know somebody smoked marijuana or did something when they were 15. This is what this body is designed to do. This is our responsibility, and I am anxious to engage it.

If it is 10 hours, 2 hours, or 20 hours, the longer the better to inform the American public. Hearings would be illuminating.

But since that is probably not going to happen, I say to my friend from North Carolina that I am ready to go. I expect he and I will be going toe to toe on what is in the interest of America. I respect his view. I thank God for him. I love him. But he is dead wrong on this. But I still love him.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum so I can get my records over here.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

The Senator from Georgia.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, I thank the Chair. I ask unanimous consent that the quorum call be suspended, and that at the conclusion of Senator CLELAND's remarks I be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, I shall not object, I ask that I be recognized following the remarks of the Senator from North Carolina.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. I ask that I be recognized.

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

Mr. HELMS. Mr. President, my dear friends from the other side of the aisle are refusing to agree to a unanimous consent agreement to bring the Comprehensive Test Ban Treaty to the Senate floor for debate and a vote on October 7, 1999.

Having said that, I ask unanimous consent it be in order for me to request Senator CLELAND be recognized for whatever time he needs and at the conclusion of his remarks I be recognized again.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, Mr. President, the Senator from North Carolina objected to my being recognized following his statement on the floor. The Senator from North Carolina, as I understand, is propounding a unanimous consent request that the Senator from Georgia be recognized, following which he be recognized. I ask consent I be recognized following the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

Mr. GRAHAM. Mr. President, I ask unanimous consent, first, to yield to our colleague from Georgia for purposes of a request and then for purposes of making a unanimous consent request that has to do with establishing my order in the line to offer an amendment relative to the pending legislation.

Mr. HELMS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAHAM. Did the Senator from North Carolina object?

The PRESIDING OFFICER. Yes, he did.

Mr. GRAHAM. Would the Senator from North Carolina object if my motion was to yield to the Senator from Georgia for purposes of the motion he wishes to make?

Mr. HELMS. Mr. President, I think the RECORD will show I already recommended Senator CLELAND be recognized at the conclusion of which I shall have the floor; is that not the case?

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. I am asking unanimous consent to yield to the Senator from Georgia for the purposes of the motion of the Senator from Georgia; is there objection to that?

Mr. HELMS. I do object.

The PRESIDING OFFICER. The Senator from North Carolina added to that he be recognized immediately after the Senator from Georgia.

Mr. GRAHAM. I accept that if I could be recognized between the Senators from Georgia and North Carolina for purposes of my procedural motion.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Mr. President, I don't understand the request.

Mr. GRAHAM. The request is, first, that the Senator from Georgia be recognized for the purposes of a motion, and I be recognized for a unanimous consent that will only ask my amendment be taken up as the next Democratic amendment relative to the pending legislation; and then the third step is the Senator from North Carolina would be recognized.

Mr. REID. Reserving the right to object, I say to my friend from Florida, we already have a Democratic amendment that is mine; we are waiting to do that. That is the next one.

Mr. HELMS. We can't have a colloquy.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object to the request of the Senator from Florida.

The PRESIDING OFFICER. The objection is heard. The Senator from Florida has the floor.

Mr. GRAHAM. Mr. President, I want to yield to the Senator from Georgia.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Mr. President, reserving the right to object, who gets the floor when the Senator from Georgia has finished his remarks?

The PRESIDING OFFICER. The floor is open.

Mr. HELMS. I object unless it is recognized by all that I get the floor.

The PRESIDING OFFICER. Is there an objection?

Mr. DORGAN. Mr. President, reserving the right to object, I don't object to the Senator from Georgia speaking. I don't object to the Senator from North Carolina speaking. I simply ask if the Senator from North Carolina gets consent to be recognized, that I get consent to be recognized following his presentation. As I understand it, he has objected to that; is that the case?

The PRESIDING OFFICER. That is correct. Is there an objection to his request now?

Mr. DORGAN. Whose request?

The PRESIDING OFFICER. Yours.

Mr. DORGAN. I will certainly not object to my request.

The PRESIDING OFFICER. Is there an objection?

Mr. GRAHAM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

BIRTHDAY GREETINGS TO JIMMY CARTER

Mr. CLELAND. I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 192 introduced earlier by myself and the distinguished senior Senator from Georgia, Mr. COVERDELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative assistant read as follows:

A resolution (S.Res. 192) extending birthday greetings and best wishes to Jimmy Carter in recognition of his 75th birthday.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLELAND. Mr. President, Henry David Thoreau once said ''If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours.'' I rise before my colleagues today to reflect on the successes of one of our nation's great leaders and to pay tribute on the occasion of his 75th birthday, President Jimmy Carter.

James Earl Carter, Jr. was born October 1, 1924, in Plains, Georgia. Peanut farming, talk of politics, and devotion to the Baptist faith were mainstays of his upbringing. Upon graduation in 1946 from the United States Naval Academy in Annapolis, Maryland, he married Rosalynn Smith. The Carters have three sons, John William (Jack), James Earl III (Chip), Donnel Jeffrey (Jeff), and a daughter, Amy Lynn.

After seven years' service as a naval officer, Jimmy Carter returned to Plains. In 1962 he entered state politics, and eight years later he was elected Governor of Georgia. Among the new young southern governors, he attracted attention by emphasizing the environment, efficiency in government, and the removal of racial barriers. I was pleased to serve in the Georgia State Senate during his Governorship and to support his reform agenda.

Jimmy Carter announced his candidacy for President in December 1974 and began a two-year campaign that quickly gained momentum. At the Democratic National Convention, he was nominated on the first ballot. He campaigned hard, debating President Ford three times, and won the Presidency in 1976 by 56 electoral votes. One of the greatest honors of my life was when President Carter chose me to lead the Veterans' Administration. In fact, I was President Carter's first scheduled appointment—it was not more than a couple hours after the inauguration when he asked me to be a part of his administration. It remains one of my proudest moments.

As President Jimmy Carter worked hard to combat the continuing economic woes of inflation and unemployment by the end of his administration, he could claim an increase of nearly eight million jobs and a decrease in the budget deficit, measured as a percentage of the gross national product. He dealt with the energy shortage by establishing a national energy policy and by decontrolling domestic petroleum prices to stimulate production. He prompted Government efficiency through civil service reform and proceeded with deregulation of the trucking and airline industries.

President Carter also sought to improve the environment in many ways. His expansion of the National Park System included protection of 103 million acres of Alaskan wilderness. To increase human and social services, he created the Department of Education, bolstered the Social Security system, and appointed record numbers of women, African-Americans, and Hispanics to jobs in the Federal Government.

In foreign affairs, Jimmy Carter set his own style. His championing of human rights was coldly received by the Soviet Union and some other nations. In the Middle East, through the Camp David agreement of 1978, he helped bring amity between Egypt and Israel. He succeeded in obtaining ratification of the Panama Canal treaties. Building upon the work of predecessors, he established full diplomatic relations with the People's Republic of China and completed negotiation of the SALT II nuclear limitation treaty with the Soviet Union.

Remarkably fit and compulsively active, President Carter remains a leading figure on the world stage. After leaving the White House, Jimmy Carter returned to Georgia, where in 1982 he founded the nonprofit Carter Center in Atlanta to promote human rights worldwide. The Center has initiated projects in more than 65 countries to resolve conflicts, prevent human rights abuses, build democracy, improve health, and revitalize urban areas.

His invaluable service through his work at the Carter Center has earned him a record that many regard as one of the finest among any American ex-President in history. Jimmy Carter's high-profile, high-stakes diplomatic missions produced a cease-fire in Bosnia and prevented a United States invasion of Haiti. He supervised elections in newly democratic countries and has aided in the release of political prisoners around the world.

Jimmy Carter and his wife, Rosalynn, still reside in Plains, Georgia and enjoy their ever-growing family which now includes 10 grandchildren. I ask my colleagues today to join with Mrs. Carter, Jack, Chip, Jeff, and Amy to honor President Carter on his 75th birthday.

Mr. COVERDELL. Mr. President, I rise today to offer a few comments on the occasion of the 75th birthday of our Nation's 39th President and fellow Georgian, James Earl Carter.

I have known President Carter and his lovely wife Rosalynn since my days in the Georgia State Senate, and I have always known him to be a very gracious, forthright, and effective public official. Jimmy Carter has dedicated his life to his country—graduate of the United States Naval Academy, member of the Georgia State Senate, Governor of Georgia, and of course, President of the United States.

Many former Presidents choose a slower and more relaxed lifestyle once they leave office. But not Jimmy Carter. Since leaving office, he has been a leading advocate for democracy, peace, and human rights throughout the world. The Carter Center, headquartered in Atlanta, is one of the most renowned organizations in the area of promoting health and peace in nations around the globe.

Mr. Carter has also been a leader in our country's struggles to end poverty. In 1991 he launched the Atlanta Project, an initiative aimed at attacking social problems associated with poverty.

Besides the Atlanta Project, Mr. and Mrs. Carter are regular volunteers for Habitat for Humanity, a charitable organization dedicated to ending homelessness throughout the world. As two of Habitat's most well-known volunteers, each year they lead the Jimmy Carter Work Project, a week-long event that brings together volunteers

from around the world for this noble effort.

Mr. President, the resolution brought forward by my colleague Mr. CLELAND and myself will express the Senate's best wishes to President Carter on his 75th birthday. I can not think of someone more deserving of this honor. I wish Jimmy and his wife Rosalynn well on this occasion, and encourage my colleagues to do likewise. I thank the Chair.

Mr. CLELAND. I ask unanimous consent the resolution and the preamble be considered and agreed to en bloc, the motion to reconsider be laid upon the table without intervening action, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 192) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 192

Whereas October 1, 1999, is the 75th birthday of James Earl (Jimmy) Carter;

Whereas Jimmy Carter has served his country with distinction in the United States Navy, and as a Georgia State Senator, the Governor of Georgia, and the President of the United States;

Whereas Jimmy Carter has continued his service to the people of the United States and the world since leaving the Presidency by resolutely championing adequate housing, democratic elections, human rights, and international peace;

Whereas in all of these endeavors, Jimmy Carter has been fully and ably assisted by his wife, Rosalynn; and

Whereas Jimmy Carter serves as a living international symbol of American integrity and compassion: Now, therefore, be it

Resolved, That the Senate—

(1) extends its birthday greetings and best wishes to Jimmy Carter; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Jimmy Carter.

Mr. GRAHAM. Mr. President, I ask unanimous consent I be the next Democratic Senator to be recognized for purposes of an amendment after Senator REID of Nevada.

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

The Senator from North Carolina is recognized.

COMPREHENSIVE TEST BAN TREATY

Mr. HELMS. Mr. President, I said a moment ago, and I repeat for emphasis, I am absolutely astonished our friends across the aisle refuse to agree to the majority leader's unanimous consent agreement to bring the Comprehensive Test Ban Treaty to the Senate floor for debate and vote on October 7.

I think this refusal is significant because of the incessant grandstanding that has been going on by the administration and some Senators and, of course, the liberal media that are not going to tell the facts about the Comprehensive Test Ban Treaty—all clamoring that there is such an urgent need for immediate Senate action on the CTBT. It has been proclaimed constantly that the Senate absolutely must ratify the treaty so the United States can participate in the October 6 through 8 conference in Vienna. Yet when the majority leader offered a unanimous consent agreement to bring the treaty to a vote in time for that conference, the same people clamored for more action, running for the hills and demanding more time and making other demands.

If it were not so pitiful, this behavior would be amusing. I am not going to let Senators have it both ways. The same people who have been criticizing the Foreign Relations Committee for inaction on the CTBT are now refusing to a date certain, and a timely vote on the CTBT.

Of course, some are hiding behind the idea that more hearings are needed for a full Senate vote. Hogwash. For the record, the Committee on Foreign Relations has held in the past 2 years alone 14 hearings in which the CTBT was extensively discussed. Most folks don't show up for the hearings—the train was too late or whatever. This number of 14 does not include an even larger number of hearings held by the Armed Services Committee and the Intelligence Committee on CTBT relevant issues, nor does this include three hearings by the Governmental Affairs Committee on the CTBT and relevant issues.

I ask unanimous consent this list documenting each Foreign Relations Committee hearing be printed in the RECORD.

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

FOREIGN RELATIONS COMMITTEE HEARINGS DURING WHICH THE CTBT WAS DISCUSSED

February 10, 1998—(Full Committee/Helms), 1998 Foreign Policy Overview and the President's Fiscal Year 1999 Budget Request. (S. Hrg. 105–443.)

May 13, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Crisis in South Asia: India's Nuclear Tests. (S. Hrg. 105–620.)

June 3, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Crisis in South Asia, Part 2: Pakistan's Nuclear Tests. (S. Hrg. 105–620.)

June 18, 1998—(Subcommittee on East Asian and Pacific Affairs/Thomas), Congressional Views of the U.S.-China Relationship.

July 13, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), India and Pakistan: What Next? (S. Hrg. 105–620.)

February 24, 1999—(Full Committee/Helms), 1999 Foreign Policy Overview and the President's Fiscal year 2000 Foreign Affairs Budget Request.

March 23, 1999—(Subcommittee on East Asian and Pacific Affairs/Thomas), U.S. China Policy: A Critical Reexamination.

April 20, 1999—(Full Committee/Hagel), Current and Growing Missile Threats to the U.S.

April 27, 1999—(Full Committee/Helms), Nonproliferation, Arms Control and Political Military Issues.

May 5, 1999—(Full Committee/Hagel), Does the ABM Treaty Still Serve U.S. Strategic and Arms Control Objectives in a Changed World?

May 25, 1999—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Political/Military Developments in India.

May 26, 1999—(Full Committee/Helms), Cornerstone of Our Security?: Should the Senate Reject a Protocol to Reconstitute the ABM Treaty with Four New Partners?

June 28, 1999—(Full Committee/Hagel), Nomination (Holum).

September 28, 1999—(Full Committee/Helms), Facing Saddam's Iraq: Disarray in the International Community.

Mr. HELMS. Mr. President, at least 17 respected witnesses have discussed their views on both sides of the CTBT question in the past 2 years. The administration itself has included this treaty in testimony on five occasions. More than 113 pages of committee transcript text are devoted to this subject. I have a stack of papers here that are CTBT testimony and debate within the committee. A record can be made of how this has been delayed and by whom.

Mr. President, I find it puzzling that some in the Senate are objecting to the unanimous-consent request of the majority leader. The Foreign Relations Committee has thoroughly examined this matter. We have heard from experts on this very treaty. Let me share this with the Senate, the people listening, and the news media—that have not covered hearings on this matter but whose editors have said it is a disgrace that a vote has not been allowed on the CTBT treaty. Here are the people who have discussed the CTBT before the Foreign Relations Committee.

Let me point out, we have hearings fairly early in the morning, maybe too early for some to come. But I look on both sides of the aisle, and I have seen, sometimes, nobody on one side. Anyway, here is a list of the people I recall having discussed the Comprehensive Test Ban Treaty with the Committee on Foreign Relations:

The Honorable Madeleine K. Albright, Secretary of State;

The Honorable Karl F. Inderfurth, Assistant Secretary of State for South Asian Affairs;

Mr. Robert Einhorn, Deputy Assistant Secretary of State for Nonproliferation;

The Honorable R. James Woolsey, Former Director, Central Intelligence Agency;

Dr. Fred Ikle, Former Director, Arms Control and Disarmament Agency;

The Honorable Stephen J. Solarz, Former U.S. Representative from New York;

The Honorable William J. Schneider, Former Under Secretary of State for Security Assistance, Science and Technology;

Dr. Richard Haass, Former Senior Director, Near East and South Asia, National Security Council;

The Honorable Stanely O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs;

The Honorable James R. Schlesinger, Former Secretary of Defense;

The Honorable Eric D. Newsom, Assistant Secretary of State for Political-Military Affairs;

The Honorable Ronald F. Lehman, Former Director, Arms Control and Disarmament Agency.

Parenthetically, I might say, not one word, as I recall, has been published by the same newspapers that have been piously declaring there must be action on the CTBT.

To continue the list:

General Eugene Habiger, Former Commander-in-Chief, U.S. Strategic Command;

The Honorable Frank G. Wisner, Vice Chairman, External Affairs, American International Group;

Dr. Stephen Cohen, Senior Fellow, Foreign Policy Studies, The Brookings Institution;

The Honorable Henry A. Kissinger, Former Secretary of State; and

The Honorable Richard Butler, Former Executive Chairman United Nations Special Commission on Iraq (UNSCOM).

I think this record will show—it should—that the Foreign Relations Committee has thoroughly examined this matter. We have pleaded for members of the committee, several of them, to come to a meeting once in a while. I have done everything I could to get this thing orderly presented to the Senate. All I have received are communications from Senators with a veiled threat if I did not proceed in some other way. We have certainly talked about this treaty in more depth than many other treaties, to my knowledge.

Those who are objecting, and objected to the majority leader's proposition this morning, don't want more hearings; what they want is more delay. You see, until a few minutes ago, until the majority leader offered his unanimous consent request, the same people who are now demanding more hearings were ready to dispense with further debate and go to a vote. Let me tell you what I mean.

The American people may recall, if they were watching C-SPAN, that President Clinton, in his State of the Union Address on January 27, 1998, declared: ''I ask the Senate to approve it''—the CTBT—and he said ''this year'' in mournful tones.

In other words, the President was ready for a vote in 1998. Then a year later, the President said:

I ask the Senate to take this vital step: Approve the Treaty now.

''Approve it now,'' he said. He did not say approve the CTBT after more hearings.

On July 23, 1998, the Vice President, Mr. GORE, asked the Senate to ''act now'' on the CTBT, and all the while the New York Times and the Washington Post, et cetera, et cetera, et cetera, have been saying that HELMS is holding up this treaty.

In February, Secretary Albright asked for approval of the CTBT ''this session.'' And in April she said:

. . . the time has come to ratify the CTBT this year, this session, now.

On January 12, 1999, the National Security Adviser, Sandy Berger, declared:

. . . it would be a terrible tragedy if our Senate failed to ratify the CTBT this year.

The point I am making is that the list goes on and on.

Mr. President, 45 Democratic Senators wrote to me asking me to allow a vote:

. . . with sufficient time to allow the United States to actively participate [sic] in the Treaty's inaugural Conference of Ratifying States. . . .

That conference begins next week.

At a recent press conference for the cameras, Senator SPECTER, my friend, declared:

The Comprehensive Test Ban Treaty was submitted to the Senate months ago, and it is high time the Senate acted on it.

Senator MURRAY called for:

. . . immediate consideration of the Comprehensive Test Ban Treaty.

Senator DORGAN said that:

. . . we must get this done at least by the first of October.

I must observe that the distinguished Democratic leader, Senator DASCHLE, also had very strong words on this matter. Just 6 days ago, he proclaimed:

Senate Republicans have permitted a small number of Members from within their ranks to manipulate Senate rules—

I wonder how we did that when I was not looking. No rules have been manipulated, and I resent the inference. But to continue his quote—

from within their ranks to manipulate Senate rules and procedures to prevent the Senate from acting on the CTBT. . . . I would hope we would soon see some leadership on the Republican side of the aisle to break the current impasse and allow the full Senate to act on the CTBT. . . . That effort must begin today.

Mr. President, I hope when we get to the debate, however long it lasts, that we will not have the spectacle of Senator KENNEDY again and again offering his minimum wage amendment. He keeps it in his hip pocket all the time and pulls it out anytime he can stick it up, and he will debate it for an hour or 2. We have to have some understanding about what we are going to debate, when we do debate, and I hope we will debate on the terms the Senator from Mississippi, the majority leader, offered.

I think all this speaks well of the majority leader, and I congratulate him.

I congratulate him for having the will to do this because this has been insulting on many occasions as a political issue, which it is not.

I hope the Senate Democrats will reconsider their refusal to agree to a CTBT vote after having demanded it so often.

Let me go back in time a little bit. I have been waiting for the President of the United States to follow up on his written commitment to me that he will send up the ABM Treaty, and I have been hoping to see a treaty on two or three other things.

I am not in the mood to leave the American people naked against a very possible missile attack, and that has been my problem. The President of the United States has insisted on keeping the ABM Treaty alive when that would forbid anything happening in terms of defending the security of the American people. I was unwilling to do that until he followed through on his written guarantee to me that he would send the ABM Treaty to me and to the Senate.

I trust in the future that the media will, for once, acknowledge some of their statements regarding the CTBT for what they have really said because it is inaccurate and misleading to the American people.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I say to my colleague from North Carolina, for whom I have great respect, it is not and will never be my intention to prevent him from speaking on the floor. That was not the purpose of the unanimous consent request or the objections.

I have talked to him personally about this issue. He feels very strongly about it, as the Senator from Delaware indicated. The Senator, who is the chairman of the Foreign Relations Committee, has a right to feel very strongly about his position. I respect that very much. This is an issue that is very important to this country and, in my judgment, to the world.

We have a circumstance where 154 countries have become signatories to something called the Comprehensive Nuclear Test Ban Treaty. Forty-seven countries have ratified the Comprehensive Nuclear Test Ban Treaty. This country has not.

Mr. President, 737 days ago or so, this treaty was sent to the Senate by this administration; 737 days later we have not acted on this treaty. Some feel very strongly this treaty is not good for our country. The majority leader made that case. The chairman of the Foreign Relations Committee, the Senator from North Carolina, makes that case. They have strong feelings about it. I respect that. Other people have strong feelings on the other side, including myself.

I believe strongly this country has a moral responsibility in the world to lead on the question of the nonproliferation of nuclear weapons. Not many countries have access to nuclear weapons or possess nuclear weapons. Many would like to. How do we prevent the spread of nuclear weapons in this world, at a time when the shadow of nuclear tests recently made by India and Pakistan suggest there is an appetite for acquisition of nuclear weapons and testing of nuclear weapons? Two countries that do not like each other

and share a common border explode nuclear weapons literally under each other's chins. Shouldn't that tell us there are serious challenges ahead with respect to nuclear weapons and the spread of nuclear weapons? I think so.

A unanimous consent request was propounded by the majority leader to bring up the Comprehensive Test Ban Treaty next week. As far as I am concerned, it is all right with me. I have been suggesting it ought to be brought up for a debate. It probably would be better if there was a hearing first and the Chairman of the Joint Chiefs and other respected folks came and set out their views and then, a couple of days later, debate it and vote on it. That would probably be a better course.

Even in the absence of that, as far as I am concerned, bring it up. The Democratic leader said he thought 10 hours was probably not enough time. The majority leader said in response we can perhaps lengthen that. Maybe, based on that discussion, there can be an agreement today. I hope so. This ought to be brought up for a vote. I do not think the objection by the Democratic leader was an objection to say it ought not be brought up. He was concerned about time. It occurred to me from the response of the majority leader that can be worked out. In any event, as far as I am concerned, bring it up next week. Let's have a debate next week and a vote next week.

Twenty-one nations have ratified this treaty since the beginning of this year. Most of our allies have ratified this treaty, but we have not. Some say it is dangerous, as the majority leader alleged today, using the term ''dangerous'' for this country. Others say it is not in this country's interest, that it will weaken this country, leave us unprotected.

Let me describe some of the support for this treaty, going back to President Eisenhower who pushed very hard in the final term of his Presidency to get a treaty of this type. General Shelton, the Chairman of the Joint Chiefs of Staff, supports this treaty and testified recently again in support of the treaty. Four previous Chairmen of the Joint Chiefs of Staff—General Shalikashvili, Gen. Colin Powell, Admiral Crowe, and Gen. David Jones—also endorse that same position, that the Comprehensive Nuclear Test Ban Treaty is good for this country and ought to be ratified by this Senate.

Does anyone really feel Gen. Colin Powell, General Shalikashvili, and General Shelton would take a position that they think will weaken this country? Are they the extreme left? Are they the folks who, on the extreme of politics in this country, believe we ought to disarm? I do not think so. The Secretary of Defense supports this treaty and believes it ought to be ratified. I would not expect that he and Colin Powell and Admiral Crowe and all of those folks would do so unless they felt very strongly that this treaty is in this country's interest.

A former Member of this body, Senator Hatfield, someone for whom I have the greatest respect, offered some sound advice on this subject. Senator Hatfield, incidentally, was one of the first servicemen to walk in the streets of Hiroshima after the nuclear strike on that city. I want to read what former Senator Hatfield said to us. He said:

> It is clear to me that ratifying this treaty would be in the national interest, and it is equally clear that Senators have a responsibility to the world, to the Nation and their constituents to put partisan politics aside and allow the Senate to consider this treaty.

He, perhaps better than anybody in this body, understands the horror of nuclear weapons, having walked the streets of Hiroshima after the strike on that city.

I quoted the other day Nikita Khrushchev of the Soviet Union who warned that in a nuclear war the living would envy the dead.

The question for this country is, Will we stand and provide world leadership on the issue of the nonproliferation of nuclear weapons or will we decide it is not our country's responsibility; it is someone else's responsibility? Let England do it. Let France do it. Let Germany do it. Let Canada do it.

We are the only country in the world with the capability of providing significant leadership in this area. We must, in my judgment, ratify this treaty.

There are safeguards in this treaty. I will not spend much more time discussing it right now because we are on another piece of legislation, and that is important, too. But I make these comments because the safeguards in this treaty are quite clear.

This is not a case where this country will ratify a treaty that, in effect, disarms us. We are not conducting explosive tests of nuclear weapons now. We have unilaterally decided—7 years ago—we are not exploding nuclear weapons.

What contribution would be made by a test ban treaty? Simply this: If you cannot test your weaponry, you have no notion and no certainty that any weapons you develop are weapons that work. We have known for 30 and 40 years that the ability to suppress the testing of nuclear weapons will be the first step, albeit a moderate step, in halting the spread of nuclear weapons. This, in my judgment, in fact, is not a moderate step—this is a baby step.

If we cannot take this baby step on this important treaty, how on Earth are we going to do the heavy lifting that is necessary following this that will lead to the mutual reduction in the stockpile of nuclear arms? Tens of thousands of nuclear arms—30,000 nuclear weapons between us and Russia alone.

How are we going to reduce the stockpile of nuclear weapons and halt the spread of nuclear weapons to other countries and reduce the threat that comes from the nuclear weapons tests that occurred in Pakistan and India? How on Earth are we going to provide the leadership that is necessary, the tough leadership that is necessary in these areas if we cannot take this small step to ratify a treaty that has been signed by 154 countries now, and that makes so much sense, and that our Joint Chiefs of Staff have said represents this country's interests? How on Earth are we going to do the tough work if we cannot take this first step?

I have a lot more to say on this subject. I have expressed to the chairman of the Foreign Relations Committee, it is not my intention to be an irritant to anybody in this Chamber personally. I do not ever intend to suggest that someone who believes differently than I do is taking that position for any other reason except for the passion they have about this country and the policies they think will strengthen it.

But we have a very significant disagreement about this issue. It is a very significant and important issue. I believe in my heart very strongly this country has a responsibility to lead in the right way on this matter.

My hope is the unanimous consent request propounded by the majority leader—if there is more time needed; and the majority leader indicated that he was agreeable to that—my hope is that before the end of today we will have an agreement on when it will be brought to the floor, and then let's have a robust, aggressive, thoughtful debate so the country can understand what this means. Then let's have a vote and decide whether this country decides to ratify this important treaty that has been discussed for some 40 years—whether this country will take the first step that will help halt the spread of nuclear weapons around the world.

Mr. WARNER. Will the Senator yield?

Mr. DORGAN. Of course I will yield.

Mr. WARNER. First, I wish to commend our colleague for the very forthright way in which he has, for some period of time, expressed his strong views, the need for this treaty to be considered by the Senate. I strongly support the request of the majority leader, and I share with you the hope that our leadership can work this out and we can move expeditiously.

I assure my colleague, I have just had the opportunity to speak with my distinguished ranking member, Senator LEVIN. The Armed Services Committee will promptly conduct hearings regarding that area for which we have oversight responsibility.

The point I wish to make to my colleague is, it is going to require the most careful consideration by all Senators to reach this vote. Much of the

relative material that convinces this Senator to oppose the treaty simply cannot be disclosed in open. I am going to urge our colleagues, and I am sure with the assistance of our leadership, we can provide more than one opportunity for each Senator to learn the full range of facts regarding this treaty and its implications for this Nation.

Yes, I want to see America lead, but I want to make certain that leadership role that exists today can exist a decade hence, 15 years, 20 years hence. That is the absolute heart of this debate: What steps do we take now to ensure that our country can maintain its position of world leadership in the decades to come?

We shall develop the facts, those of us who are most respectful of your viewpoint, as I am sure you are of mine. It will be a historic vote for this Chamber.

I yield the floor.

Mr. DORGAN. Mr. President, I appreciate the comments of the Senator from Virginia. One of my deep regrets is that he does not support this treaty because I have great respect for him and have worked with him on a number of matters. He truly knows this area and studies this area. There is room for disagreement.

But I say, again, that Secretary of Defense Bill Cohen, former Chairman of the Joint Chiefs Colin Powell, General Shalikashvili, General Shelton, and so many others have reviewed all of the same material—much of it secret material, secret documents—and have come to a different conclusion, believing that this treaty is very important for this country and that it is very important to ratify this treaty.

But my hope mirrors that of Senator WARNER, that when we have this debate, we will have a debate about ideas and about the kind of public policy that will benefit this country and the world, the kind of public policy that will allow us to continue to be strong, to have the capability to defend our liberty and freedom, but the kind of policy that will also provide leadership so this country can help prevent the spread of nuclear weapons in the years ahead.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President.

I first acknowledge the leadership of my colleague from North Dakota, Senator DORGAN, who has called the attention of this Congress and this Senate to this important issue. I hope his efforts will prevail in bringing this issue to the floor of the Senate.

In my lifetime, it is interesting to look back and reflect on things which were so commonplace and now are so rare. I can recall, as a child in the 1950's, in my classroom when we were being instructed about the need to ''duck and cover,'' the possibility that there might be an attack on the United States of America. That was generated by the fact that the Soviets had detonated a nuclear weapon. We were technically emerging into a cold war, and there was a belief that we had to be prepared for the possibility of an attack.

In my hometown of Springfield, IL, when my wife and I bought a little house, the first house we ever owned—1600 South Lincoln Avenue; an appropriate name in Springfield, IL—we moved into the house and went in the basement and were startled to find a fallout shelter that had been built to specifications. Someone had believed in the 1960s this was an appropriate thing to put in a house in Springfield, IL, because of the possibility that we may face some sort of attack, a nuclear attack on the United States.

You can remember the monthly air raid sirens that used to call our attention to the fact that we had a system to warn all of America of a potential attack. You may remember, not that many years ago, movies on television and long debates about a ''nuclear winter,'' what would happen with a nuclear holocaust.

That conversation was part of daily life in America for decades. Then with the end of the cold war, and the disintegration of the Soviet Union, and the Warsaw Pact nations not only leaving the Soviet domination but gravitating toward the West—with countries such as Poland and Hungary and Czechoslovakia coming to join NATO—many of us have been lulled into a false sense of security that the threat of nuclear weapons is no longer something we should take seriously. In fact, we should.

In fact, we are reminded, from time to time, that the so-called nuclear club—the nations which have nuclear capability—continues to grow. That is why this particular treaty and this debate are so important.

One of the most compelling threats we in this country face today is the proliferation of weapons of mass destruction. Threat assessments regularly warn us of the possibility that North Korea, Iran, Iraq, or some other nation may acquire or develop nuclear weapons. Our most basic interest in relations with Russia today is to see that it controls its nuclear weapons and technology and that Russian scientists do not come to the aid of would-be nuclear proliferators. In other words, in a desperate state of affairs, with the Russian economy, we are concerned that some people will decide they have a marketable idea, that they can go to some rogue nation and sell the idea of developing a nuclear weapon, adding another member to the nuclear club, increasing the instability in this world.

Congress spends millions of dollars to fight nuclear proliferation, to stop the spread of nuclear weapons worldwide, and to support the Nunn-Lugar Cooperative Threat Reduction Program.

For the past several years, I have been involved in an Aspen Institute exchange, which has opened my eyes to the need for our concern in this area. Senator LUGAR is a regular participant as well, and Senator Nunn has been there in the past, when we have met with members of the Russian Duma and leaders from that country and have learned of the very real concern they have of the stockpile of nuclear weapons still sitting in the old Soviet Union, a stockpile of weapons which, unfortunately for us, has to be minded all the time for fear that the surveillance, the inspection, and the safety would degrade to the point that there might be an accidental detonation. Those are the very real problems we face, and we vote on these regularly.

Yet we in the Senate, despite all of these realities, have had languished in the committee one of the most effective tools for fighting nuclear proliferation—the Comprehensive Test Ban Treaty, a treaty which, as the Senator from North Dakota indicated, has been ratified by over 130 nations but not by the United States of America.

The idea of banning nuclear tests is not a new one. It is one of the oldest items on the nuclear arms control agenda. Test bans were called for by both Presidents Eisenhower and Kennedy. Steps were taken toward a ban in the Limited Test Ban Treaty of 1963, but other incremental steps were eschewed in favor of a comprehensive treaty.

The Comprehensive Test Ban Treaty is a key piece of the broader picture of nuclear nonproliferation and arms control. Consider this: When nonnuclear countries—those that don't have nuclear weapons—agree they are not going to have a nuclear arsenal and sign the Nuclear Non-Proliferation Treaty, an essential part of that bargain for the smaller nations, the nonnuclear powers, and those that have it, was that nuclear countries were going to control and reduce the number of nuclear weapons.

An integral part of that effort is this treaty. It is virtually impossible to make qualitative improvements in nuclear weapons or develop them for the first time without testing. Just a few months ago, the Senate overwhelmingly voted to reorganize the Department of Energy because of our deep concern about what secrets may have been stolen from our nuclear labs. The potential damage from this espionage is disturbing.

In the case of China, the entry into force of this treaty could help mitigate the effect of the loss of our nuclear secrets. More than old computer codes and blueprints would be needed to deploy more advanced nuclear weapons. Extensive testing would be required. In

the cases of India and Pakistan, U.S. ratification of this treaty would pressure both countries to sign the treaty, as they pledged to do following their nuclear test last year.

In fact, the leadership role of the United States is essential to encourage the ratification of the treaty by many other nations. If the leading nuclear power in the world, the United States of America, fails to ratify this treaty to stop nuclear testing, why should any other country? The United States has a responsibility of moral leadership. Many who take such pride in our Nation and its role and voice in the world tremble when faced with the burden of leadership. The burden of leadership comes down to our facing squarely the need to ratify this treaty.

The United States has declared that its own nuclear testing program has been discontinued, but it is still absolutely in our national interest to be part of a multinational monitoring and verification regime. That way we can shape and benefit from that same regime. The Comprehensive Test Ban Treaty says if the treaty has not been entered into force 3 years after its being open for signing, the states that have ratified it may convene a special conference to decide by consensus what measures consistent with international law can be taken to facilitate its entry into force.

Only those states that have ratified it would be given full voting privileges. The special conference is going to take place this fall. It will set up monitoring and verification of nuclear testing worldwide so the components will be operating by the time the treaty does enter into force. This regime will include the International Data Center and many other elements that are important for success.

The United States should be part of that process, but it will not be, because the Senate has not voted on this treaty. This country certainly conducts its own monitoring for nuclear tests, but if we participate in an international regime, our country can benefit from a comprehensive international system. It is important to recall that if China or Russia were to resume testing, the United States, under this treaty, would have the right to withdraw and resume our own, if that is necessary for our national defense.

If the United States does not ratify the treaty in the first place, however, the Comprehensive Test Ban Treaty may never enter into force. We would be faced with the prospect, once again, of a major nuclear power's resuming nuclear testing. When President Eisenhower and President Kennedy called for a nuclear test ban, a major impetus was the public outcry over environmental damage caused by these tests.

I ask unanimous consent to print in the CONGRESSIONAL RECORD at this point a letter I received from major national environmental organizations supporting the Comprehensive Test Ban Treaty and decrying the environmental damage to both our national security and our planet if the treaty is not ratified.

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

COMPREHENSIVE TEST BAN TREATY,
Washington, DC, June 30, 1999.

Hon. RICHARD DURBIN,
U.S. Senate, Washington, DC.

Re: Major national environmental organizations' support of Comprehensive Test Ban Treaty

DEAR SENATOR DURBIN: We urge the Senate to give its consent to ratification of the nuclear test ban treaty this year. The timing is critical so that the United States can participate in this fall's special international conference of Treaty ratifiers.

We support the Comprehensive Test Ban Treaty (CTBT) because it is a valuable instrument in stemming the proliferation of nuclear weapons and reducing the environmental and security threats posed by nuclear arms races. Under the CTBT, non-nuclear weapons states will be barred from carrying out the nuclear explosions needed to develop compact, high-yield nuclear warheads for ballistic missiles and confidently certify nuclear explosive performance. The Treaty is therefore vital to preventing the spread of nuclear missile capability to additional states. In addition, the Treaty will limit the ability of the existing nuclear weapons states to build new and destabilizing types of nuclear weapons.

Since 1945, seven nations have conducted over 2,050 nuclear test explosions—an average of one test every 10 days. Atmospheric tests spread dangerous levels of radioactive fallout downwind and into the global atmosphere. Underground nuclear blasts spread highly radioactive material into the earth and each one creates a permanent nuclear waste site. This contamination presents long-term hazards to nearby water sources and surrounding communities. Also, many underground tests have vented radioactive gases into the atmosphere, including some of those conducted by the United States. Of course, the ultimate threat to the environment posed by nuclear testing is the continuing and possibly increasing risk of nuclear war posed by proliferating nuclear arsenals.

In addition to protecting the environment, the CTBT will enhance U.S. security with its extensive monitoring system and short-notice, on-site inspections. These will improve our ability to discourage all states from engaging in the testing of nuclear weapons.

Ending nuclear testing has been a goal of governments, scientists, and ordinary citizens from all walks of life for over forty years. The CTBT has already been ratified by many other nations, including France, the United Kingdom, and Japan. The vast majority of Americans support approval of the CTBT. The effort in this country to stop nuclear testing that began with public outrage about nuclear fallout and has been pursued by American Presidents since Dwight Eisenhower can now be achieved. With U.S. leadership on the CTBT, entry into force is within reach. It is vital that the U.S. set the example on this important environmental and security issue; with your leadership and support, the CTBT can finally be realized.

Yours sincerely,

Rodger Schlickeisen, President, Defenders of Wildlife; Mike Casey, Vice-President for Public Affairs, Environmental Working Group; Matt Petersen, Executive Director, Global Green USA; John Adams, Executive Director, Natural Resources Defense Counsel; Amy Coen, President Population Action International; James K. Wyerman, Executive Director, 20/20 Vision; Brian Dixon, Director of Government Relations, Zero Population Growth; Fred D. Krupp, Executive Director, Environmental Defense Fund; Brent Blackwelder, President, Friends of the Earth; Phil Clapp, President, National Environmental Trust; Robert K. Musil, Executive Director, Physicians for Social Responsibility; Carl Pope, Executive Director, Sierra Club; Bud Ris, Executive Director, Union of Concerned Scientists.

This is a letter that has been circulated and signed by the leaders of at least a dozen major environmental groups. I note in the letter it states that since 1945, the last 54 years, seven nations in this world have conducted 2,050 nuclear test explosions, an average of 1 test every 10 days, leaving nuclear fallout, radioactive gases, in many instances, in our atmosphere. We certainly never want to return to that day again. Unless the United States is a full partner in this international effort to reduce nuclear testing, that is a possibility looming on the horizon.

Senator HELMS, who spoke on the floor earlier, has said he puts this treaty in line behind amendments to the Anti-Ballistic Missile Treaty and the Kyoto Protocol to the U.N. convention on global climate change, both of which the President has not yet submitted to the Senate. My colleague says that ABM changes are essential for the national missile defense to move forward, which is true. But national missile defense does not yet work. We don't have this technology to build an umbrella of protection over the United States so that any nuclear missile fired on us can somehow be stopped in the atmosphere without danger to the people living in this country.

If we decide to deploy such a defense, we will need to negotiate more ABM Treaty changes. That is something in the future. We have time to address that. But we also need to accept the immediate responsibility of ratifying this treaty. Not too many months ago in this Chamber, we passed a resolution which says if the national missile defense system or so-called star wars system should become technologically possible, we will spend whatever it takes to build it. I have to tell you that I voted against it. I thought it was not wise policy.

Quite honestly, the idea that we are somehow going to insulate the United States by building this umbrella and therefore don't have to deal with the world and its problems in nuclear proliferation, in my mind, is the wrong way to go. We should be working diplomatically as well as militarily for

the defense of the United States. When we have the support of the commanders of the Nation, of course, and those who are in charge, the Joint Chiefs, time and again for this treaty, it is evidence to me that it is sound military policy.

In short, Mr. President, I conclude by saying, we must not delay any longer. We must ratify the Comprehensive Test Ban Treaty. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I know my colleagues are anxious to get to the business at hand. I assure the floor I will take only 5 minutes. If the clerk will let me know when I am headed towards 5 minutes, I would appreciate it.

I will refrain from responding and speaking to the Test Ban Treaty at length at this moment.

The chairman of the Foreign Relations Committee is not only a colleague, but he is a personal friend. We have strong disagreements on this issue.

I don't mean to nickel and dime this, but we haven't had any hearings on the Comprehensive Test Ban Treaty.

At the outset, I send to the desk a list of all the hearings the Senate Foreign Relations Committee had for the 105th and 106th Congress's since submission of the CTBT.

I ask unanimous consent that it be printed in the RECORD.

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

ACTIVITIES

January 8, 1999, Informal State Department Briefing on Peacekeeping.

January 27, 1999 (Subcommittee on International Economic Policy, Export, and Trade Promotion/Hagel), IMF Reform and the Global Financial Crisis.

January 29, 1999, Informal State Department Briefing on Peacekeeping.

February 5, 1999, Informal State Department Briefing on Peacekeeping.

February 24, 1999 (Full Committee/Helms), 1999 Foreign Policy Overview and the President's Fiscal Year 2000 Foreign Affairs Budget Request.

February 24, 1999 (Subcommittee on European Affairs/Smith), Anti-Semitism in Russia. (S. Hrg. 106–6.)

February 25, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Asian Trade Barriers to U.S. Soda Ash Exports.

March 2, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), U.S. Relief Efforts In Response to Hurricane Mitch. (S. Hrg. 106–5.)

March 3, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), Commercial Viability of a Caspian Sea Main Export Energy Pipeline.

March 4, 1999 (Subcommittee on International Operations/Grams), FY 2000 Administration of Foreign Affairs Budget.

March 9, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Post Election Cambodia: What Next?

March 9, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), U.S. Policy Toward Iraq. (S. Hrg. 106–41.)

March 10, 1999 (Full Committee/Helms), Castro's Crackdown in Cuba: Human Rights on Trial. (S. Hrg. 106–52.)

March 11, 1999 (Full Committee/Helms), Embassy Security for a New Millennium.

March 12, 1999, Informal State Department Briefing on Peacekeeping.

March 17, 1999 (Full Committee, jointly with Energy and Natural Resources Committee/Helms and Murkowski), New Proposals to Expand Iraqi Oil for Food: The End of Sanctions? (S. Hrg. 106–86.)

March 17, 1999 (Full Committee/Coverdell), The Convention on Nuclear Safety.

March 17, 1999 (Full Committee/Grams), Nomination (Seiple).

March 18, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Indonesia: Countdown to Elections. (S. Hrg. 106–76.)

March 23, 1999 (Subcommittee on African Affairs/Frist), Sudan's Humanitarian Crisis and the U.S. Response.

March 23, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), U.S. China Policy: A Critical Reexamination.

March 23, 1999 (Full Committee/Helms), Business Meeting.

March 24, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), Colombia: The Threat to U.S. Interests and Regional Security.

March 24, 1999 (Subcommittee on European Affairs/Smith), The European Union: Internal Reform, Enlargement, and the Common Foreign and Security Policy. (S. Hrg. 106–48.)

March 25, 1999 (Full Committee/Helms), U.S. Taiwan Relations: The 20th Anniversary of the Taiwan Relations Act. (S. Hrg. 106–43.)

April 13, 1999 (Full Committee/Helms), Trade vs. Aid: NAFTA Five years Later. (S. Hrg. 106–80.)

April 14, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), The Continuing Crisis in Afghanistan.

April 15, 1999 (Full Committee/Helms), U.S. Vulnerability to Ballistic Missile Attack.

April 16, 1999, Informal State Department Briefing on Peacekeeping.

April 19, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell, closed session), Targeting Assets of Drug Kingpins.

April 20, 1999 (Full Committee/Hagel), Current and Growing Missile Threats to the U.S.

April 20, 1999 (Full Committee/Helms), The War in Kosovo.

April 21, 1999 (Full Committee/Helms), Markup of Foreign Relations Authorization Act FY 00–01.

April 21, 1999 (Full Committee/Smith), NATO's 50th Anniversary Summit. (S. Hrg. 106–144.)

April 22, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), The Forgotten Gulag: A Look Inside North Korea's Prison Camps.

April 27, 1999 (Full Committee/Helms), Nonproliferation, Arms Control and Political Military Issues.

April 29, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), International Software Piracy: Impact on the Software Industry and the American Economy.

April 30, 1999 (Full Committee/Helms), Business Meeting. (S.J. Res. 20.)

May 4, 1999 (Full Committee/Helms), Ballistic Missile Defense Technology: Is the United States Ready for a Decision to Deploy?

May 5, 1999 (Full Committee/Hagel), Does the ABM Treaty Still Serve U.S. Strategic and Arms Control Objectives in a Changed World?

May 6, 1999 (Full Committee/Coverdell and Frist, closed session), The Growing Threat of Biological Weapons.

May 7, 1999, Informal State Department Briefing on Peacekeeping.

May 11, 1999 (Full Committee/Ashcroft), U.S. Agriculture Sanctions Policy for the 21st Century.

May 12, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), The State of Democracy and the Rule of Law in the Americas.

May 13, 1999 (Full Committee/Hagel), ABM Treaty, START II and Missile Defense.

May 25, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Political/Military Developments in India.

May 25, 1999 (Full Committee/Ashcroft), The Legal Status of the ABM Treaty.

May 26, 1999 (Full Committee/Helms), Cornerstone of Our Security?: Should the Senate Reject a Protocol to Reconstitute the ABM Treaty with Four New Partners?

May 27, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), The Chinese Embassy Bombing and Its Effects on U.S.-China Relations.

May 27, 1999 (Full Committee/Hagel), Nominations (Sandalow and Harrington).

June 8, 1999 (Subcommittee on African Affairs/Frist), The Central African Wars and the Future of U.S.-Africa Policy.

June 9, 1999 (Full Committee/Smith), Nominations (Bandler, Einik, Keyser, Limprecht, Morningstar, Napper, Miller and Pressley).

June 9, 1999 (Full Committee/Coverdell), Nominations (Garza, Almaguer, Hamilton and Bushnell).

June 11, 1999, Informal State Department Briefing on Peacekeeping.

June 16, 1999 (Full Committee/Frist), Nominations (Carson, Dunn, Erwin, Goldthwait, Leader, Metelits and Myrick).

June 17, 1999 (Full Committee/Helms), Nomination (Holbrooke).

June 22, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), Confronting Threats to Security in the Americas.

June 22, 1999 (Full Committee/Coverdell), Nomination (Clare).

June 22, 1999 (Full Committee/Helms), Nomination (Holbrooke).

June 23, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), U.S. Policy Toward Iraq: Mobilizing the Opposition.

June 23, 1999 (Full Committee/Hagel), Nomination (Sandalow).

June 24, 1999 (Full Committee/Helms), Nomination (Holbrooke).

June 24, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), U.S. Satellite Export Controls and the Domestic Production/Launch Capability.

June 28, 1999 (Full Committee/Hagel), Nomination (Holum).

June 30, 1999 (Full Committee/Helms), Business Meeting.

July 1, 1999 (Full Committee/Helms), The Role of Sanctions in U.S. National Security Policy.

July 1, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Hong Kong Two Years After Reversion: Staying the Course, Or Changing Course?

July 16, 1999, Informal State Department Briefing on Peacekeeping.

July 20, 1999 (Full Committee/Thomas), Nominations (Burleigh, Gelbard, Siddique and Stanfield).

July 20, 1999 (Subcommittee on International Operations/Grams, closed session), U.N. International Criminal Court: Prospects for Dramatic Renegotiation.

July 21, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Recent Strains in Taiwan-China Relations.

July 21, 1999 (Full Committee/Helms), The Role of Sanctions in U.S. National Security Policy, Part 2.

July 21, 1999 (Full Committee/Smith), Nominations (Fredericks, Griffiths, Miles, Spielvogel and Taylor).

July 22, 1999 (Subcommittee on Near Eastern and South Asia Affairs/Brownback), Iran: Limits to Rapprochement.

July 22, 1999 (Full Committee/Helms), Nomination (Anderson).

July 23, 1999 (Full Committee/Coverdell), Nomination (Sheehan).

July 26, 1999 (Full Committee/Grams), Nomination (Lieberman).

July 27, 1999 (Subcommittee on African Affairs/Frist), Barriers to Trade and Investment in Africa.

July 28, 1999 (Full Committee/Helms), Business Meeting.

July 28, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), The Agency for International Development and U.S. Climate Change Policy.

July 29, 1999 (Subcommittee on European Affairs/Smith), Prospects for Democracy in Yugoslavia.

July 30, 1999 (Subcommittee on International Operations/Grams), U.S. Policy Towards Victims of Torture.

August 4, 1999 (Full Committee/Helms), S. 693: The Taiwan Security Enhancement Act.

August 4, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion, jointly with Subcommittee on East Asian and Pacific Affairs/Hagel and Thomas), Economic Reform and Trade Opportunities in Vietnam.

August 5, 1999 (Full Committee/Frist), Nominations (Bader, Brennan, Elam, Johnson, Kaeuper, Kolker, Lewis, Nagy and Owens-Kirkpatrick).

August 6, 1999, Informal State Department Briefing on Peacekeeping.

September 8, 1999 (Full Committee/Helms, closed session), Proliferation Activities of a Certain Russian Company.

September 9, 1999 (Subcommittee on East Asian and Pacific Affairs, jointly with House Subcommittee on Asia and the Pacific/Thomas and Bereuter), The Political Futures of Indonesia and East Timor.

September 10, 1999, Informal State Department Briefing on Peacekeeping.

September 14, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), An Overview of U.S. Counterterrorism Policy and President Clinton's Decision to Grant Clemency to FALN Terrorists.

September 16, 1999 (Full Committee/Helms), Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015.

September 23, 1999 (Full Committee/Helms), Corruption in Russia and Recent U.S. Policy.

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October 8, 1998 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Events in Afghanistan.

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December 4, 1998 Informal State Department Briefing on Peacekeeping.

Mr. BIDEN. Mr. President, I can understand why the Senator may think we have had hearings because we have had hearings on other subjects that implicate the Comprehensive Test Ban Treaty. It is mentioned by witnesses. But we have never had a hearing on the Comprehensive Test Ban Treaty—a treaty of great consequence to the United States and the world—conducted in the traditional way. We

never had a hearing where we said this is what we are going to talk about. We need a hearing where we bring up the Joint Chiefs of Staff, the Secretary of State, the Secretary of Defense, or major voices in America who oppose this treaty—fortunately, I think there are not that many—or significant figures and scientists who have spoken and know about this issue. We haven't had one of those hearings at all.

I submit for the RECORD, again, a letter from the chairman of the Foreign Relations Committee sent to the President of the United States on January 21, 1998, with a concluding paragraph, which reads as follows:

Mr. President, let me be clear. I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had an opportunity to consider and vote on the Kyoto Protocol and the amendments to the ABM Treaty.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, January 21, 1998.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As Congress prepares to reconvene shortly, I am convinced that it is important to share with you the Senate Foreign Relations Committee's agenda relating to consideration of treaties during the second year of the 105th Congress.

There are a number of important treaties which the Committee intends to take up during 1998, and we must be assured of your Administration's cooperation in making certain that these treaties receive a comprehensive examination by the Senate.

Mr. President, the Committee's first priority when Congress reconvenes will be to work with you and Secretary Albright to secure Senate ratification of NATO expansion. The expansion of the Atlantic Alliance to include Poland, Hungary and the Czech Republic is of critical importance, and we have come a long way in resolving some of the concerns that I, and other Senators, had raised about various details of this expansion (e.g., ensuring an equitable distribution of costs, limiting Russian influence in NATO decision making, et al.)

While much work remains to be done, I am confident that if we continue to work together, the Senate will vote to approve the expansion of the Atlantic Alliance early this Spring.

Following the vote on NATO expansion, the Committee will turn its attention to several other critical treaties which could affect both the security of the American people and the health of the United States' economy. Chief among these are the agreements on Multilateralization and Demarcation of the 1972 Anti-Ballistic Missile (ABM) Treaty, and the Kyoto Protocol to the UN Convention on Climate Change.

Mr. President, I feel obliged to make clear to you my concern that your Administration has been unwisely and unnecessarily engaged in delay in submitting these treaties to the Senate for its advice and consent.

Despite your commitment, made nearly eight months ago, to submit the amendments to the ABM Treaty to the Senate, we have yet to see them. As our current standoff with Iraq clearly demonstrates, the danger posed by rogue states possessing weapons of mass destruction is growing—and, with it, the need for a robust ballistic missile defense.

The Senate has not had an opportunity to consider the rationale behind the ABM Treaty since that treaty was ratified nearly 26 years ago, in the midst of the Cold War. The world has changed a great deal since then. It is vital that the Senate conduct a thorough review of the ABM Treaty this year when it considers and votes on the ABM Multilateralization and Demarcation agreements.

Similarly, the Senate is forced to continue to wait for any indication that your Administration intends to submit the Kyoto Protocol for the Senate's advice and consent. Indeed, I have heard a great deal of discussion from supporters of this treaty indicating that the Administration may attempt to circumvent both the Senate—and the American people—by simply imposing the treaty's requirements on U.S. businesses by executive order. Mr. President, I must respectfully counsel this would be extremely unwise.

This treaty clearly requires the advice and consent of the Senate. further, because the potential impact of the Kyoto Protocol on the American economy is so enormous, we owe it to the American people to let them know sooner, rather than later, whether they will be subject to the terms of this treaty.

Ironically, while the Administration has delayed in submitting these vital treaties to the Senate, some in your Administration have indicated that the White House will press the Senate for swift ratification of the Comprehensive Test Ban Treaty (CTBT) immediately following the vote on NATO expansion.

Such a deliberate confrontation would be exceedingly unwise because, Mr. President, the CTBT is very low on the Committee's list of priorities. The treaty has no chance of entering into force for a decade or more. Article 14 of the CTBT explicitly prevents the treaty's entry into force until it has been ratified by 44 specific nations. One of those 44 nations is North Korea, which is unlikely to ever ratify the treaty. Another of the 44 nations—India—has sought to block the CTBT at every step: vetoing it in the Conference on Disarmament so that it could not be submitted as a Conference document. India has opposed it in the United Nations. And, India has declared that it will not even sign the treaty.

By contrast, the issues surrounding the ABM Treaty and the Kyoto Protocol are far more pressing (e.g., the growing threat posed by nuclear, biological, or chemical tipped missiles, and the potential impact of the Kyoto Protocol on the U.S. economy).

Mr. President, let me be clear: I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had the opportunity to consider and vote on the Kyoto Protocol and the amendments to the ABM Treaty.

When the Administration has submitted these treaties, and when the Senate has completed its consideration of them, then, and only then, will the Foreign Relations Committee consider the CTBT.

Mr. President, please let's work together, beginning with the effort to secure Senate ratification of NATO expansion this Spring, and then with your timely transmittal of these treaties.

Sincerely and respectfully,

JESSE HELMS.

Mr. BIDEN. Mr. President, the chairman has been true to his word. He has had no hearings because that has not been done yet.

I think I understand how the Senator from North Carolina connects the rationale of these treaties, and he thinks the orderly way to do it is to do it only after we do other things, but that makes the point. We have had no hearings on this treaty.

I think the public may be surprised to know this treaty calls for no more nuclear testing by the United States and other nations. We haven't been testing. There is a moratorium on nuclear testing. That occurred in 1992 in the Bush administration.

What we are talking about doing that my friends are talking about is so dangerous and damaging to U.S. interests; that is, to sign a treaty to say we will not test, we are not testing now. The United States made a unilateral decision not to test.

Now we have the rest of the world ready to sign up, and we are saying we are not going to ratify, or up to now we are saying we are not even going to have a hearing on this subject.

Again, I will get into the merits of the treaty later because I am confident the leadership of the Senate will come up now with the proposal as to how to proceed.

But I urge my friend from North Carolina, and I urge my colleagues to urge my friend from North Carolina, to hold hearings. Bring the experts up. Bring the military up.

By the way, one last substantive thing I will say about the treaty is that we are the only nation in the world that has spent billions of dollars and committed billions in the future to a method by which we can take our existing stockpile of nuclear weapons and test them for their continued utility without ever exploding them. I will explain in detail later what I mean by the stockpiling program we have.

We, of all nations in the world, are the one best prepared and best suited for taking the last chance of any nation in the world to promise not to test because we are one of the few nations in the world with certainty that can guarantee that even if we don't test weapons we can test, by exploding them, their continued utility by very complicated, very sophisticated scientific computer models that we have designed. We have committed that we will continue in the future to fund to the tune of billions of dollars this program.

In a strange way, if you went out to the public at large and said: By the way, do you think we should sign a treaty that says we can't test nuclear weapons if the rest of the world signs a treaty that says you can't test nuclear weapons, knowing that we can detect all but those kinds of explosions that will not have any impact on another

nuclear capability, when we have already decided not to test unilaterally, and we are the only nation in the world that has the sophistication and capacity to test by means other than exploding our nuclear arsenal; what do you think the public would say?

I conclude by saying this: We have had no hearings. There is a legitimate debate about whether or not we should do this.

This is a thing for which the Senate was conceived—to make big decisions such as this.

This is the reason the founders wrote in a provision in the U.S. Constitution that said a treaty can be negotiated by a President, but it can only come into effect after the Senate has ratified it. It didn't say the House. It didn't say a referendum. It didn't say the American people. It said the Senate. Other than the Supreme Court of the United States, in a decision of who should sit on it, there is no other function that is of greater consequence that the Senate performs than determining whether to ratify or reject a treaty with the United States of America.

It seems to me that when we exercise that function, we should do it responsibly and thoroughly.

We have never done it on a matter of grave consequence without thoroughly investigating it through the hearing process and through one of the oldest committees that exists in the Senate—the Foreign Relations Committee—the unique function of which is to recommend to this body what our bipartisan considered opinion is after hearing the details of the treaty.

I look forward to the debate.

I have urged the President of the United States—I will urge him personally—and have urged the administration, if this date is set, that the President take this case directly to the American people on a nationally televised broadcast and lay out for them what the stakes are.

This is no small decision. This is a vote that I promise you, whether you are for it or against it, your children and your grandchildren and history will know how you cast it. I am not so smart to know exactly what the outcome will be in history's judgment, but I am certain of one thing: You are not going to be in a position where you can say at a later date this was a vote of little consequence.

Mr. President, as folks back home in Delaware say, this is what we get paid the big bucks for. This is why we are here. This is the purpose of our being here.

It is true. The amendments we are going to discuss on legislation that is before us are important. It is true that some of it will affect the lives of hundreds or thousands of Americans. But I can't think of anything we will do in this entire Congress or have done in the previous Congress that has the potential to have as much impact on the fate of the world as this treaty. I cannot think of anything. I defy anyone to tell me, whether they are for or against this treaty, what we could be discussing of greater consequence than how to deal with the prospect of an accidental or intentional nuclear holocaust.

Tell me if there is anything more important to discuss than whether or not over the next days, weeks, months, years, and decades we should make a judgment from both a survival as well as environmental standpoint that we will or will not continue to blow up, in the atmosphere or underground, nuclear weapons. I defy anyone to tell me what is more important to discuss.

That is not to suggest that those who think this treaty is a bad idea are motivated by anything other than good intentions. As my dear mother would say and as the nuns used to make me write on the blackboard after school when I misbehaved: The road to hell is paved with good intentions.

Failure to ratify this treaty, I firmly believe, paves the road to hell—to nuclear hell. I don't know whether it will work, but I am virtually certain in my mind—just JOE BIDEN, my mind—that if we do not ratify this treaty, we virtually lose any ability to control the proliferation of nuclear capability.

They talked about when the Russians detonated their first hydrogen bomb. I am not sure, but I think it was Edward Teller who said: Now we have two scorpions in the bottle. I am here to tell my colleagues what they already know. We have many more than two scorpions in that bottle now. If we do not begin to take a chance, a very small chance, on a treaty that says no more detonation of nuclear weapons, we will have dozens of scorpions in that bottle with not nearly as much to lose as the former Soviet empire and the United States.

There was one advantage when there was a Soviet empire: They had as much to lose as they had to gain. The only person I worry about in a contest of any kind—athletic, political, or as a representative of the Federal Government of the United States of America with another country—I don't like dealing with someone else who has little to lose but has significant capacity to inflict a vast amount of damage.

While I have the floor, I thank my friend from Pennsylvania, Senator SPECTER. My friend from Pennsylvania has been one of the most outspoken proponents of bringing up this treaty. I am sure it will be before the Senate because of his advocacy.

I yield the floor.

Mr. SPECTER. If I may have the attention of the Senator from Delaware, I do believe it is important for the Senate to consider the treaty. I support it. I believe it is very difficult for the United States to use moral suasion on India and Pakistan not to have nuclear tests if we have not moved forward on the ratification process.

However, I ask my colleague from Delaware about the problems of considering the treaty on this state of the record where we have been looking for some expert guidance on some questions which are outstanding as to whether there can be an adequate determination of our preparedness without having tests.

One thing we have to consider very carefully is whether the interests of disarmament will be promoted by pressing to bring the treaty now, which may result without the two-thirds ratification, as opposed to trying to clear up some concerns which some have expressed.

I am prepared to vote in favor of the treaty.

Mr. BIDEN. If I may respond to the Senator, he raised the $64 question. He and I have been discussing how to get this up for a long time, over 2 years. He will recall, last year, I was of the view I did not want to take a chance of having the treaty up for fear it could be defeated before we had the ability to get all the data before the Senate that I believed would persuade Senators to overwhelmingly support the treaty.

I changed my mind. The reason I changed my mind is—I have great respect for my friend from North Carolina, Senator HELMS—I have learned one thing: When he says something ain't going to happen, it ain't going to happen on his watch. He made it very clear, there will be no hearings on this treaty. I have been with him for 27 years. We are truly personal friends. I know when he says it, he means it, which means I have lost any hope that he will be persuaded, or be persuaded by his Republican colleagues in the caucus, to have hearings.

I then reached the second conclusion: We are hurtling toward a disaster on the subcontinent with India and Pakistan, and with Korea. As the Senator knows, if they arm, if they deploy, we will see China making a judgment to increase its nuclear arsenal and we will see the likelihood that Korea will not be able to be leveraged.

Here is the point. I have made the judgment, for me—and I may be wrong—if we don't agree to this proposal, we will get no vote on this treaty for 2 years and the effect will be the same.

I am being very blunt. I believe I am looking for the political God's will to have people have a little bit of an altar call. It is one thing to say privately you are against the treaty or to say you are for it but there is no vote on it. It is another thing to be the man or woman who walks up in that well and casts the 34th vote against the treaty and kills the treaty. They will have on their head—and they may turn out to be right—and they will be determining

by their vote the single most significant decision made relative to arms, nuclear arms, that has been made since the ABM Treaty. I think they may begin to see the Lord. If they don't, then I think the American public will make a judgment about it. The next President—whether it be Bush, GORE, or MCCAIN—will be more likely to send back another treaty.

I am at a point where it is time to bring in the sheep. Let's count them, and let's hold people responsible. That is as blunt as I can be with my friend.

Mr. SPECTER. I thank the Senator from Delaware for responding, and I will not ask another question because I want to move on to the next amendment.

Mr. President, it is my hope that whatever technical information is available on some of the outstanding questions will be made available to the Senators before the vote so we can have that determination made with all the facts available.

Mr. KENNEDY. Mr. President, it is appalling that our Republican friends will use any means necessary to kill the Comprehensive Test Ban Treaty. We need time to debate this Treaty in a responsible manner, especially since the Foreign Relations Committee has still not held a single hearing devoted solely to the Comprehensive Test Ban Treaty.

On September 24, 1996, President Clinton became the first world leader to sign the Comprehensive Test Ban Treaty. On that day, President Clinton praised the treaty as the ''longest-sought, hardest—fought prize in the history of arms control.''

Today, we stand on the verge of losing this valuable prize. For almost two years, the Treaty has languished in the Senate Foreign Relations Committee—with no action, no debate, and no results. Now, with the September 23 already passed, the United States may well forfeit its voice on the treaty if the Senate does not act quickly, and in a responsible way, to ratify it.

We have a unique opportunity in the Senate to help end nuclear testing once and for all. Other nations look to the United States for international leadership. President Clinton has done his part, in signing the Treaty and submitting it to the Senate for ratification, as the Constitution requires. Now the Senate should do its part, and ratify the Treaty. Ratification is the single most important step we can take today to reduce the danger of nuclear war.

Withholding action on this treaty is irresponsible and unacceptable. The Treaty is in the best interest of the United States and the global community. Ratification of this agreement will increase the safety and security of people in the United States, and across the world. But, until the Senate ratifies this treaty, it cannot go into force for any nation, anywhere.

The Comprehensive Test Ban Treaty is in the interest of the American people and it has widespread public support. Recent bipartisan polls found that over 8 out of 10 Americans support its ratification. These statistics cut across party lines and are consistent in all geographic regions. The Treaty also has the strong support of present and past military leaders, including four former Joint Chiefs of Staff—David Jones, William Crowe, Colin Powell, and John Shalikashvili—and the current JCS, Hugh Shelton.

The United States has already stopped testing nuclear weapons. Ensuring that other nations follow suit is critical for our national and international security. Particularly in the wake of recent allegations of Chinese nuclear espionage, it is essential that we act promptly to ratify this agreement. China is a signatory of the Treaty, but like the United States, China has not yet ratified it. Prompt Senate ratification of the Treaty will encourage China to ratify, and discourage China from creating new weapons from stolen nuclear secrets.

In 1963, after President Kennedy had negotiated the landmark Limited Test Ban Treaty with the Soviet Union to ban tests in the atmosphere, he spoke of his vision of a broader treaty in his commencement address at American University that year. As he said:

> The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

In 1999, those words are truer than ever.

I commend President Clinton and my colleagues on both sides of the aisle who have joined together to speak out on this issue, and I urge the Senate to act responsibly on this very important treaty.

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in support of prompt Senate consideration of the Comprehensive Nuclear Test Ban Treaty the CTBT.

The issue of arms proliferation is at the heart of our national—and international—security. In the post-cold war world we are no longer faced with a military threat posed by the Soviet Union, but in some ways the world now is a more dangerous place than it was just a decade ago, with many smaller, unpredictable threats taking the place of a single large one. U.S. and international security are now threatened by transfers of nuclear, conventional and non-conventional materials among numerous states. Nuclear testing last year by India and Pakistan, the attempts of other states to obtain nuclear and ballistic missile technology, and the growing threat of weapons of mass destruction reinforce the need for a comprehensive international effort to end nuclear testing and curb the illicit transfer and sale of nuclear, ballistic, and other dangerous technology.

I have been a strong supporter of prompt Senate action on the CTBT since President Clinton submitted the treaty to the Senate for its advice and consent on September 22, 1997—2 years ago last week. As a member of the Senate Committee on Foreign Relations, I continue to feel strongly that the committee should have thorough hearings specifically on this important treaty at the earliest possible date. I know that the chairman of the committee and I do not agree on the importance of the CTBT, but I hope he will agree that the Senate must fulfill its advice and consent obligations with respect to this treaty.

I continue to hear from numerous Wisconsin residents who favor prompt Senate action on—and ratification of—the CTBT.

The CTBT, which has been signed by more than 150 nations, prohibits the explosion of any type of nuclear device, no matter the intended purpose. India and Pakistan's nuclear tests only underscore the importance of the CTBT, and serve as a reminder that we should redouble our efforts to bring the entire community of nations into this treaty. While I am pleased that both of those countries have agreed to sign the treaty, I regret that they did so only after intense international pressure, and only after they conducted the tests they needed to become declared nuclear states.

We must do more to ensure that no further tests take place.

The United States must lead the world in reducing the nuclear threat, and to do that we must become a full participant in the treaty we helped to craft. I am deeply concerned that the third anniversary of the date the CTBT opened for signature, September 24, 1996, passed last week without Senate advice and consent to ratification. This failure to act by the United States Senate means that, according to the treaty's provisions, the United States will not be able to participate actively in the upcoming conference, which is reserved for only those countries who have deposited their instruments of ratification. That conference is currently scheduled to begin on October 6, 1999. Because we cannot participate, the United States will be at a severe disadvantage when it comes to influencing the future of the treaty and encouraging other countries to sign or ratify.

Mr. President, I again urge the Senate to act on this important treaty at

the earliest possible date. The credibility and leadership of the United States in the arms control arena is at stake.

I thank the Chair. I yield the floor.

Mr. BINGAMAN. Mr. President, I wish to take a few moments today to offer some remarks on a matter of extreme importance to this Nation and to the world—the matter of preventing the further proliferation of nuclear weapons among the nations of the world through ratification and implementation of the Comprehensive Test Ban Treaty.

Two weeks ago—September 10—was the third anniversary of the United Nation's overwhelming vote to approve a treaty banning the testing of nuclear weapons. The General Assembly voted 158 for to 3 against the treaty, with a handful of abstentions.

Last week, on September 24, the United States observed the third anniversary of signing that treaty and, on September 22, marked the second anniversary of its receipt by the Senate for our advice and consent.

In accordance with article 14 of the treaty, preparations are now underway to convene an international conference of states which have ratified the treaty to negotiate measures to facilitate its implementation. I'm sorry to say, Mr. President, that unless the Senate acts immediately to ratify this treaty, the United States—an original signatory to the treaty and a leader in the global movement to stop the testing of nuclear weapons—will not take part in that conference.

Our absence sends a troubling message to the international community looking for our leadership.

Mr. President, I am very sorry to say that essentially nothing has happened since President Clinton signed the treaty on behalf of the United States on September 24, 1996, and sent it to the Senate for consideration on September 22, 1997.

There have been no hearings, there has been no debate on the Senate floor, there has been no vote on ratification. This is an extremely important treaty that I believe, and the great majority of Americans agree, would help to prevent the proliferation of nuclear weapons during the coming millennium. And yet the Senate has not even begun the debate.

Mr. President, I believe the United States and the nations of the world have come to a historic crossroads—a crossroads that symbolizes America's view of the future and the potential direction of the international system regarding the control and eventual eradication of nuclear weapons.

The Comprehensive Test Ban Treaty lies at the center of the crossroads, and provides us with two basic options.

We could elect to ratify the treaty and seek its broadest implementation in order to prevent the further proliferation of nuclear weapons;

Or, we could elect not to ratify the treaty, having decided as a body that permitting the testing of nuclear weapons by all current and future nuclear powers is in the interest of safety and security of the United States and the world.

If we chose not to ratify the treaty, that choice would permit us to pursue future avenues for nuclear superiority in response to nuclear weapons developed by our real or potential adversaries.

Mr. President, I believe that our Nation has already been down that road. It was called the nuclear arms race. It cost the Nation over a trillion dollars according to a recent study by the Brookings Institution. And that's just money. It doesn't include the opportunity cost of brainpower and skills not used to address other national problems such as medical and environment science or education.

The fact is, Mr. President, that the way things stand, we are not being permitted to make either choice. Despite repeated requests by Members of the Senate to address this vital national and international security issue, the Senate has done nothing to move this treaty forward and debate it.

The Foreign Relations Committee has taken no action with respect to the treaty and is preventing the Senate from debating and voting in this most critical issue to the future of world peace. By his actions, the chairman of the committee is preventing the Senate from carrying out its constitutional duties and obligations to give advice and consent regarding the CTBT.

Mr. President, I support the call to hold hearings and bring this treaty to the floor for a debate and a vote. The American people strongly support this treaty and deserve to have that view represented and debated in the Halls of Congress.

Will the treaty be an effective means to prevent the spread of nuclear weapons? Let's debate the point.

Will the treaty be verifiable? Let's hear from the experts on that crucial issue.

Will the CTBT serve America's national security interest? Let's examine that from every angle.

As I mentioned at the outset of my remarks today, Mr. President, I believe the Nation and the world stand at a historic crossroads with respect to the spread of nuclear weapons. I believe it is our duty and obligation to the American people to choose the proper road to take. The key word, Mr. President, is ''Choose.'' The Senate is currently being prevented from making a choice—and in so doing, a choice is being made for us—by a few individuals seeking to advance an unrelated political agenda.

I'm certain I share an abiding faith in our democratic system with the Members of this body. If that's so, a debate, discussion, and vote on perhaps the most critical security issue facing our Nation today should be placed before the Senate as soon as possible. Failure to permit such a debate and vote suggests to me either a lack of faith in the democratic process or a disdain for its importance or validity.

Mr. President, I strongly urge my colleagues to support efforts to bring the CTBT to the floor.

Mr. HARKIN. Mr. President, I would like to add a few thoughts for today's debate regarding consideration of the Comprehensive Nuclear Test Ban Treaty.

I strongly believe that the Comprehensive Test Ban Treaty—or C-T-B-T—is in our Nation's national security interests. But before I discuss my reasons for supporting the treaty, let me first say why the Senate—even those who are unsure of the treaty-should support its consideration by the Senate.

The Senate should hold hearings and consider and debate the treaty. The Senate should vote on the treaty by March of next year.

Let me now mention some history of this issue and mention some of the major milestone along the road to ending nuclear weapons testing. In fact, next month, the month of October, is the anniversary of many important events.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80–14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. It was signed by 108 countries.

Our nation's agreement to the Limited Test Ban Treaty marked the end of our above ground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now know, all too well, the terrible impact of exploding nuclear weapons over the Nevada desert. Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. ''Hot Sports,'' where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5–16 rads of Iodine-131. The ''Hot Spots'' included many areas far away from Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5–16 rad level is only an average, with many people having been exposed to much higher levels, especially those who were children at the time.

To put that in perspective Federal standards for nuclear power plants require that protective action be taken

for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, above three times more than from the Chernobyl nuclear power plants disaster in the former Soviet Union.

Mr. President, it is all too clear that outlawing above-ground tests were in the interest of our nation. I strongly believe that banning all nuclear test is also in our interests.

October also marked some key steps for the Comprehensive Test Ban Treaty. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few years later, on September 24, 1996, a second step was taken—the CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will debate and vote on ratification of the Treaty, and continue the momentum toward the important goals of a worldwide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear was after the Cold War came to an end and many former Soviet states became our allies Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. Its ''zero—yield'' prohibition on nuclear tests would help to halt the development amd development of new nuclear weapons. The treaty would also establish a far reaching verification regime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for the nuclear arms race to come to an end, and the American people recognize this. In a recent poll, more than 80% percent of voters supported the CTBT.

It is heartening to know that the American people understand the risks of a world with nuclear weapons. It is now time for policymakers to recognize this as well. There is no better way to honor the hard work and dedication of those who developed the LTBT and the CTBT than for the Senate to immediately ratify the CTBT.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000 —Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the distinguished manager, Senator HARKIN, and I had talked yesterday about a time limit on sending of amendments. I believe that has been worked out now.

On behalf of Senator LOTT, the majority leader, I ask unanimous consent that all first-degree amendments in order to the Labor-HHS-Education appropriations bill must be filed at the desk by 2 p.m. on Thursday, today, and all second-degree amendments must be relevant to the first-degree amendments they propose, and in addition thereto, each leader may offer one first-degree amendment.

Mr. REID. Mr. President, reserving the right to object, I am not objecting other than to add to the unanimous consent request that in addition to the two leaders, each manager will also have the right to offer an amendment.

Mr. SPECTER. I accept that addendum.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I understand the distinguished Senator from Nevada, Mr. REID, has an amendment which he wishes to submit. I have discussed a time limit with Senator REID, and I ask unanimous consent the time limit be 30 minutes equally divided.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. REID. I ask the pending amendment be set aside since it is my amendment.

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

AMENDMENT NO. 1820

(Purpose: To increase the appropriations for the Corporation for Public Broadcasting)

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1820.

On page 66, line 16, strike $350 million and replace with $475 million.

Mr. REID. Mr. President, ''Prairie Home Companion'': My wife and I have enjoyed many Sunday afternoons listening to this great program on public radio. It lasts 2 hours; there is music, comedy, drama. It is a great program. It comes on public radio.

On public television, we all watched the series on the Civil War. I don't know if there was a more dramatic, a more effective presentation of history ever made on public broadcasting than of the Civil War.

It was tremendous.

Then several years later, the same person who produced the Civil War series produced a magnificent series on baseball, the history of baseball. It had pictures we had never seen, stories we had never heard, all on public broadcasting, all without any type of commercial interruption of any kind.

I watched on public broadcasting, public television, a presentation about the city of New York. I have been to the city of New York numerous times. Never did I see New York as it was shown in that program. I saw parts of New York I would never, ever be able to see. I understand New York better than I would have ever been able to understand New York as a result of that program on public television.

I am a fan of public broadcasting. I think America is a fan of public broadcasting. We can look back to the mid-1990s when Newt Gingrich took control of the House of Representatives and publicly proposed cutting all public broadcasting funds.

There has been an effort by public broadcasters to do all kinds of things to be able to meet the demands of their viewers. One of the things they have done—there is report language in this bill that I think is important, and that is to stand up and say what they have done as far as selling lists of their subscribers is wrong. We have public broadcasting selling lists to Democratic organizations; we have public broadcasting selling lists to Republican organizations. They were put up to bid, in effect, and that is wrong. The report that accompanies this bill says, in very strong terms, that was wrong.

It was wrong. I acknowledge that without any question. But we have to decide whether we want to have a public broadcasting system or not have a public broadcasting system. Either we fund the Corporation for Public Broadcasting so they can exist or we decide to end it. I prefer the former. I prefer that we fund the Corporation for Public Broadcasting. I suggest we increase funding as indicated in this amendment, this year, by $125 million.

I think it is important we talk about public broadcasting, what it does for this Nation. As long as the Corporation for Public Broadcasting is leery of Congress cutting their funds—and certainly they should be—I suspect they will begin to sound more and more like private broadcasting stations.

There was one article in the Washington Post, written by a man named Frank Ahrens, in which there was substantial research about what has happened to public broadcasting. We find there has been a 700-percent increase in corporate funding over just the past few years, since Congressman Gingrich got involved in this. It is not just listeners who are noticing the change. Private stations, which are not tax exempt as are these public broadcasters,

are voicing their concern about an increasingly uneven playing field—as well they should.

Why do they do that? They do it because corporate support has shifted radically in the past several years. In fact, at WAMU, which is a station here in Washington, the broadcasts of which we hear all over the country, the station president said it has gone up significantly. That is an understatement.

Bob Edwards, for those of us who listen to public broadcasting—and I listen to it in the morning more than any other time; I listen to the morning edition—he is even more blunt. Bob Edwards says:

> Underwriting has kept us alive.
>
> It has cut into our air time. If you have to read a 30-second underwriter credit, that's less news you can do.

That is an understatement. There is much less news that is done. Underwriting spots sound like commercials, a trend that troubles listeners, and recent surveys show this.

As this article indicates, the public is getting upset about this. In Boston, a radio station called WBUR has aggressively pursued corporate underwriting, as many stations around America have—in fact, they have all done this. It lists 315 corporate sponsors on its web site—1 radio station.

The corporations love to advertise on public radio. They believe demographically they have an audience that listens to their messages, understands their messages; many times they are well-educated, upper-middle-class listeners who have expensive tastes and, some say, the money to indulge them. Moreover, they trust public radio much more than listeners trust, perhaps, commercial radio.

We know on WAMU and other public radio stations, the Nuclear Energy Institute, the lobbying arm for the atomic power industry, has done a lot of advertising. This comes not from the Senator from Nevada but from this article from the Washington Post. With its ads, the Nuclear Energy Institute says, by using their slogan, ''Nuclear technology contributes to life in many ways you probably never thought of.''

This upset listeners. There was a lot of complaining. As Bob Edwards, the host of the program indicated, there was an e-mail campaign suggesting NPR was in the pocket of the nuclear industry. I personally do not think they are. But when this advertising takes place, people do not have to stretch really far to come to that conclusion.

The same radio station, WAMU, decided several years ago they were going to do a show sponsored by the National Agricultural Chemical Association which advertised its products as safe. People complained because some people do not like these chemicals that are put on crops. Calls came in suggesting the radio station was in the pocket of this chemical company. That is really not true, but people can draw that conclusion because of the advertising that takes place on public radio.

Still, public radio managers are concerned and they are inventing all kinds of ways to get around FCC rules. They are creating promotions with adjectives and lengthy explanations: ''the blue-chip company,'' ''18 million customers worldwide,'' and ''converting natural gas to sulfur-free synthetic fuels.'' These are some of the catchwords they are using to try to get around some of the FCC rules.

In this Congress, earlier this year, Congressman MARKEY from Massachusetts and Congressman TAUZIN from Louisiana drafted a bill that would tighten the FCC rules and also increase spending by as much as 60 percent for the Corporation for Public Broadcasting. They were—I should not say forced; they decided on their own, I am sure, but as a result of all the publicity that was engendered as a result of learning these public broadcasting organizations were selling their subscribers' lists, they backed off this legislation. They said they were going to go forward with it soon. There is a sentiment all over America that we have to have either public broadcasting or commercial broadcasting. This mix is not working because the mix is coming out as commercial broadcasting.

It is not just lawmakers and listeners who are concerned and taking note of this advertising policy, but commercial radio stations are concerned. Public broadcasting is tax free. Commercial broadcasters believe it is unfair that public stations can air essentially the same advertising they do and not have to pay the same taxes. They are competing in a way that is unfair to commercial broadcasters. ''It's not an even playing field,'' says Jim Farley, the vice president for news at WTOP here in Washington.

I listen to WTOP. It is a great news station. I think if we are going to have public broadcasting, it should be public broadcasting. People should not have to guess whether or not it is a commercial station or it is public broadcasting. I agree with Jim Farley. It is not an even playing field.

The increased presence of corporate underwriters has led some listeners and even those within public radio to fear underwriters might influence the news coverage in segments they sponsor. There are not many other conclusions you can reach if, in fact, you are advertising some commercial product.

The reason people can come to that conclusion without a lot of stretch is, for example, ''Marketplace,'' which is a public radio program, aired stories about General Electric being indicted for price fixing but ignored a 1990 boycott of the company by the people who objected to its participation in the nuclear weapons industry.

Why did some people come to that conclusion? Because General Electric provides more than 25 percent of the funding for this program. There was no other conclusion one could reach. The show's general manager now calls the fact they did not run stories about this boycott a lapse, a mistake. I submit, we should not have these problems with public broadcasting.

My amendment simply says if we are going to have public broadcasting, we should have public broadcasting. Even though this money I am suggesting we vote for is not enough to solve all the problems, it is a step in the right direction and will take some of the pressure off public broadcasting.

This is money well spent. It is important we in America feel good about our public broadcasting. I submit that programs such as ''Prairie Home Companion,'' the series on the Civil War and baseball and New York and a multitude of other programs we have all enjoyed should continue without commercial interruption.

I believe we should adequately fund this organization. Whether it is adequate funding or not is something we can all debate, but it is at least a step in the direction of giving public broadcasting a shot in the arm, funding which has been taken from them as a result of the activities of Congress since 1995.

Mr. President, I ask for the yeas and nays on my amendment.

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 distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent that no second-degree amendment be in order prior to the vote on or in relation to the pending amendment.

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

Mr. SPECTER. Mr. President, I oppose the amendment offered and argued by the Senator from Nevada because the subcommittee worked out a very carefully crafted set of priorities, joined in by the Senator from Iowa, Mr. HARKIN, my distinguished ranking member. In structuring a bill of $91.7 billion, we had to take into account many programs, some 300 programs. There is difficulty in having this bill accepted with 51 votes considering the expenditures involved.

We have given priority to items such as education where the bill is $500 million in excess of the President's request. We have given priority to programs for the National Institutes of Health and raised $2 billion. We have had to cut some programs which I, frankly, did not like to see cut. But we have established the priorities.

With respect to the Corporation for Public Broadcasting, we have increased their funding by $10 million, from $340 million to $350 million. This year's allocation of $340 million was an increase from $300 million the year before and an increase from $250 million the year before that. It is true that back in 1992, the Corporation for Public Broadcasting had an allocation of $327 million and it has gradually been built up. I have been supportive of public broadcasting. The question is on priorities, and it is my judgment that in a tight fiscal year with tight budget constraints that we have been reasonably generous with the Corporation for Public Broadcasting.

On another matter I think ought to be commented upon, although it is not the reason for opposing the amendment by the Senator from Nevada, is the finding by the inspector general of the Corporation for Public Broadcasting that 53 of the 591 public broadcasting grantees exchanged donor lists with or rented them to political organizations, which is a matter of some consequence. Earlier this year, the Boston Globe reported that the local public television station in Boston, WGBH, exchanged its donor list with the Democratic Party. There were other media reports about exchanges involving public broadcasting with WNET in New York, WETA in Washington, DC, and WHYY in Philadelphia.

Steps have been taken by the Corporation for Public Broadcasting to stop that practice, but I do think it is a factor which ought to be in the public record and ought to be commented upon at this time.

It would be a curious reward if, in the face of a problem this year of this magnitude, we had a proportionately large increase in the Corporation for Public Broadcasting. These factors were considered very carefully when our bill was crafted. I do listen to public broadcasting myself, and I do concur with Senator REID that it is a very useful instrumentality, given the considerations on commercial broadcasting. But we have gone about as far as we can go in allocating a $10 million increase which brings the corporation up to $350 million.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the manager of this bill and the Senator from Iowa have done a good job in constructing this $91.7 billion bill, and they have included things regarding health and education. There is nothing more educational for the American public than to do a good job for public broadcasting.

As I said earlier, the sales of the donor lists were brought about because of the financial pressure on these institutions. I do not condone that, and I agree with the language of the report which does not condone that.

I suggest this is money well spent out of $91.7 billion. This money is a mere pittance and it would be very important to spend to help the American public.

I ask unanimous consent that the actual vote on this amendment not take place until there is an agreement between the two leaders as to when it should take place.

Mr. SPECTER. I thank the Senator from Nevada for that observation. It is my hope we can stack the votes until late this afternoon. We find that the votes set for 15 minutes with a 5-minute leeway go much longer. We have an amendment lined up by the Senator from Arkansas, Mr. HUTCHINSON, to start in 10 minutes, and behind that—in sequencing we have had two amendments from that side of the aisle, so we are looking for another Republican amendment behind Senator HUTCHINSON. Then we will have Senator GRAHAM of Florida.

We wish to move this bill expeditiously giving ample time with time agreements. So we will be looking to stack the votes very late this afternoon. Then we have lined up an amendment on ergonomics to come late this afternoon. It is anticipated there will be considerable debate on that. But we want to move through the ''meat'' of the day, so to speak, getting as much done as we can. So I concur with what Senator REID has had to say about stacking the votes later.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I also say, while we are waiting for Senator HUTCHINSON to come to the floor, that we have the 2 o'clock cutoff for the submission of amendments. We hope Members will come forward with amendments as quickly as possible, recognizing we are trying to move this bill along as quickly as we can. So we hope everyone, especially the staffs who are listening, will take that into consideration, as I am sure they are—that consideration will be given to the submission of amendments, working under the time constraints we have.

Mr. SPECTER. 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, while not an enormous matter, while we are waiting for the next amendment to be offered, the issue has arisen as to whether the lists were made available to which political parties. I have been furnished, by staff, with a response by the inspector general of the Corporation for Public Broadcasting to Congressman DINGELL's questions in the House of Representatives.

This is one question:

When stations made donor lists available to Democratic organizations either directly or through list brokers/managers, were the lists made available to Republican organizations as well?

Answer by the inspector general, as represented to me here:

Although, none of the identified exchanges or rentals of donor names from public broadcasting stations involved Republican organizations, we could not conclude that such names were not available to them. In this regard, we found no indications or evidence that Republican organizations had ever sought or been turned down for names requested from public broadcasting stations. In addition in visiting two stations, we were advised that when they learned that names were being exchanged with or rented to Democratic organizations, they had proposed exchanges with Republican organizations to their direct mail consultant or list broker. These stations were later advised that such exchanges were turned down.

I think it advisable, having read from part of these responses, that the full text of the responses to Congressman DINGELL's questions be printed in the RECORD. I ask unanimous consent that the full text of the responses be printed in the RECORD.

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

CORPORATION FOR PUBLIC BROADCASTING,
Washington, DC, September 24, 1999.

Hon. JOHN D. DINGELL,
Ranking Minority Member, Committee on Commerce, Room 2125, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN DINGELL: The Office of Inspector General appreciates the opportunity to clarify any questions Congress has resulting from our recent report on Public Broadcasting Stations exchange or rental of membership/donor names with political organizations. We have accordingly prepared Attachment 1 which contains the office's conclusions regarding the questions raised in your September 20, 1999 letter.

If your staff wishes to discuss these matters further, please have them contact me at (202) 879–9660.

Sincerely

KENNETH A. KONZ,
Inspector General.

ATTACHMENT 1

RESPONSES TO CONGRESSMAN DINGELL'S QUESTIONS

1. Is there any evidence to suggest that any donor list transactions between stations and Democratic organizations were politically motivated?

No. Stations across the country universally denied that any decisions to exchange donor lists or rent names to any outside organization were politically motivated. Additionally, top management officials were not aware that such exchanges were being made. Instead, such exchanges seem to grow from the need to utilize direct mail solicitation as a basis for raising membership revenue for

the station. Because dealing with political organizations was such a minor part of their direct mail solicitation process, we concluded that political motivations were not considered.

2. When stations made donor lists available to Democratic organizations either directly or through list brokers/managers, were the lists made available to Republican organizations as well?

Although none of the identified exchanges or rentals of donor names from public broadcasting stations involved Republican organizations, we could not conclude that such names were not available to them. In this regard, we found no indications or evidence that Republican organizations had ever sought or been turned down for names requested from public broadcasting stations. In addition in visiting two stations, we were advised that when they learned that names were being exchanged with or rented to Democratic organizations, they had proposed exchanges with Republican organizations to their direct mail consultant or list broker. These stations were later advised that such exchanges were turned down.

3. Were any contacts with political organizations initiated directly by station representatives? What role did list brokers/managers play in these transactions?

Based on the responses we got to the survey and our visits to stations, we found that all arrangements with political organizations were made by direct mail consultants or list brokers. Generally, such consultants developed plans for direct mail campaigns. Given the number of solicitations planned, the consultant proposed various lists from which names could be exchanged or acquired based on the demographics of the target audience and success in using, such lists in previous direct mail solicitations. The stations simply saw the names of the proposed lists and were given the opportunity to eliminate those organizations they did not want to exchange with. Therefore, they usually went along with the lists recommended. In cases where political organizations desired exchanges, they would go to the list broker who (in some cases) had authority to exchange names or who, if they did not have authority, would get back to the stations to obtain authorization or rejection.

4. Is there any evidence of a station, or list broker/manager acting on behalf of a station, refusing a request for a list exchange or rental from either a Republican organization or a list broker/manager known to be acting on behalf of a Republican organization?

We saw no indication that exchanges or rentals from Republican organizations were turned down. On the other hand, we saw some exchanges with Democratic organizations were turned down because the stations had a policy of not exchanging with political organizations.

As a general rule, we saw stations looking for names for use in direct mail solicitations. In this regard, in reviewing acquisition of names, stations obtained names not only from apparent Democratic organizations, but also from apparent Republican organizations. For the stations we visited, more than one third of the stations got significant portions (20 percent or more) of such names from apparent Republican organizations. Thus, we have no basis to conclude that exchanges sought by Republican organizations would have received any different consideration from those sought by Democratic ones.

5. In your judgment, did any station violate any Federal of State law or regulation in conducting these donor list transactions?

Our office did not find clear evidence of any violation of Federal or State laws or regulations. CPB has the authority for making grants to public broadcasters under section 396 of the Communications Act of 1934, as amended. In examining the provisions of the Act, as well as CPB grant terms and conditions in affect at the time of grant award, we noted that no specific restrictions existed related to direct mail solicitations and the exchange of membership/donor lists with other organizations. Since we were unable to find evidence showing political motivation to support particular parties or candidates, we did not identify any violations of existing CPB statutes or regulations.

Our office is not an expert in all the Federal or State laws or regulations which might govern the exchange of rental of membership/donor lists. we have in this instance heard that questions have been raised regarding the possibility that stations may have violated provisions of the Internal Revenue Service (IRS) requirements concerning non profit organizations. We understand the IRS was looking into the situation. They would be the appropriate organization to indicate whether there were any violations to that law.

6. How did stations benefit from list exchanges or rentals with political organizations?

In our opinion, stations did not obtain any extraordinary benefit from exchanges or rentals with political organizations. While on one hand the stations did get names from such organizations, they paid for them just like other exchanges with or rentals from non profit organizations or even commercial entities. In both cases, the cost of direct mail solicitations was reduced when names were acquired through exchanges, rather than rentals.

In evaluating benefits to the station, we noted that successful lists only averaged one contribution or membership for every 100 direct mail solicitations (1 percent). Furthermore, only a small proportion of the names used in direct mail solicitations were derived from political organizations. For the stations we visited names from apparently political organizations, ranged from only .3 percent to 6.4 percent of the names acquired for direct mail solicitations. Thus, we concluded that involvement with political organizations in this process did not provide material benefits to public broadcasting stations.

Mr. SPECTER. I suggest the absence of a quorum.

Mr. REID. Mr. President, if the Senator would withhold.

Mr. SPECTER. I do.

Mr. REID. Mr. President, I did not want to get into a ''who did this; who did not do that.'' I acknowledge, selling the lists was wrong. The fact is, though, that PBS stations made these lists available to both parties. Without getting too partisan, we know the Bush family has made their lists available to groups, also. These groups include the Citizens for a Sound Economy and the Heritage Foundation. These are certainly if not Republican organizations, I would clearly say, Republican-leaning organizations.

I also think it is important to note we are talking about the Corporation for Public Broadcasting. And the Corporation for Public Broadcasting has a policy——

The PRESIDING OFFICER. The time requested by the Senator has expired.

Mr. REID. Yes. We are not on the Senator's time now. We are waiting for Senator HUTCHINSON to come. I got the floor on my own.

The PRESIDING OFFICER. We have a time agreement on the amendment. There is a current time agreement. If the Senator wishes to——

Mr. SPECTER. I yield time from my side to the Senator from Nevada.

I ask the Senator, how much time would you like?

Mr. REID. Just a few minutes, a couple minutes.

Mr. SPECTER. Two minutes. We only have about 4 minutes left. If you take 2 minutes, I will have 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6 minutes 20 seconds remaining.

Mr. SPECTER. Take 3.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized for 3 minutes.

Mr. REID. Mr. President, the Corporation for Public Broadcasting now has a policy. We do not need to talk about what has gone on before. We all recognize it was wrong and is wrong.

I again state I approve wholeheartedly with the language in the report that was submitted by the manager and the ranking member of this bill and which I understand had the full committee chairman's undying support; that is, the Senator from Alaska was also upset about the trading of lists, which we all agree is wrong.

I support the present policy. If you want to sell your list to a political party, you are not going to get any funding from the Corporation for Public Broadcasting.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on the Senate floor we do not frequently have the quality of evidence which assures authenticity, unlike a courtroom where you have to have witnesses who saw, observed, or documentation which is authenticated.

I have marveled, from time to time, during my tenure in the Senate how many representations of fact are made which have no authentication. We had a little time left over from the debate, so the Senator from Nevada and I have talked a little bit about these lists being made available to political parties.

You have the inspector general's report which will be made a part of the RECORD which says what it says. I have already stated that. I am not going to repeat it. But what we say on this Senate floor is viewed by a lot of people. I am sure the Corporation for Public Broadcasting will be looking very closely at what Senator REID and I have had to say. And other public institutions will be on notice, as well, that

when there is public money involved, it is a public trust and not to be partisan for either Democrats or Republicans, and that we will take a look at it.

Again, I repeat that, notwithstanding this concern, we did not seek to have that influence our determination as to what the funding should be. We added $10 million. We know the problem has been rectified, but we want the Corporation for Public Broadcasting, and everyone else, to be on notice that the Congress will not tolerate partisanship or political activity of either party with public money, which is a Federal trust.

Mr. President, I move to table the pending amendment and 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 vote will be postponed.

Mr. SPECTER. Mr. President, the hour of 12:30 has arrived. We expect the offerer of the next amendment to be here within a very short period of time. In the interim, 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. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. Mr. President, in a moment, the next amendment will be offered in the queue by the Senator from Arkansas. I ask unanimous consent that the amendment be awarded one hour of debate, equally divided, with no second-degree amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow in my office, be granted the privilege of the floor during consideration of this appropriations bill.

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

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. A unanimous consent was asked. Was there approval that there be a time limit on this amendment?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. The time limit is what?

The PRESIDING OFFICER. One hour of debate equally divided with no second-degree amendments.

Mr. HARKIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1812

(Purpose: To transfer amounts appropriated)

Mr. HUTCHINSON. 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 Arkansas (Mr. HUTCHINSON), for himself, Mr. DEWINE, Mr. ALLARD, Mr. THOMAS, Mr. CRAPO, and Mr. HELMS, proposes an amendment numbered 1812.

Mr. HUTCHINSON. 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 end of title I, add the following:

TRANSFER OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. . Notwithstanding any other provision of this Act, $25,472,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to add Senators DEWINE, ALLARD, THOMAS, CRAPO, and HELMS as cosponsors of the amendment.

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

Mr. HUTCHINSON. Mr. President, I am pleased to offer this amendment to the appropriations bill on Labor-HHS. I think it is one that should be easy for Members to support. Let me very basically explain it, and then I will go into more detail.

This would shift $25.472 million from the National Labor Relations Board to the Consolidated Health Centers Program. The $25.472 million is the increase in spending that has been added to the budget of the NLRB. I will explain this in further detail, but this would take that expense and shift it to what is a critical program for underserved areas in health care in this country.

The NLRB requested an increase of $25.472 million in funding for the fiscal year 2000. Their argument is they need that increase in funding to reduce their backlog in cases. However, when one looks at the situation at the NLRB and looks at their own statistics provided by the National Labor Relations Board, justification for an increase is simply not there.

In its annual report, the NLRB stated the number of cases that were pending before the NLRB declined from 37,249 in fiscal year 1997 to 34,664 in fiscal year 1998. The NLRB further reported the number of cases the NLRB is receiving declined from 39,618 in fiscal year 1997 to 36,657 in fiscal year 1998.

From their own statistics, it is clear that the National Labor Relations Board can fulfill its statutory mandate to administer the National Labor Relations Acts without the better than $25 million increase in funding. In fact, the NLRB did not receive an increase last year and was not only able to fulfill their mandate but achieved these results which I have cited in seeing a decrease in the number of cases.

How is that possible? When adjusted for inflation, from 1980 to 1998, while the NLRB budget declined by 21 percent, the number of charges received and processed has declined by 31 percent. While the NLRB can rightly say they have had a declining budget, if you look at the number of charges they have received and processed, it has had an even more dramatic decline.

In his statement before the House Subcommittee on Labor-HHS, on March 25, the NLRB general counsel, Fred Feinstein, stated that the NLRB has adopted a program called Impact Analysis through which the NLRB has moved beyond the first-in-first-out approach in an effort to assure that the cases it gets to first are those that are central to its core mission.

He further stated that the Impact Analysis Program has allowed the NLRB to assure that its backlog consists of lower priority cases. Not only has the backlog decreased but the cases that are in their own system are not of a lower priority.

The NLRB estimates that of the 35,000 total charges filed each year, only approximately one-third—or 10,500—are found to have merit. The NLRB further estimates that of the 10,500 charges each year that are found to be meritorious, 86 percent—or 9,030—are settled.

Therefore, the NLRB adjudicates only approximately 4 percent—or 1,470—of the charges it receives each year. So over 35,000 total charges, less than 4 percent, or about 4 percent, are ever adjudicated. So from the NLRB's own numbers, only 10,500 of the 35,000 charges have merit and 65 percent of all unfair labor practice charges are dismissed or withdrawn.

Let me reiterate. Sixty-five percent of all unfair labor charges are dismissed or withdrawn because they are found to be without merit.

Where does that leave us as a body? How do we justify funding their request at better than a $25 million increase at a time that the number of cases is decreasing and the number of adjudications is down 40 percent? How do we justify that?

I know. I simply can't justify that. I think many of my colleagues will agree.

If a society can be judged by how it treats its less fortunate, if a society is

judged by how it treats its most vulnerable members, then we must and the NLRB must make better use of resources and decide that we will tip the scales this time in favor of individuals, particularly children, who need health care.

That is why my amendment will shift $25.472 million from the NLRB to the Consolidated Health Centers. It is not a cut in NLRB funding but a shifting of what would have been an increase in their funding to a critically urgent program, the Consolidated Health Centers.

The Consolidated Health Centers Program is a Federal grant program funded under section 330 of the Public Health Service Act to provide for primary care health services in medically underserved areas throughout the United States.

I suspect that the occupant of the chair, the Senator from Kansas, knows well about these kinds of underserved areas. In my home State of Arkansas—we have many in the Mississippi Delta region—they are desperately in need of these kinds of community health clinics. Specifically, this program makes grants to public and nonprofit private entities for the development and operation of community, migrant, and homeless health centers.

Key to the mission of the Consolidated Health Centers Program is its recognition of the contours of our country and its diverse geography. Health care is needed in areas where economic, geographic, and cultural barriers limit access to primary health care for a substantial portion of the population. It might surprise a lot of folks, but today one-fifth of Americans live in rural areas. And many are in desperate need of health care.

I grew up in a little town of 894. It is now up to 1,300. It is in a rural part of Arkansas. I wouldn't trade that place for growing up for any place in the world. But I know that while we have serenity, we have low crime—we had wide open spaces to run on the farm, and it was a wonderful place to grow up—there are also a lot of amenities most people take for granted which we didn't have. Whether it is in Kansas or Arkansas or Iowa, people living in those rural areas may be willing for the benefits they receive not to have the metro system, not to have a nice theater, not have the grand malls, and some of the things we enjoy so much in the Nation's Capital.

However, the tragedy is not only do they give up those amenities but too often in Iowa, Kansas, Arkansas, across the Mississippi Delta and other rural areas, they also give up opportunities because of the economic deprivation of some of the areas that have good quality health care. Indeed, some don't have adequate health care facilities at all, while we take for granted such areas as the Pentagon City Mall, Tysons Corner, full service hospitals, dental centers, podiatrists, chiropractors, virtually a doctor for every part of your body.

But that does not happen in the Mississippi Delta, rural Kansas, or Iowa. These health centers provide access to basic yet essential health services, including preventive health and dental services, acute and chronic care services, appropriate hospitalization, and specialty referrals. These centers are the safety net providers for those who fall through the cracks in our current health insurance marketplace. We may fight and we may argue on the floor of this Senate as to what we should do about managed care reform, what we should do about providing health care for those uninsured, but we don't need to argue about the need to increase funding for these vital community health centers. They are the ultimate safety net in our society.

Health centers provide health care to people regardless of their ability to pay. By law they serve anyone who walks in through their doors—rich or poor, insured or not. Of the clients received by community health centers, 44 percent are children, 66 percent have incomes below poverty level. That is the issue before the Senate in this amendment: Are we going to fund more bureaucracy at the NLRB at a time they have a declining number of cases or are we going to shift the increase for small rural communities desperately in need of greater health care? In Arkansas alone, 41 health centers currently serve 80,000 Arkansans. Once again, 44 percent are children and two-thirds have incomes below the poverty level.

Last month, during our August recess, I had the opportunity to visit 13 counties in the delta region. They are the poorest of the poor. They don't need a handout, but they need a helping hand, especially in the area of health care. I recently visited a new health clinic in Parkin, AR, made possible through a grant in this program, Consolidated Health Centers Program. I commend all the dedicated public servants and health care professionals at the Parkin Medical Clinic and all of the health centers in Arkansas for the invaluable contributions they make to their communities and commitment to improving public health.

At a time when the number of uninsured in our country is over 40 million and growing, the community health centers play a pivotal role in providing care to those who need it most, the uninsured. By spending $25 million more for the health centers, we will enable them to serve 83,000 more people. That won't cover the expected need, but it is a step in the right direction. They say they need $264 million more to maintain current levels of coverage and care. Last year, we increased funding by $100 million for the health centers. Senator SPECTER—and I applaud his efforts in this appropriations bill—increases funding for the health centers by $99 million in addition. That is a good start, but they say in order to maintain current service they need $264 million.

I believe this is a good investment and it is an easy choice. The choice is funding more bureaucracy at the NLRB at a time caseload is falling or shifting that increase to the communities, to the deprived and neglected communities of this country in which there is a high percentage of uninsured and a high percentage of children who don't have access to health care. We can help that situation and provide tens of thousands of people health care by the simple passage of this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 17 minutes 51 seconds.

Mr. HUTCHINSON. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. ENZI. Mr. President, I ask unanimous consent to make a unanimous-consent request.

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

Mr. HARKIN. Reserving the right to object, I didn't hear.

Mr. ENZI. I ask unanimous consent, without it being taken off of the Senator's time.

Mr. HARKIN. I object. If the Senator wants to speak, why not have the Senator yield time?

Mr. HUTCHINSON. Mr. President, I am happy to yield to the Senator from Wyoming whatever time he desires.

Mr. ENZI. Mr. President, I rise in support of the amendment by the Senator from Arkansas. I am Chair of the Senate Subcommittee on Employment, Safety and Training. I have worked closely with Senator HUTCHINSON to assure small businesses are treated fairly by the NLRB. I have numbers as well that show there is difficulty with that.

I held a hearing in July that clearly illustrated how small business owners that win against the NLRB on an action against the employer get left with thousands of dollars of legal bills. Aggressive actions continue to be brought against the small business owners with no relief in sight. That has to be solved.

Regarding this movement for community health centers, regardless of how much it takes to take care of the present situation, Wyoming doesn't have a community health center. We have a need for it equally. I hope that is included in the suggestions for where this money will be going. I understand the need to raise enough funds to be able to support the current efforts.

I ask people to take a look at the record of the hearings we held on this subject of the National Labor Relations Board and the unfairness with

which they have treated some of the employers, the huge bills employers have been left with, in spite of some of them representing themselves before the committee. Such practices are wrong and need to be stopped.

We shouldn't have additional funds for a function that is actually decreasing the load. We also find there is a decrease in cases going before those people.

Earlier this year at a field hearing about the National Labor Relation Board's treatment of small businesses by the safety subcommittee, a small business employer named Randall Truckenbrodt testifies that in one year alone, over 36 unfair labor practice charges were filed against his company. After a prolonged legal battle, Randall won all 36 charges. The cost of defending himself, however, totaled a whopping $80,000, a sum which he testified, ''could have been triple had I not represented myself.'' As a former small business owner, I shudder to think that such a practice could ever occur—much less to a small business—and I am dumbstruck by reports that what happened to Randall happens all the time. Such practices are more than wrong, they should be stopped. I support this amendment, which would allow NLRB to focus on their existing responsibilities and not allow additional funds for random, meritless claims brought against small businesses by the NLRB—an intimidating bureaucracy that can sometimes strong-arm the little guy who doesn't have the resources to defend himself.

I have great concerns over the actions of the NLRB against small businesses, and before we give it 25 million additional dollars, I think we need to get to the bottom of NLRB's treatment of these smallest of businesses. I support Senator HUTCHINSON's amendment which would transfer the $25.7 million increase for the National Labor Relations Board to Consolidated Health Centers under the Public Health Service Act.

Community health centers play a vital role in providing primary care services to underserved areas. The Labor HHS bill provides a $99 million increase for CHCs—Consolidated Community Health Centers Program—for poor, rural areas. HRSA, however, testified and requested $264 million just to maintain levels of coverage and care.

Health centers serve over 10 million people nationwide, over 4 million of which are uninsured. By spending $25 million more for health centers, health centers estimate that they will be able to serve over 83,000 more people.

Bottom line, this amendment will bring better health care to millions of Americans, rather than harming more small businesses by allowing the NLRB to run wild in filing meritless claims against them, and therefore I rise to strongly support it.

I yield the floor.

Mr. SPECTER. Mr. President, when this bill was crafted with some 300 items, great care was exercised on the establishment of priorities. That is always a difficult matter. Where is the $1.800 trillion in Federal money to be spent? We have a bill of $91.7 billion. We have had a series of amendments to change the allocations and assessments of priorities which the ranking member and I came to initially with staff, and then the subcommittee and then the full committee.

I am inclined to agree with my colleague from Arkansas about the desirability of having more money in the consolidated health centers. He came from a small town, as he recited, of several hundred that has grown to more than 1,000. The town where I went to high school was a big city by comparison. It had several thousand people. Russell, KS, has now 4,998 people. It used to have 5,000 until Dole and I left town.

I appreciate what the Senator from Arkansas has had to say about the virtues of living in a small town. I have appreciated the virtues of living in a small town even more since I moved to a big city. I knew Russell, KS, was a great place to live, but after I moved to Philadelphia I concluded Russell, KS, was a greater place to live.

When the Senator from Arkansas talks about smalltown life and the need for health centers, he is right. They are needed not only in Arkansas but in Pennsylvania, in Kansas, and everywhere.

When we made the allocations, as has already been noted by the Senator from Arkansas, we paid a very substantial increase to consolidated health centers. Consolidated health centers were a little over $900 million and we added $99.3 million to bring them to $1.24 billion. That is, I am advised, $79 million over the President's request.

But, even so, when the Senator from Arkansas says he would like to have more money, I would not disagree with him. But then it is a question of establishing priorities, as to what we do. I listened closely to the statistics which were cited by the Senator from Arkansas on the decrease in the backlog. But even after the backlog has decreased—and I am searching for those exact statistics myself—there still is an enormous backlog which is pending before the National Labor Relations Board.

When the Senator from Arkansas makes a comment about the board establishing priorities, I think that is to the board's credit. They are not going to be able to take all the cases, so they ought to establish priorities. I hope their priorities are not subject to as much challenge as mine are on the floor. I am not really too serious about that, there haven't been too many challenges. But then the day is not over yet, either. We are waiting for all the amendments to be filed by 2 o'clock this afternoon.

But I compliment the National Labor Relations Board for establishing priorities, to take up the most important cases first. The fact that there are a great many unmeritorious claims filed is not surprising. There are sometimes unmeritorious amendments filed—not this one. But there are lots of cases filed in court or any adjudicatory process where there are unmeritorious matters. But I do not think that can be the basis of judgment. My analysis of the caseload of the National Labor Relations Board, and I am going to put these figures into shape during the course of this debate, to be specific and put them into the CONGRESSIONAL RECORD, is that this funding is needed.

The National Labor Relations Board, by word of just a little explanation for those who may be watching on C–SPAN2, is a board created to take into consideration complaints, either by labor or by management, as to what is happening in a labor practice and to identify unfair labor practices and to produce labor peace by having an administrative remedy which would stop people from going into court.

I know there are others who wish to speak who are waiting now, but I think a careful analysis of the backlog, of the procedures of the National Labor Relations Board, and the entire picture, will show that this kind of increase is warranted and certainly in consideration of the significant increase accorded to the consolidated health centers, which I have already noted.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time would my colleague from Iowa like?

Mr. WELLSTONE. Might I ask my colleague from Iowa a question?

Mr. HARKIN. I do not have the floor yet.

Mr. SPECTER. There is a question pending of the Senator from Iowa, how much time does he want?

Mr. HARKIN. Just 5 minutes.

Mr. WELLSTONE. Mr. President, before I leave the floor, might I ask my colleagues from Iowa and Pennsylvania a question? I want to know the parliamentary situation. Do we have an agreement for no second-degree amendments and this would only be debated for an hour? Could I get some information about this?

Mr. SPECTER. If I may respond to the question, I was off the floor for a moment, actually, in the lunchroom. I came back to the floor. A unanimous consent request had been propounded for an hour time agreement, equally divided, with no second-degree amendments. It was later determined that was not really acceptable to the Democratic side of the aisle. I said to the Senator from Iowa, when I came back in: If it causes you heartburn, we will eliminate it.

I now ask unanimous consent that the part as to ''no second-degree amendments'' be rescinded, but the time as to 1 hour equally divided remain in effect.

Mr. HUTCHINSON. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, if I could make it clear to the Senator from Iowa, if there is an objection—I thank the Senator from Pennsylvania. I think his unanimous consent request is very much in the spirit of fairness.

I say to my colleagues on the other side of the aisle, if that is not acceptable, kind of sneaking a unanimous consent request in—this is a very important amendment. There ought to be second-degree amendments on every single amendment introduced to this bill forthwith with no time agreement if we are going to play that way. That is just not acceptable. We need much more time and we certainly should have the right to second-degree amendments.

The PRESIDING OFFICER. The Senator from Iowa is recognized. I think he was yielded time.

Mr. HARKIN. I assume I have some of my 5 minutes left—I hope?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. HARKIN. Mr. President, first, I say I thank the Senator from Pennsylvania. He is a true gentleman, I think, in the spirit of comity on the Senate floor, to recognize the unanimous consent request that was proffered earlier was not acceptable to this side. I bear some responsibility for that. I was engaged in a conversation with my staff and did not even hear the unanimous consent request propounded, so I bear some responsibility for that.

As I said, in the spirit of comity and the smooth functioning of the Senate, my friend from Pennsylvania, the chairman of the appropriations subcommittee, came back on the floor and said he would move to vitiate that unanimous consent agreement, which he did, I think, again, in the true spirit of comity and smooth functioning of the Senate. That then was objected to, I guess, by the Senator from Arkansas?

Mr. SPECTER. Will the Senator yield?

Mr. HARKIN. I will yield the floor back to the Senator.

Mr. SPECTER. Mr. President, when I heard there was a problem—we work together on too many matters over too long a period of time. If it was inadvertently entered into, we are prepared not to hold anybody to it. We have a lot of work to do. If we did not have a lot of work to do, we still would not hold them to it if it was inadvertently entered into.

I have just discussed that with my colleague from Arkansas. I think we can work this out in the course of the next few minutes, if the Senator from Iowa will take his 5 minutes to argue on the merits.

Mr. HARKIN. If I can have another 5 minutes to talk about the amendment itself?

Mr. SPECTER. I allocate 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the amendment propounded by the distinguished Senator from Arkansas really would harm the NLRB drastically. The Senator from Arkansas said the caseload had gone down. That is true, the caseload did go down, I assume because we increased some of the funding and they were able to, then, hire some more staff and decrease the caseload.

If now, however, we cut the funding, they are going to have to release those people and fire people who were hired; therefore we will be right back where we started from.

We keep hearing about the backlog. What is the backlog? The NLRB, at the end of last fiscal year, had 6,198 cases pending at the end of the last fiscal year. I understand some of those were reduced last year, but we are still in the neighborhood of about a 5,500-case backlog. So I do not know how the Senator from Arkansas can argue we are making great progress. We are making a little bit of progress. But to take the $25 million out of the NLRB would put us right back where we were before, and you would see the backlog start going back up again. That may not be his intention, but that is exactly what would happen.

At this funding level, the staffing, I am told, would have to be reduced by at least 100 people below the current level. That would be about a 5-percent reduction. Again, that would mean the backlogs would continue to go up. The time to process the claims would grow significantly, and that would hurt not just the employees but also the employers. Both sides are harmed when they get this kind of backlog at the NLRB. Again, they are most effective when they can get at this in a hurry. Workers who are fired for union organizing must sometimes wait weeks or months for cases to be processed. Then when the remedy does come through it is too late. People have to move on with their lives. They have found other jobs, they get the remedy, but it is too late to make any kind of difference at all.

Employers are hurt because a delay causes back pay to add up until the case is resolved. This creates uncertainty. It destabilizes the workplace. I have had employers who have contacted my office and said: Can't you do something about NLRB? There is a case pending. It is causing us a lot of headaches. So it is not just labor, but it is also management that is hurt when you have this kind of backlog.

If this amendment goes through the funding level right now would put us, as I understand it, below the 1993 inflation-adjusted level for the NLRB. During that period of time, the number of cases has gone up. So you can see the number of cases has gone up. We took a little bit out last year because of some additional staffing we gave them. This budget cut would put us back where we were in 1993.

Of course, not only would the present backlog of cases take more time, we could see actually more cases piling up behind the ones that are there.

Again, there is some thought that the NLRB is a kind of a prolabor organization. The NLRB is effective because it is a nonmanagement, nonlabor, independent board. It promotes stable and productive labor relations. If they are not able to do their job, our whole society breaks down.

Let me get to the point. The Senator from Arkansas wants to take $25 million out of this and put it into community health centers. I take a back seat to no one in supporting community health centers—consolidated health centers I guess they are now called—and have worked over the years with Senator SPECTER, as a matter of fact, to increase funding for our community health centers. They do a great job. In many cases, they are really the only source for a lot of low-income people who have no health care insurance.

We worked very hard—Senator SPECTER, I, and our staffs—to get a $100 million increase. We are up to slightly over $1 billion now for community health centers, and they need the money. But I do not think they need the money at the expense of taking it out of the NLRB. We gave them a $100 million increase. I believe this will be more than sufficient to help get new community health centers started next year and to adequately fund the ones in existence.

While I support community health centers, this is not the way to get money for them, by taking it out of the NLRB and taking it out of the more rapid resolution of the backlog of cases. Many times, the workers who are waiting to get a case heard are the same ones who are low income and need to have their cases resolved so they can get on with their jobs and their lives.

I yield back whatever remaining time I have.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield such time as he may consume to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Patrick Thompson

from the HELP Committee staff and Mark Battaglini, who is a fellow, be granted the privilege of the floor during the debate on S. 1650, the Labor, Health and Human Services, and Education Appropriations Act.

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

Mr. ENZI. Mr. President, I want to respond to some of the numbers used a minute ago in talking about the number of cases filed and the number of cases disposed of in this seemingly inverted pyramid of backlog of cases. It did not happen that way.

In 1997, there were 37,000 cases pending. In 1998, there were 34,000 cases pending. That is a decrease in the number of cases pending. That is not the same as the number of cases filed. There were 39,000 cases filed in 1997; there were 36,000 cases filed in 1998. Both of those numbers show a decrease in cases—a decrease in the number that were pending and a decrease in the number that were filed. The Senator from Iowa mentioned there was a decrease in the backlog, that they were working that down.

Let me tell you how part of that backlog happens. In my previous life, before I came to the Senate, I was an accountant. One of the people I did accounting for received one of these notices of audit from the National Labor Relations Board. They came in—it was about 10 days work for me—and they looked over all of the accounts and decided at the conclusion of that time verbally, not in writing, that there was no violation. We said: Great; we will wait for your letter. It is my understanding they are still waiting for that letter.

As far as they know, that is still a case pending. All of the work was done, a decision was rendered verbally, and that ought to dispose of it. I know for that year it was still a case pending. For an employer, sometimes this gray cloud hangs over, even after they have been assured there is no problem. That shows up in these statistics of the backlog.

The other number presented, the number they worked, actually increased; the number pending evidently was not pending in the next year. So they were working a full 37,000 cases in 1997, plus a few more to work that backlog down.

This agency has been working the cases. They have been eliminating extra cases, some of which I do not think should have been part of the backlog anyway. Now we are talking about significantly increasing the amount of dollars. There would be an appropriate time to do that.

One of the things we talked about in a hearing in the subcommittee was the legal fees these businesses have to put up when cases are brought, and the cases, in some instances, are frivolous. At any rate, the decision ought to be on whether the small business wins or not, and if they win, they ought to get back the costs they have expended on this.

Part of the testimony in that hearing was from some other employers who would never take a case to the NLRB because they know it is going to be more expensive to fight it than to pay it. That is not the way the American Government is supposed to work. Businesses are not supposed to live in fear of expensive litigation by their Federal Government with their tax money.

Perhaps an increase ought to accompany making a change where there is some reimbursement for these small business employers who win—only when they win. But there could be a degree of fairness built in this at the same time there is an increase. Until that happens, the community health centers are the place to put the money.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first I will speak to procedure and then to substance.

I apologize to my friend from Arkansas, for whom I have a lot of respect even though we do not agree on all issues. I used the words ''sneak through,'' and I should not have said that. He is above board, and I know that. However, I do want to make it clear, my very good friend, Senator HARKIN, was talking to someone when that happened and therefore was not fully aware of this agreement.

The fact is, on our side we believe this goes against our understanding of the way we operate. There was no intention of going forward with a unanimous consent agreement that would limit this to 1 hour with no second-degree amendments.

I say one more time, I certainly hope my colleague from Arkansas will understand that. I hope he will understand this is above and beyond the debate. We can always debate issues. This is generating a lot of anger and indignation.

For my own part, I am committed to doing a second-degree amendment on every amendment that comes to the floor forthwith, with no time limit at all, because I believe this should not have gone this way as a unanimous consent agreement.

The reason I feel strongly about the procedure is because of the substance of what this is about. To me, it is a matter of justice delayed is justice denied. I tell you, what is real important in our country is that people have the right to organize and bargain collectively, to earn a decent living, to give their children the care they know they need and deserve.

Frankly, we ought to be doing much more by way of labor law reform. But when you cut into the NLRB's budget, and you are going to reduce staff by an additional 100 women and men, the only thing you are doing is you are making it impossible for many working people to have justice.

I do not even know the figures because I came rushing to the floor when I heard about this, but there are well over 10,000 people who are illegally fired. And quite often——

Mr. HUTCHINSON. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. HUTCHINSON. Is the Senator aware that the amendment does not cut the budget for the NLRB, that it only flat-lines, it only eliminates the increase in funding at a time when only 4 percent are being adjudicated and the number of cases is falling?

Mr. WELLSTONE. I say to my colleague from Arkansas, I am well aware that it flat-lines, but it is similar to what we talk about with the veterans' health care budget. When you flat-line, and you do not take into account additional inflation, then basically the effect of it is a reduction.

My understanding is that you have a reduction of about 5 percent. If that is the effect, and if we cut into the man and woman power requirements of the National Labor Relations Board, I am unalterably opposed to this because working people in this country have a right to be able to make an appeal. It should not be profitable for companies to illegally fire people. It should not be easy for companies to break the law. When we try to go after the NLRB, what we are doing is going after the rights of working people.

So I say to my colleagues, an awful lot is at stake here. The National Labor Relations Board is all about a framework of laws we have set up in our country. It is all about making sure working people have certain rights. I think this amendment guts some of those rights by basically stripping away some of our enforcement power.

So I say to my colleague on the other side of the aisle that I do not accept this choice he presents to us. I think my colleague from Iowa probably will be talking about what he has heard from the community health care clinics. But to pit one group of low-income citizens against another group of low- and moderate-income people, working-income people, I think is simply outrageous.

Knowing the people I have met who work at the community health care clinics, I doubt the people who work at our community health care clinics are interested in some additional funding for them if that means taking away from the rights of working people. We are basically talking about the same group of citizens—hard working, not necessarily making a lot of money,

hoping that they will get a fair shake, hoping that they will get decent health care, or hoping that their rights will be respected.

I again say to my colleagues that when you flat-line the budget, you effectively cut the budget. You cut into the NLRB's capacity and ability to represent working people. There will be more and more and more delay. As my colleague from Pennsylvania said, justice delayed is justice denied. That is what this amendment is—it is a justice delayed/justice denied amendment as it affects working people in this country.

Therefore, I would like to have the opportunity—we would like to have the opportunity to offer a second-degree amendment. I hope my colleague from Arkansas will reconsider, given the fact that there is, at best, confusion about what happened; and we are hoping we can go on together in good faith. If not, I say, one more time, that for my own part, I will just offer second-degree amendments to every single amendment offered on the other side of the aisle, with no time limit whatsoever.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How much time does the Senator from Pennsylvania have left?

The PRESIDING OFFICER. Eight minutes 40 seconds.

Mr. HARKIN. If I could have 3 minutes.

Mr. SPECTER. I yield 3 minutes to Senator HARKIN.

Mr. HARKIN. I appreciate the Senator yielding.

I hope I can have the attention of Senators and the Senator from Arkansas, the proponent of the amendment.

I just spoke with the National Association of Community Health Centers on the phone. They said to me that I could say the following things publicly:

No. 1, they did not ask for nor seek this amendment.

No. 2, they are quite happy with the Specter-Harkin increases that came in the appropriations bill and hope that we can keep it in conference—which I publicly assure them and others that we will do everything we can to keep the $100 million increase.

And, No. 3, while they appreciate the intention of the Senator from Arkansas to get more funding for community health centers, they do not want it to happen at the expense of the NLRB.

So I just spoke with the National Association of Community Health Centers. I wanted to make that point; that they would not want this to happen at the expense of the NLRB.

I yield back my time, I guess.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. If I might just respond to the Senator from Iowa.

I do not know who he spoke to at the health centers. I suppose whoever it was is a spokesman for all of them. But the ones I would like to speak for are the 83,000 people who could be served if this amendment were adopted. The $25 million, it is estimated, would allow these health centers to be able to serve 83,000 more people. Those are the ones I am concerned about. I am not so much concerned about whoever in Washington, DC, decided that the NLRB needed a big increase.

The fact is, the NLRB has said with this increased funding they will hire 122 more people, and they will buy an $11 million computer system. So I would say to the Senator from Minnesota, that is the issue. Do you want an $11 million computer system for the NLRB and 122 more employees or do you want to help 83,000 more people to get health care in the delta and the poor areas of this country who are currently not receiving it?

It is a pretty simple issue. We can try to cloud it with parliamentary questions. We can try to cloud it with questions about a UC that was adopted. But there is a very fundamental question in which I believe very strongly.

I oftentimes hear the Senator from Minnesota speak with great passion and the Senator from Iowa speak with great passion as to how they are prepared to create a problem in the Senate in order to further their goals. I admire them. I respect them for their commitment.

I just say, I have a deep belief about those who are being served by these community health centers. I have visited them. I see the good work they do. I see the fact that poor people can walk in and not have to worry about presenting an insurance policy in order to get help. I know the value of helping those little children in the delta when they get preventive health care services now and what that is going to save us down the line, not only in terms of our budget but in terms of the quality of life that they are going to be able to live.

Once again, I reiterate the numbers concerning the NLRB. We have seen, over the last 25 years, their budget cut by 21 percent, while the caseloads have dropped 31 percent. This isn't a new thing. Last year, we flat-lined their budget, and the result was they had fewer cases filed and a smaller backlog with a flat-line budget.

I think anybody who will listen to the arguments and look at the numbers will have a difficult time accepting the logic that they need to hire 122 more people and buy an $11 million computer system, having a $25 million increase in their budget at a time we could be helping poor people get health care around this country.

So it is a very clear question. I think clouding it is not the answer as to how we resolve it.

I reserve the remainder of my time.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. I think we have just reached an agreement informally, which I would like to propound now as a unanimous consent request.

The earlier unanimous consent request prohibiting a second-degree amendment is vitiated. We will now proceed to have the Senator from Arkansas offer a second-degree amendment to his first-degree amendment. We will have 30 minutes of debate.

It has now been reduced to writing. I will begin again. I ask unanimous consent that the previous consent agreement relating to the pending Hutchinson amendment be vitiated. I ask consent that prior to a motion to table the second-degree amendment to be presented forthwith by the Senator from Arkansas, the time be limited to 30 minutes equally divided, and following the disposition of the Hutchinson second-degree amendment, Senator WELLSTONE will be recognized to offer a second-degree amendment.

Mr. HUTCHINSON. Reserving the right to object—and I don't intend to object—should the motion on my second degree be a motion to table and the tabling motion failed, would my second degree still be the pending business? I need an up-or-down vote.

Mr. SPECTER. If it fails, then Senator WELLSTONE will be recognized for offering a second degree.

Mr. HUTCHINSON. Should the motion to table fail, I would assume by voice vote my second-degree amendment would be adopted, and then at that point Senator WELLSTONE would be recognized to offer a second degree. Is that the understanding?

Mr. HARKIN. I could not hear all of this.

Mr. HUTCHINSON. My question is, at the end of the 30 minutes of debate on my second-degree amendment, should there be a motion to table my second degree, and if the motion to table were to fail, my assumption is that we would at that point adopt my second degree by voice vote, at which point Senator WELLSTONE would be recognized to offer his second degree. I just wanted that clarified.

Mr. HARKIN. That is right.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Reserving the right to object, a question to the manager: Wasn't there a time limit agreed

to, if there is a Wellstone second degree. I thought we were at 30 or 45 minutes equally divided.

Mr. SPECTER. Will the Senator from Minnesota be willing to stipulate now to a time agreement, if he is to offer a second-degree amendment, say, to 30 minutes equally divided?

Mr. WELLSTONE. Mr. President, let me say, in good faith, that I am not going to make it open-ended. I am now waiting word from other offices as to who will be down here, so I can't agree to a time limit, although I don't intend to extend it for hours. I have to wait and see how many people want to speak. For right now, I think we should leave it as it was and hope my colleagues will trust me that I am not trying to drag it on and on. I can't agree to that right now.

Mr. COVERDELL. Mr. President, a question to the Senator from Minnesota, it is your anticipation that it would be relevant to the first degree?

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from Pennsylvania? Without objection, it is so ordered.

Mr. SPECTER. No objection to the unanimous-consent agreement which we have propounded with modifications.

The PRESIDING OFFICER. Yes. The request is agreed to.

The Senator from Arkansas.

AMENDMENT NO. 1834 TO AMENDMENT NO. 1812

(Purpose: To transfer amounts appropriated)

Mr. HUTCHINSON. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 1834 to amendment No. 1812.

Mr. HUTCHINSON. 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:

Strike all after the first word and insert the following:

''OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

''SEC. . Notwithstanding any other provision of this Act, $25,471,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).''

Mr. HUTCHINSON. Mr. President, under the UC, it is my understanding that there is no time limit currently on the second-degree amendment.

The PRESIDING OFFICER. There are 30 minutes under the unanimous consent, equally divided on the Senator's second-degree amendment.

Mr. HUTCHINSON. That is fine.

I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, will the Senator yield me a couple minutes?

Mr. SPECTER. I do.

Mr. HARKIN. I don't mean to take any more time of the Senator from Arkansas. I can't help poking a little bit at him before the vote.

It is interesting that the Senator from Arkansas is trying to take $25 million out of the NLRB for the community health centers. Why didn't the Senator from Arkansas try to take $25 million out of the defense appropriations to help the community health centers? Why didn't he try to take $25 million out of energy and water or all the other 12 appropriations bills that came down here? Why go after the NLRB?

As I pointed out, I just spoke with the Association of Community Health Centers. They said that while they appreciate his intentions of giving them more money, they don't want to do it at the expense of the NLRB. I hope the amendment will be defeated.

Mr. HUTCHINSON. Mr. President, my staff talked to the community health centers, and they clarified that they do not oppose this amendment. In fact, while they may have concerns about how they are getting involved in a political fight before the Senate that may affect their relationship with the appropriators, in fact I think they would very much welcome the additional $25 million for health care in rural areas. That is where their heart is. They want to help people. They are not going to turn away $25 million to help.

The Senator from Iowa is concerned about why I didn't take this from the Department of Defense bill or shift it from something else, and why we chose the NLRB. I think I made that case very convincingly. They have done an excellent job. They ought to be commended for their priorities and their impact analysis system by which the most critical cases are taken first.

They have seen a decrease in the backlog. They have seen a decrease in the number of cases being filed—all the time not seeing an increase in their budget. To increase it by $25 million so they can buy an $11 million computer and hire 122 more people at a time when there are tens of thousands of people in the poor areas of this country being left uninsured and without access to basic health care, I think, is a pretty easy call.

While I think I can make a strong case for why we need to increase defense spending, when we have treatment goals failing in virtually every branch of the military, with the exception of the Marines, and when we see tens of thousands of our men and women in uniform on food stamps, I can tell you why I didn't take it from defense. But the more important question is why NLRB? Because it is a Washington bureaucracy that is going to get bigger under that plan to buy a computer and hire 122 more people at a time when they have seen a decrease in the workload. That is why. It is very simple.

I know there is a need in the community health centers, and I want to help them. This is a little bit of help. It is enough help to provide health care for an additional 83,000 people nationwide. And some of those folks are going to be in the delta of Arkansas.

This is not a difficult amendment to vote for. It is a pretty easy case. I have had to come down and defend a lot of amendments on this floor, but I don't think I have ever had one that I felt more strongly about personally or for which it was easier to make the case.

The budget for the NLRB has been cut over the years. From 1980 to 1998—over that 18-year period—their budget declined 21 percent. That sounds pretty bad until you realize the number of charges received and processed declined 10 percent more than that—31 percent.

To stand on the floor of the Senate and say we are disenfranchising, that we are denying justice by not increasing by $25 million the budget for a Washington bureaucracy, I am sorry; I don't think that sells. And I don't think it is too convincing to those who are going to be denied health care by the defeat of this amendment.

They have done a good job in reducing the backlog. They have done a good job in seeing a fewer number of charges. And they have done so with lower budgets over the last 18 years. It doesn't make any sense now to increase it dramatically by $25 million so they can hire 122 more people and buy an $11 million computer system.

I suggest that money would be better used by people in the poor communities, in the rural areas of this country, to ensure that they can walk in—44 percent of them are children—and not have to worry about presenting insurance documentation when they go into these health centers; that they can get treatment. Eighty-three thousand more people would be served. I ask my colleagues to support this amendment.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, I commented earlier that I would defer to the statistics. I am about to put a detailed chart into the RECORD. It is true that the backlog went down from about 6,200 to about 5,500 because we added $10 million to the budget. We are now proposing to add approximately $24 million to the budget, which will buy a computer, which is not inexpensive. Computers are expensive. That will enable the NLRB to move part way into the latter part of the 20th century, if not the 21st century.

The projection is that the backlog would then be reduced to about 1,960

cases. If this is not done, there are many employees who are now at the NLRB who would be lost. I think it is plain that for the NLRB to keep up with the backlog and do its job, they need these additional employees.

I ask unanimous consent that this chart be printed in the RECORD.

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

MAJOR WORKLOAD AND OUTPUT DATA

	FY 1998 actual	FY 1999 estimate	FY 2000 request
(1) Regional Offices:			
Unfair Labor Practice (ULP) Cases:			
Situations Pending Preliminary Investigation at Start of Year	7,434	6,198	5,487
Case Intake During Year	[1] 30,422	30,200	32,000
Consolidation of Dispositions	[1] 2,327	2,880	2,880
Total ULP Proceedings	29,331	29,831	32,647
Situations Pending Preliminary Investigation at End of Year	6,198	5,487	1,960
Representation Cases:			
Case Intake During Year	[1] 6,215	6,179	6,179
Dispositions	3,091	3,012	3,218
Regional Directors Decisions	769	704	722
(2) Administrative Law Judges:			
Hearings Pending at Start of Year	1,210	1,106	1,046
Hearings Closed	444	521	573
Hearings Pending at End of Year	1,106	1,046	958
Adjustments After Hearings Closed	0	1	1
Decisions Pending at Start of Year	216	134	120
Decisions Issued	528	538	590
Decisions Pending at End of Year	134	120	107
(3) Board Adjudication:			
Contested Board Decisions Issued	426	532	556
Representation Election Cases:			
Decisions Issued	275	237	248
Objection Rulings	214	171	187
(4) General Counsel—Washington:			
Advice Pending at Start of Year	58	129	172
Advice Cases Received During Year	762	716	760
Advice Disposed	691	673	785
Advice Pending at End of Year	129	172	147
Appeals Pending at Start of Year	980	910	1,077
Appeals Received During Year	3,316	3,313	3,401
Appeals Disposed	3,386	3,146	3,828
Appeals Pending at End of Year	910	1,077	650
Enforcement Cases Received During Year	271	287	304
Enforcement Briefs Filed	145	152	161
Enforcement Cases Dropped or Settled	63	64	68

[1] Actual figures for FY 1998 are preliminary and still being reconciled.

Mr. SPECTER. Mr. President, I had announced earlier my hope to stack the votes. But in light of the procedural context that we are in now, I am advised that there will not be an agreement to set this amendment aside. It is my hope that we can vote as promptly as possible.

I move to table the Hutchinson second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I commend the Senator from Arkansas for his amendment.

I have followed the activities of the NLRB for many years—since I came to the Senate, in fact. It is certainly not clear to me that this agency needs a $25 million increase over last year's level—particularly when the subcommittee was forced to be so frugal with a number of other high priority programs.

I support the reallocation of these funds to the Consolidated Health Services account for the Community Health Centers. We have long worried about access to primary health care for low-income families. This amendment is a way that we can provide such care for 83,000 more Americans.

The Senator from Iowa said that he was told the association representing community health centers did not request this amendment. I cam appreciate the rationale of the association. They, of course, recognize the hard work done by the subcommittee in putting together this bill and wish to support that by taking a neutral position on the Hutchinson amendment.

However, let's put the amendment in perspective. The NLRB is getting a $25 million increase—an unprecedented increase—over 10 percent. There has been no justification offered for this increase. The caseload has consistently declined over the decade.

Now, the appropriations committee has provided an increase for the community health centers of $99.3 million. This is badly needed, comparison with the NLRB notwithstanding.

The additional funds provided by the Hutchinson amendment would permit health centers to serve 83,000 more people. That is the most important point, to me.

Mr. President, let's compare: $25 million for 122 more federal employees and new computers versus health care for 83,000 Americans. This is a no brainer for me.

I hope it is for my colleagues as well. I urge Senators to support the Hutchinson amendment.

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Illinois.

Mr. DURBIN. Mr. President, is there still time remaining on the Hutchinson amendment?

The PRESIDING OFFICER. There is.

Mr. DURBIN. If that time is allocated to each side, if I might yield to the chairman of the subcommittee at this point, I don't want to delay the proceedings, if he wants to move to a vote. It is my understanding there is time remaining on the debate.

Mr. SPECTER. Mr. President, as manager of the bill, I do wish to move to a vote. I would be delighted to hear how much time the Senator from Illinois wants, to hear his closing argument, and then to proceed to a vote on the tabling motion.

How much time would he like?

Mr. DURBIN. Ten minutes would be more than enough.

Mr. SPECTER. I agree. There is another unanimous consent agreement on top of that. I ask unanimous consent that after the Senator from Illinois speaks for up to 10 minutes, we move to a vote on the tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. With 2 minutes for Senator HUTCHINSON to close.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank the chairman of the subcommittee, the Senator from Pennsylvania.

This is a difficult choice which is offered to us by the Senator from Arkansas in terms of transferring money because hardly any Member of the Senate will argue that community health centers should have more resources. We opened a new one in my hometown. It is very important in many rural areas. In smalltown America, these community health centers provide health care that is not otherwise available. So in that regard I applaud his effort. I only take exception to his source.

The National Labor Relations Board has been a pain in the side of big business for over 60 years because it is a mechanism for dealing with disputes between employers and employees and employees and labor unions.

There has been an effort by those who cannot repeal the law creating this agency to reduce the resources of the agency and make the delays in the backlog so insufferable that the agency virtually was stopped in its tracks. Not that many years ago there was a hard freeze on this agency which resulted in slowing down the process for years.

As I travel around the State of Illinois, and I listen to my colleagues from other parts of the Nation, I find that if you are trying to organize a plant, for example, to bring in a labor union, and there is some dispute about whether both sides are following the law, it is almost impossible to turn to the NLRB and expect a timely decision on violations of the law. As a consequence, the whole effort of collective bargaining, which has been a recognized legal right in this country for decades, is jeopardized because of efforts to strangle this agency.

This is not a voluntary reduction in NLRB funds. This is an effort to stop its mission. Frankly, I think that is a serious mistake because we understand as well that some of the rights that are protected by the National Labor Relations Board were rights that were fought for over the years by many people who gave their blood and their lives to make certain that the concept principle of collective bargaining would be recognized.

Listen to this about the agency backlog currently facing the NLRB. Despite the agency's success in screening out tens of thousands of public inquiries and voluntarily resolving the vast majority of its representation in unfair labor practice, backlogs continue to grow with no concomitant increases in staffing.

I salute the chairman of the subcommittee, the Senator from Pennsylvania, and his counterpart on the Democratic side, the Senator from Iowa. They have recognized it and put $25 million into the NLRB.

When you look to where this money is being spent, it is for things that are absolutely essential—training the people who work there, the attorneys, the hearing officers, and the like to make sure people get a fair chance and their day in court.

The Senator from Arkansas closes out that possibility. He takes the $25 million away.

Some of the funds here are used to modernize computer equipment to deal with the Y2K problem. The Senator from Arkansas, by cutting $25 million, makes that more difficult to achieve. A lot of the money is used for basic administration of the agency, relocating people where they are needed, where the workload is growing. The Senator from Arkansas steps in the path of that. I suggest to those listening to the debate on this amendment, don't just dwell on where the money is going. Look to the source of the money.

The Senator from Pennsylvania very eloquently has presented the fact that the backlogs are still a problem and, if we adopt the approach of the Senator from Arkansas, we are going to be, if not turning out the lights, dimming the lights in a very important agency where justice is part of the agenda; in fact, it is the reason for the existence of the agency.

Looking at what the NLRB has accomplished in a very short period of time, one understands why they need to be in business and fully staffed. Last year, the National Labor Relations Board cases resulted in reinstatement offers to 4,500 American employees who alleged unlawful firing or layoff. They also had cases that resulted in back pay and other monetary recovery to more than 24,000 American workers totaling more than $92 million. They also held nearly 3,800 representation elections affecting a quarter million American workers.

What the Senator from Arkansas does with his amendment is restrict the power of this agency to do its job, to say to America's workers from one coast to the other, they are not going to be able to call this agency and expect it to be there and be responsive.

If you decide in a democratic election by majority vote at your business to bargain collectively and to seek representation of a union, the Senator from Arkansas makes sure your telephone call goes unanswered at NLRB when you need a helping hand to resolve a dispute between employer and employee. If you are someone fired and fired illegally or unlawfully, who turns to the Federal legal network, the National Labor Relations Board, and says, I was discriminated against, I was unlawfully fired, the Senator from Arkansas makes certain your telephone call is not likely to be answered.

Mr. President, $25 million is taken out of the agency, including money for computer modernization. On the whole question of whether or not you are going to have union representation in a free and democratic process and whether you have the National Labor Relations Board to make sure both sides follow the rules, the Senator from Arkansas, with his amendment, takes the $25 million out of this agency which is necessary for them to keep up with their workload.

I say those who oppose the National Labor Relations Board and want to close it down should do it in a clean vote. Put your amendment on the floor to close it down, have it up or down, and decide whether American workers will have this forum for protection or not. But to bleed off from this agency $25 million they need to protect workers across the United States in the name of helping community health centers is a tactic that should be exposed for what it is. It is an effort to take away from a very important agency the resources they need to respond to the requests of American workers across the Nation.

I might add for those who think this is another labor amendment or antilabor amendment, those who dispute the treatment under their labor agreements, employees who believe labor organizations are not treating them fairly, have the National Labor Relations Board to turn to as well; it is not just the private sector companies.

American workers' rights are at stake here. This is not just a question of health care in rural areas, which I support; it is a question of whether or not we will protect the hard-fought-for rights of American workers across the Nation.

I urge my colleagues to support the efforts of the Senator from Pennsylvania, Mr. SPECTER, to table this motion, to stand by this subcommittee, and make sure the National Labor Relations Board has the resources it needs to do the job that is very important to American workers.

I yield the floor.

Mr. HUTCHINSON. Mr. President, I regret that the Senator from Illinois implies that I deny the employees of this country their right under the National Labor Relations Act. I certainly would not imply by his position that he supports denying 83,000 Americans health care served under the $25 million added to the budget of the health centers. I wouldn't make such a suggestion. I regret he made such a suggestion before the Senate.

If we were denying justice for employees, I would not offer this amendment. The reality is, we are not cutting a dime from the NLRB. We are only eliminating the $25 million increase so they can hire 122 more employees and a computer system at a time when the caseload is decreasing. Mr. President, a 31-percent decrease in caseload I don't think justifies a $25 million increase in funding.

It is not hard to understand. Make that case to the American people. I will go out and say this is what we should do, flat-line their budget at a time they have decreasing workload and put more money into community health centers. That is what this amendment does.

If Members want to vote against community health centers and vote for more bureaucracy, Members have their opportunity. I want to serve those 83,000 people who will receive health care because of this $25 million infusion into this very worthwhile program. It is bureaucrats at the NLRB—122 more employees—or serving people who need health care, primarily children.

I ask my colleagues to support the children of this country, not the bureaucrats in Washington.

The PRESIDING OFFICER. All time has expired.

Under a previous order, the question is on agreeing to the motion to table amendment No. 1834. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—50

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Fitzgerald	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Conrad	Kerry	Specter
Daschle	Kohl	Stevens
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NAYS—49

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Domenici	Mack	
Enzi	McConnell	

NOT VOTING—1

McCain

The motion was agreed to.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1812

The PRESIDING OFFICER. The question is on agreeing to the underlying first-degree amendment.

The amendment (No. 1812) was rejected.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, under our sequencing arrangement, Mr. ENZI, the Senator from Wyoming, is next on the list. We are then going to move to the Senator from Florida, Mr. GRAHAM. We are trying to get time agreements here to move the bill along. We have a long list of proposed amendments which were filed as of 2 o'clock which we are going to try to window here.

Mr. WELLSTONE. Could we have order in the Chamber, please.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. SPECTER. May I yield to the Senator from Wyoming for a brief statement as to his amendment? He has already stated a willingness to have 30 minutes equally divided. Let's see if we can get a time agreement.

Mr. REID. We object. We have objections on our side. There is no chance for a time agreement. This deals with OSHA? Objection.

Mr. ENZI. If I could briefly comment, this is a change in the OSHA budget. But what it does is allocate a portion of the——

Mr. HARKIN. Regular order, please.

The PRESIDING OFFICER. Please, the Senate will come to order.

Mr. HARKIN. Mr. President, the Senate is not in order. I also ask for the regular order.

The PRESIDING OFFICER. The Senator from Pennsylvania was last recognized.

Mr. SPECTER. May I just suggest then that the Senator from Wyoming send his amendment to the desk and proceed since we have had an indication of the unwillingness to have a time agreement.

AMENDMENT NO. 1846

(Purpose: To clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes)

Mr. ENZI. Mr. President, I call up amendment No. 1846.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 1846.

Mr. ENZI. 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 13, line 14, insert after ''1970;'' the following: ''*Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,500 shall be used to carry out the activities described in paragraph (1) and $16,883,500 shall be used to carry out paragraphs (2) through (6);''.

Mr. ENZI. I ask unanimous consent to have a technical correction from what the legislative service drafters had, to change ''line 18'' to ''line 14.''

Mr. WELLSTONE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I would like to object until I look at the change in the language.

The wrong page number. I do not object.

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

Mr. ENZI. Mr. President, today as Americans head off to work, 17 of them will die and 18,600 of them will be injured on the job. All of us on the Labor Committee have worked very hard to make sure those numbers come down—not go up. We do not want an increase; we want a dramatic decrease in deaths. We want a dramatic decrease in the number who are injured. I repeat: 17 working Americans will not be returning home tonight because they will die on the job.

As chairman of the Worker Safety Subcommittee, I feel responsible to those families for making sure we are doing all we can to prevent those horrible accidents from occurring in the first place. I feel responsible for finding solutions that will help protect more workers from harm.

The Occupational Safety and Health Administration, OSHA, is the Government agency responsible for regulating safety laws in America. The way OSHA is supposed to work is that it should be providing helpful assistance to the overwhelming number of employers who are actively pursuing safer workplaces. And I can tell you that according to OSHA:

. . . 95 percent of the employers do their level best to try to voluntarily comply with OSHA.

''Voluntarily comply with OSHA''—that was stated by Frank Strasheim, the Deputy Assistant Secretary of OSHA.

Simultaneously, OSHA should be effectively targeting those employers who are willfully disregarding safety laws. They should be inspecting them. They should be fining them. And they should follow up to ensure the bad practices are stopped before accidents occur.

But everyone knows that is not what is actually happening. What is happening is that OSHA lumps all employers together—both the good and the bad—treats them the same, and tries to inspect and fine them all, no matter how small or ridiculous the violation. Meanwhile, serious and potentially deadly practices go uninspected and unstopped. The result is disastrous and, unfortunately, often fatal.

I am not trying to decrease any funding for OSHA. What this amendment does is shift the emphasis so that there is some money being spent on consultation. We have had a lot of hearings. We have had a lot of discussion. We have said that prevention is where we want to be, prevention of an accident, not persecution after a death. That is not how this is supposed to work.

As reported in the Associated Press, three-quarters of the worksites in the United States that had serious accidents in 1994 and 1995 had never been inspected by OSHA during this decade. The report also showed that even OSHA officials acknowledge that their inspectors do not get to a lion's share of lethal sites until after accidents occur because it takes OSHA, according to the AFL–CIO, over 167 years to reach every worksite in this country. We want them to be able to serve everyone, but 167 years? That means the budget would have to be increased 167 times to do that. The fact is that OSHA neither helps those good-faith employers who want to achieve compliance with the safety laws, nor effectively deters bad employers from breaking the law.

How long does it take to get an inspection? That varies quite a bit by State. Those that are State plan States get a little bit more frequent visits than those that are not State plan States. So the Federal ones, some of them, it will be more than 200 years that they have the odds of not getting an inspection.

This point is so important, I will say again, because it takes OSHA over 167 years to reach every worksite in this country. The fact is that OSHA neither helps those good-faith employers who want to achieve compliance with safety laws, nor effectively deters bad employers from breaking the law. OSHA's response has been to ask Congress for more and more enforcement dollars. I say that response is no response. I say that response only begs the question. Using OSHA's framework, the scenario would be as follows: Since it takes 167 years for OSHA to investigate every worksite in the country, we would need to increase OSHA's enforcement budget 167 times in order for OSHA to inspect every worksite every year. It doesn't take as long when they are doing consultation, and it reduces accidents.

Increasing it 167 times would be a reckless, unrealistic suggestion that

doesn't even get to the heart of the problem. That is not even the worst part. The worst part is what OSHA's response for more enforcement dollars says to those 95 percent of employers who are doing their level best to comply. It says: Hey, Mr. Good-Faith Employer, we know you are trying to comply, but you are out of luck because even if you are trying to be safe, if you don't know what you are doing, or if you make a wrong interpretation of the statute, we are going to fine you. We are going to fine you big.

Here are the facts: Employers have to read through, try to understand and interpret, and implement over 1,200 pages of highly technical safety regulations—1,200 pages. That is what I have right here. Do you know how big numbers like that are in Washington? I want to make this clear as possible so I brought a little show and tell.

Before I do that, I yield to the Senator from Georgia.

AMENDMENT NO. 1885 TO AMENDMENT NO. 1846

(Purpose: To clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes)

Mr. COVERDELL. Mr. President, I offer a second-degree amendment and send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1885 to amendment No. 1846.

Mr. COVERDELL. 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:

Strike all after the first word and insert the following: ''That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6);''.

Mr. COVERDELL. I yield the floor.

Mr. ENZI. Mr. President, I was mentioning these regulations, these 1,200 pages of regulations. That is what we expect the businessman to know, understand, and implement. Just imagine, Dodd's Bootery in Laramie or Corral West Ranchware in Cheyenne or Bubba's Barbeque in Jackson. They are supposed to have understood all five of these huge volumes. There are more pages in these OSHA regulations than ''Gone with the Wind'' or ''The Canterbury Tales'' or even the Old Testament and the New Testament combined. Adding insult to injury, in many cases OSHA's regulations are so complicated and so complex that even if you read through it all, deciding one correct interpretation of a rule is nearly impossible.

Take OSHA's draft safety and health rule, for example. This is the draft one. This is one I have a lot of concern about. What this draft rule would require is for almost all employers, regardless of their size or type, to put in place a written safety plan. Now, I am in favor of safety plans. I know that safety plans make a difference in safety in the workplace. I have watched that. But this is a draft rule. It sounds right. This is not only mandatory, but the elements of the rule are completely subjective to human nature.

For example, the rule requires the program, and I quote, to be ''appropriate'' to conditions in the workplace and an employer to evaluate the effectiveness of the program. He is supposed to evaluate the effectiveness as often as necessary, and where appropriate, to initiate corrective action. So I throw out this question to the Senate: How often is as often as necessary? Is it once a month? Once a week? Every day? I can envision 1,000 different responses from 1,000 different angles. So how on Earth do we expect small businesses to cope, not only with reading these five volumes but also to understand what is meant by them, how OSHA would interpret them, and then to draw up a safety plan?

That, however, is exactly what the draft rule expects every small business in this country to do. The safety subcommittee, which I chair, has had two hearings examining the effects of OSHA. The first was a hearing to highlight how so many good-faith employers want safe workplaces but are drowning in these 1,200 pages of highly technical safety regulations. Every single one of the employers who came to the hearing agreed that they were left to their own to comply with every one of the thousands of rules without helpful assistance from OSHA.

The second hearing we held was about the flip side of that coin, how OSHA is not deterring the bad employers from willfully violating safety laws either. The subcommittee heard from family members who lost loved ones in workplace accidents and how OSHA neither helped prevent those accidents from occurring nor adequately responded after the accidents took place.

To those people who have told me that the new OSHA is on the right track and that ''if it ain't broke, don't fix it,'' I ask them to read through our hearing transcript and see if it will change their minds. Since I don't have much time, I would like to tell my colleagues about one of the witnesses who testified before our subcommittee whose name is Ron Hayes.

In 1993, Ron and his family didn't know much about OSHA and were not all that active in the worker safety scene. But in 1993, Ron's 19-year-old son, Patrick, was killed at his job in a grain elevator in Florida after being pulled under the grain and suffocated. Losing his son changed Ron's entire life. Since that time, Ron has worked day in and day out to get answers about how to make employees safer and healthier.

Ron and his wife, Dot, struggled to understand why more hadn't been done on behalf of their son and what could be done in the future to change the tide of workers' injuries and deaths.

Ron and Dot founded Families In Grief Holding Together, called FIGHT. It is a project to help other families enact changes in the arena of workplace safety and to work through grief. Ron Hayes is one of the most courageous and honest people I have ever met in my life, not to mention the fact that he has become one of the most proficient OSHA experts in the country. His story continues to inspire me and push me forward.

Reading an excerpt from Ron's testimony:

Each year over 10,000 people are killed on the job. In 1993, one of those who died was our beloved son, Patrick Hayes. I did not come here today to rebuke or chastise anyone. I am simply here to plead—no, to beg you great statesmen to work together to come up with positive solutions for a better agency. No one wants to get rid of OSHA, we just want the agency to do its job, protect workers, help train and support business. I ask you great statesmen to lay down your party affiliations and work toward a common goal.

I often wonder why the good businesses in our country continue to stay safe. Sometimes they are at a disadvantage by their own good deeds. These good businesses build into their product or bids safety measures and are sometimes undercut or underbid by other uncaring business owners, so under our present OSHA system, where is their benefit? The bad companies know OSHA is ineffective and because of the length of time it will take OSHA to inspect every work site or get around to inspecting them, the odds are on their side and even if caught, they know OSHA will not do much.

OSHA's reactive enforcement methodology has not and is not working. Letting OSHA continue in this manner and giving them more and more money each year for enforcement and getting less and less each year is just crazy. Someone has to take a stand and make some hard decisions for our very future.

Ron's strong, unwavering stand is that OSHA consultation, rather than reactive ''find and fine'' enforcement, is the answer that will save workers like Patrick from being killed on the job.

I agree with Ron. That is why I am here today with this amendment.

The amendment isn't to decrease the enforcement of OSHA. The amendment is to make sure there is an increase in consultation, an increase in the people who go to the places to look for the problem, interpret the problem, suggest the solution, and also make it a bigger penalty if they come back later and it hasn't been solved.

My amendment is simple. It puts half of the $33 million increase into OSHA's budget, into a consultation group program that helps employers know how to comply. The other half is still an increase directed towards OSHA enforcement.

What is OSHA consultation? OSHA consultation is the effective alternative to OSHA enforcement. It is what is currently working well and is highly praised by employees and employers. It is praised by the agency, and it has been praised by this Congress.

It allows employers to call OSHA and ask them to come in and help them read through the five volumes of OSHA regulations to see what applies to them and how to turn the regulations into tangible safety solutions. It allows employers to ask questions, to get help from the inside, and partner with the agency, all without threat of fines or citations. It makes it a little safer for them to ask OSHA questions. That can be as intimidating as it would be for a person to ask the IRS questions. But the consultation function gives them that opportunity. They are expected to fix what is found.

Consultation works. The fact is that you cannot force an employer to comply with regulations he doesn't understand or does not know how to implement. It doesn't do any good to threaten employers to comply when they do not know how. If an employer isn't getting the help he needs, an inspection won't make the difference. The key is helping employers to understand what the regulations mean and how they work.

Consultation is the answer because it puts the emphasis on partnership, cooperation, and information sharing. And if, as OSHA estimates, 95 percent of American employers are trying to do the right thing, spending money on consultation is money well spent because the vast majority of employers will take OSHA's suggestions to heart and become safer without the threat of fines and coercion.

That allows OSHA to concentrate on the bad employers, to put some special emphasis there, to go after the people who don't make the correction, the people who aren't interested in safety and are relying on getting away on that 167-year inspection schedule.

You don't have to take my word for it. Look at what Vice President GORE has said about the virtues of consultation:

> No army of federal auditors descends upon American businesses to audit their books; the Government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.

In his Report on Reinventing Government, the Vice President concluded that employers should be encouraged by OSHA to use private safety professionals as a way to vastly improve the health and safety of American workers ''without bankrupting the federal treasury.'' Such an approach would ''ensure that all workplaces are regularly inspected, without hiring thousands of new employees.'' By establishing incentives designed to encourage workplaces to comply, ''[w]orksites with good health, safety, and compliance records would be allowed to report less frequently to the Labor Department, to undergo fewer audits, and to submit to less paperwork.'' He concluded by saying that ''No army of federal auditors descends upon American businesses to audit their books; the government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.''

I agree with the Vice President's praise for consultation. This amendment simply puts the money where our mouths are.

A few final remarks to remind everyone what a balanced approach this amendment really is. Does this amendment tie OSHA's hands on the enforcement front? No. It gives OSHA a 50 percent increase over its 1999 budget to use for enforcement. That is a lot of additional people to hire and train. Does this amendment strip OSHA's ability to go after that thin layer of bad work sites? No. They have more money to go after those work sites than they did last year. What it does do is help those 95 percent of employers who OSHA estimates are doing their best to comply with OSHA and to find safety solutions that work.

It helps them out, too.

This amendment is more of a statement than it is an actual change within the department. Oversight capability of seeing where the money really winds up is pretty limited, but our ability to assign it there in the first place is not.

I am pleased that there is an increase in the budget for OSHA. I am disappointed they didn't designate part of that for consultation as well. Beefing up OSHA's proactive consultation approach empowers both OSHA and the employer to achieve safer worksites.

I have seen these consultation programs work. I have seen people clamoring to have the consultation, and I have seen them get in long waiting lines for it. These are the people who want to comply, who understand that there are 1,200 pages, and who want to do the right thing. But there isn't enough consultation money out there to help them get the consultation in a timely fashion. All we are doing is saying, please earmark some of that money for consultation; don't put all of it into enforcement and persecution.

By voting in favor of this amendment, OSHA's own consultation programs will be extended to even more employers who are seeking safety and health solutions. The result will mean vastly improved safety for America's worksites.

This is something I have been talking about to all of the Members on the committee since I came to Washington. This is an approach that needs to be stated in our appropriations as well. Again, it is not an elimination of safety and not an elimination of inspection but a 50-percent increase in the money going to enforcement. That is what we need to have. But we also need to be sure the consultation programs are improving and increasing and are more accessible in a timely manner. If people have to wait a year for a consultation, accidents can happen. They are interested in doing it. They are ready to budget the money to fix it because if they don't, it doesn't do them any good.

This is an amendment that just places some priority. It doesn't say all we are going to do is enforce and that all we are going to do is find and beat you up and fine you. It says if you will ask the questions, if you are serious about safety, if you want to help, we are going to help.

I hope you will support me on this allocation of money to consultation as well as an increase in enforcement.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first of all, let me point out to all of my colleagues that I think the approach we want to take here if we want to have more funding for consultation is to just simply advance that by the $9 million. But the last thing in the world I want to do is take resources away from enforcement, which is the backbone of worker safety. That is really a flaw of this amendment introduced by my colleague from Wyoming.

As a matter of fact, at our March 4 hearing, a majority of witnesses were asked why more small businesses do not take advantage of free consultation services available in all 50 States. The majority of the witnesses said—this is not a direct quote, but I will paraphrase—that many small businesses don't think they will get inspected, so it is not economical for them to take advantage of these consultations. They feel no need to. The two are interrelated. When businesses really worry about this and know that in fact there are some enforcement laws we can implement, then they are more likely to go to a consultative service.

Again, I really do not understand. It is a little bit similar to the amendment we just had where, on the one hand, you say you have more money for the community health centers and you will take it out of NLRB, which has everything to do with workers' rights to organize, and making sure equally that

people who are fired are going to be able to have their day in court and make their appeal, and there isn't going to be a long delay. In that case, justice delayed is justice denied.

In this case we have an amendment introduced by my colleague from Wyoming that basically takes resources away from enforcement. Standards and regulations are no more than suggestions. They don't mean anything for working people in this country if there is not sufficient enforcement to back them up. Let me repeat that we can have standards and regulations but it is empty, it doesn't mean anything to someone if they can't be backed up through enforcement.

Even with the additions to the President's budget request, OSHA's Federal enforcement funding will fall $3 million below the level it was in 1995. By contrast, during the same period, 1995 to 2000, OSHA's State consultation program has grown from $31.5 million to $40.9 million, an increase of 30 percent.

So I question the priorities of this amendment. The very area where we have not kept up and have not made adequate investment in inspection is the very area from which my colleague from Wyoming takes funds and puts them into the consultation program where we have been making the investment.

Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year. The other 9,500 will go uninspected unless there is a fatality or catastrophic accident. We need more enforcement resources, not less. I will repeat, we need more enforcement resources, not less.

If my colleagues think about the number of people who are killed at the workplace because of an unsafe workplace and the number of people who work with carcinogenic substances which take years off their life or the number of workers who go deaf or suffer other disabling injuries because of an unsafe workplace, I find it almost impossible to believe they are going to take funding away from enforcement.

I hope I don't get myself in trouble for saying this, but this is in some ways a class issue. This is in many ways a class issue. Actually, we are not talking about us and we are probably not talking about most of our sons and daughters. But we are talking about blue-collar workers. We are talking about working-class people. The whole idea of OSHA and the whole idea of NIOSH was to make sure that we followed through on our commitment for a safe workplace. The way to make sure that happens is to make sure we have the enforcement resources—not to have less.

Let me point out that in 1995 and 1996, when OSHA's inspection activity declined dramatically, so did requests for consultation services. Business for private safety consultants also fell and even vendor sales of safety and health equipment declined as well.

I go back again to our hearing that we had March 4. My colleague from Wyoming conducted that hearing where the majority of witnesses said one of the reasons small businesses don't take advantage of the free consultation services is because small businesses don't think they will get inspected.

As I hear my colleague speak about inspection, I hear him making the argument that it takes too long. In fact, I agree with him. But if my colleagues are worried about the delay in inspection, the last thing they want to do is cut the budget that deals with inspection. That is illogical. If colleagues are worried about the delay, the last thing in the world they want to do is reduce enforcement resources.

I point out to my colleagues this is an important vote. Think about the people you represent in your States: 55 percent of all OSHA inspections are in construction, which continues to be extremely dangerous. In 1998, 1,171 construction workers died on the job. Construction workers are about 6 percent of the workforce, but they comprise about 19 percent of workplace deaths. If we think that is too many workers dying on the job, and if the evidence is overwhelming there are still too many unsafe workplaces, and if Members are concerned about workplace safety, then I do not believe Senators can vote to reduce the resources for OSHA inspectors.

Again, I say to both of my colleagues, including my colleague from Arkansas, I don't know why we make this a zero sum game. Why don't we say, yes, let's do even better for consultation.

The second-degree amendment I will introduce will say we don't cut enforcement. I don't think we should. I think that just means we will have fewer inspectors, less inspections, and more workers will die. I don't think we should do that. What we could do is maintain the funding for the inspection, which is so key to worker safety, and add the additional money, forward fund the additional money or advance fund the additional money, it is only $9 million, for consultation. Why continue to play off one good idea versus another or help some business or some workers over here but end up hurting other workers over here?

I don't understand the premise of this amendment. I think it is flawed. I think enforcement is the backbone of worker safety, and this amendment which takes resources away from enforcement also means there will be less safety for workers. That is why I am opposed to this amendment. That is why I hope this amendment will be defeated.

I yield the floor.

Mr. SPECTER. Parliamentary inquiry as to how many more speakers the Senator anticipates on his side.

Mr. WELLSTONE. Mr. President, I think Senator KENNEDY may want to speak. I am not sure that we will have anyone else. I don't know that we will need to spend a lot more time. I think the Senator will be back soon. I have not heard from other Senators.

Mr. SPECTER. Mr. President, would it be in order to entertain a request for a consent agreement? Talk to your colleagues to see if we could fix a time. We have a great number of other amendments pending. We want to move to the Graham of Florida amendment, Senator DODD has an amendment, and we have amendments here. If we could make an agreement to 30 more minutes.

Mr. WELLSTONE. I am pleased to do so; I will let the Senator know.

Mr. HUTCHINSON. Mr. President, I rise to support the Enzi amendment. I compliment the Senator. He has been a tireless worker and leader in the area of OSHA reform. I think on both sides of the aisle no one would dispute Senator ENZI has been the foremost student of OSHA, the way it works, where its failings are. The legislation he has brought forward and his efforts to reform this agency deserve the praise and the appreciation of the American people. I appreciate very much his willingness to offer this amendment.

I think a few things need to be clarified. It does not cut enforcement. The Senator from Minnesota said this cuts enforcement. No, it doesn't. It takes the $33 million increased spending and says half of that will be used for compliance. Over last year's level, there is no cut in what will be available for enforcement. In fact, half of the $33 million increase will continue to go into the enforcement area.

The Senator from Minnesota said the amendment was flawed. It is not this amendment that is flawed. It is the ''find and fine'' approach of OSHA that is flawed and that needs reform. This is a small step, but a significant step that the Senator from Wyoming has offered that will help move away from the ''find and fine'' approach, the enforcement-only approach, the punitive approach to a program and a system that will assist small businesspeople who want to do the right thing, who want to have a healthy workplace, who want a safe workplace and want to comply with OSHA but they need help. Anybody who has ever worked with OSHA, anyone who has ever looked at the OSHA regulation book, knows a small businessman, if he is to comply, needs assistance. So I think this is a very well thought out and a very important amendment.

The Senator from Minnesota, as so many others do, likes to put everything in terms of class warfare. This is not a class issue. It is not in any way

an inference that blue-collar workers should not have protection and should not be assured they are going to work in a healthy workplace and a safe workplace. It is a difference on what is the best approach, on how we best achieve that common goal. It is not a class issue. It is not a class warfare issue, as some would like to make it.

OSHA itself has estimated that 95 percent of small businesses—95 percent of the workplace, employers—want to comply, that they are good actors who want to be in compliance. It is among those 95 percent so many accidents are happening and that is where this kind of amendment increasing employer assistance is going to help. It is going to assist that small businessperson who wants to comply with OSHA but needs help in doing so. It is going to assure them that they are going to have the resources to be good actors and to have a safe workplace.

I do not know what the experience of the Senator from Minnesota has been, or that of others who may be voting on this, but I do know my experience. I was a small businessperson. I know it is unconstitutional, but I almost wish it were a requirement, before serving in the Senate, to be an employer; that you had to deal with Federal agencies and you had to deal with this Tax Code and you had to deal with the regulatory agencies like OSHA. My brother and I owned a radio station and we did just that.

From my experience, let me tell you, we wanted to comply with every OSHA rule, all 1,275 pages. We wanted to comply. But we were a small business that had just a handful of employees, less than a dozen. Frankly, we did not understand. We understood radio, but we did not understand every minute, highly technical safety regulation that OSHA put forward. That is where this amendment would help. It doesn't cut OSHA's funding; it just says let's put half of the increase into compliance, into consultation service for small businesspeople.

It is hard for me to imagine why anybody would oppose this. The Senator from Wyoming has hit upon something. It is very logical. It is very much common sense. The American people out there understand this amendment. Those who may have the opportunity to see this debate and hear this debate, they will understand the difficulty that good actors, people who want to be in compliance, law-abiding businesspeople have in complying with an OSHA regulation book over 1,200 pages long.

We are not saying decrease enforcement. But I will tell you this: OSHA could send an army, we could quadruple the enforcement budget, let OSHA send an army of inspectors out across this country; they still could not get into every workplace in the country. That is simply the wrong approach if we want a safe workplace. The right approach is to put more into consultation services, work with the 95 percent of businesspeople who want to have a good workplace, assist them in ensuring they have it, and we will do more to save lives than under the ''find and fine,'' punitive, enforcement-oriented approach that OSHA has had in the past.

Again, I commend Senator ENZI for remarkable leadership, leadership that has been praised on both sides of the aisle in his tireless efforts to improve the way OSHA operates. I commend him and am glad to be supportive of his amendment today.

I have a chart I will just point to briefly. It shows 61.5 percent of the current budget is going to enforcement; less than a quarter of their budget going to compliance assistance. Senator ENZI has taken the approach that at least half of what we are putting into OSHA's budget ought to go into assistance, not taking a hammer and beating up on the small businessperson who is trying to comply with OSHA's thousands of regulations.

Once again, I am glad to be a supporter of this amendment and ask my colleagues to support Senator ENZI and his continued efforts to make OSHA a better agency and to make the workplace in this country a safer place for American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, first of all, acknowledge the strong interest that my friend and colleague from Wyoming has in the whole area of OSHA. He spends a great deal of time on this issue. Although I have areas of difference with him, he is someone who has involved himself in this issue to a very significant extent. We certainly take note of his longstanding and continuing and ongoing interest in trying to make the workplace safer.

Having said that, I do hope his position will not be sustained on this particular issue this afternoon. I hope eventually we will have the opportunity to support the Wellstone amendment that, instead of taking the money from inspections for consultation, would just add additional funding for consultations rather than denying the money for inspections.

The way that would ordinarily be done is Senator ENZI would have offered his amendment to transfer, and then Senator WELLSTONE would have come on and offered a second-degree amendment and said: All right, let us have the increased money from forward funding for the $9 million for compliance. We would have gone to the Senate, I think, with the support of the Senator from Wyoming. I think we would have resolved this issue and we would be further down the road in moving ahead on the whole question of the appropriation.

But we will go through, I guess, the vote on Coverdell, which is basically a repeat of the Enzi amendment. The Senator is entitled to offer that, to effectively cut off, at least at this time, the Wellstone amendment. Then we will have to come back in on top of that, after the Senate makes a resolution of that particular question.

Just to put the facts straight, there are very few of us—I do not know any of us—who do not believe there should be an expansion of both: Consultation, and I think there has to be a very extensive inspection program. They go hand in hand. Why do we say they go hand in hand? We have some very direct and powerful evidence. In 1995 and 1996, when the Congress cut dramatically the funding for inspections, then the number of consultations went down correspondingly, dramatically. The reason for that has been very clear from the record. If there is a reduction in inspections, and there is a sense the companies are not going to be inspected, there is less of an incentive to move ahead with consultations.

So these have gone hand in hand. What the Senator from Wyoming wants to do is put a greater emphasis on consultation and reduce the number of inspections. I do not think that is wise, given the fact that we have seen the dramatic increase in the workforce. We have 15 million more people working now than we had 6 years ago, as we saw, as Mr. Ralph Nader, interestingly, reminded us last Labor Day, indicating that and indicting the OSHA department for not having enough inspections in order to provide the kinds of protections for an expanded workforce.

Under the amendment of the Senator from Wyoming, he wants to reduce them further. It will be about a 10-percent reduction in the number of inspections. We have about 88,000 or so inspections. This would amount to about a 10-percent reduction in the total number of inspections, which is not insignificant.

It is particularly important in the areas of the construction trades, as my friend and colleague has pointed out, the Senator from Minnesota. Even though those in construction are only about 6 percent of the workforce, we find close to 20 percent of all the deaths in the workplace are in construction. This is a dangerous, dangerous industry to work in. We are fortunate in this country to have dramatic escalations of construction projects. We have them in our own city of Boston, and we have them all over this country, dramatic escalation in construction. We find these attendant accidents which happen, and also deaths which occur as well.

So if we look at the history, we find very important and powerful evidence.

We can represent what we think will happen. We can say what we would like to happen. But the fact is, in this particular situation, we know on the basis

of evidence what does happen, and that is, reduction in inspections is reduction in consultations.

With all respect to my friend from Wyoming, if we want to see an expansion of the consultations, we ought to increase the number of inspections instead of reducing them. But that is not where we are this afternoon.

Finally, the administration and the Congress have seen a significant increase in consultations over the last 4 years, about a 30-percent increase. There has been important work done in the area of consultation. We certainly support—I do—that program and think it is very important.

It is interesting that the association which represents those who are involved in consultation is resisting this amendment, and the reason they are resisting this amendment is for the reason I have identified. They understand with the reduction of inspections, there is going to be a reduction in consultations.

One would think they would say: Wow, amen, let's get behind them; they are going to put more money into consultations and, therefore, we are going to get more of it.

But no, they do not. That ought to say something to us because they understand as well.

As I mentioned, I have great respect and affection for my friend and colleague from Wyoming, particularly in this area of OSHA, but in this very important area where we are talking about people's lives, what is the real purpose of this? The real purpose is the protection of workers' lives.

We have seen since the time OSHA has gone into effect a dramatic reduction—50-, 60-percent reduction—in the loss of lives on the construction site. OSHA is faced with additional problems of occupational health. It is faced with additional issues with these new toxic substances and a wide range of challenges for the new workplace they are trying to deal with and that also pose a significant and serious threat to workers. What we are basically saying with OSHA is that we in the United States want to make sure we are going to have as safe a workplace as possible for working men and women.

We believe with the increased funding provided for OSHA in this appropriations, as compared to the undermining of OSHA, as we saw in the House Appropriations Committee, we will meet that responsibility and OSHA can meet it.

Let us not put at risk what is tried and tested policy conclusions: We have strong inspections and strong consultations. That works. That is the position Senator WELLSTONE and I and others support.

I hope as a result of these votes that is where we will come out; that we will come out so there will be a modest increase which the good Senator has mentioned in terms of consultation; that we will come out and add those additional funds for the outyears but not take away from the extremely important inspection.

Finally, we can pass various pieces of legislation, but unless we are going to have enforcement, a right without a remedy does not go very far. That is true in just about every area of public policy. We learn that every single day. What we need to have is accountability. We hear a great deal of talk about accountability. This is accountability. The question of inspections is a part of accountability to protect workers. If we cut off and reduce inspections, we are denying the important accountability that is necessary to protect workers in this country, and that is an important and serious mistake.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the kind remarks of my colleagues. I appreciate the comments they have made. We all have a tremendous interest in seeing there are safer workplaces, and there is a long way to go on that yet. But what we are having a little trouble agreeing on is the mechanism for getting there. There are some philosophical differences on how to go about safety.

I do not think they are across that big of a chasm, but if we had the opportunity to spend some time to sit down and talk about them, we could come up with some things that will help the safety of the workplace in this country. We can throw out all the misconceptions and previous solutions and work from there. That is not what is happening. What is happening is this appropriations bill.

We mentioned a record of safety and how it has been increasing. I have been very curious about that record of safety because a lot of people said when OSHA went into effect, there was a huge jump in safety in this country and it has been continuing; since OSHA went into effect, there has been a decrease in the number of deaths and accidents in this country.

I went back another 20 years beyond that and looked at the number of accidents in this country. Business had been bringing that down before OSHA went into effect. They were doing that because they knew if they were going to have a good business, they had to take care of the employee. There has been an ever-increasing awareness of that, and there has been an ever-increasing improvement in that.

My colleagues from across the aisle say consultation and enforcement have to go hand in hand. Yes, they do have to go hand in hand, and I am not suggesting any other thing. I am saying that half the money we are putting in increases ought to go for the other hand of the hand in hand. We ought to do 50 percent for each. We are already doing a whole lot more enforcement than we are consultation. I am not trying to even that up. I am trying to take part of what we are doing this year and putting it in there.

They say: Whoa, rather than do that, take another $33 million and stick it in there and that will show a real commitment to safety. Let me tell you what that would show. It would show my stupidity on management. We are doing a drastic increase on that budget. We are expecting them to take a huge increase of funds, find the people, train the people and put them out there doing enforcement.

I have faith in the people who are in that Department, and I believe they can do that, but they have a better chance not only of being able to train the people but also to get effective use out of them by putting half the money into consultation so half the people being trained are going to go out there and answer questions.

They are going to be the good guys. They are going to be the ones who say: I know you do not understand these 1,200 pages, but just let me go through your business, show you what is wrong and, by golly, you fix it. If you fix it, you have no problem. If you don't fix it, my buddy over here is going to be on your tail; this other 50 percent of the money is going to be on you.

There is a limit to how much increase you can do in a given year.

There is room for training improvement. We have looked at what kind of training there is. I have also looked at the number of inspections that are being done by the people who are there. I am not sure there is enough management over the inspections that are being done.

My colleague from Minnesota mentioned that out of those very bad employers, they were only able to inspect 3,000. That is terrible. That is rotten. That is not the way it is supposed to happen.

We have 2,500 Federal inspectors. They are not doing the State-plan States. They are only doing the Federal inspections. If they did one more inspection a year, they would double the number of inspections on those bad businesses. But we are not going to have that if we just throw a whole bunch more people into the mix. They are not going to be capable of going out and looking at the bad employers and finding those bad problems.

It takes more than a few months to train the people, and you cannot do it if you have thousands coming into the workforce at one time.

There have to be some limits. This is a reasonable approach to being sure there is an increase in enforcement, and it is accompanied by an increase in consultation.

If you look at the numbers of people who are waiting out there in non-State

plan States—the State-plan States are doing pretty good with this, the ones that have said they will do the work themselves. They are doing pretty good. The non-State-plan States are having a terrible time getting to the backlog on consultations. So we need some consultation money.

I have a bill that may be the wrong approach to doing safety. I put a lot of hours into it. I sat down with everybody individually, and I talked to them about it. It is the SAFE Act, and it calls for hiring some private consultation. I have run into opposition on that. What I have heard in the way of opposition is: You cannot let the businesses hire people to do inspections. Even though those inspections would result in things being found, things stopped, things improved, you cannot do it that way. It has to be done federally or that there be some kind of a mechanism for the Federal Government to have the inspectors involved.

So I have listened. I have said OK. Under this program, the Federal Government hires the inspectors, the Federal Government hires the consultation people; it is the Federal Government that is coming in to do these consultations—totally independent, totally under the direction of OSHA.

I have been trying to listen to what is being said on all of this. This is one of the solutions that can be provided. I hope you will support increasing the funds to OSHA. I know that is a tough stand for a lot of people over here, but I want you to do that. I want you to increase the amount of money that is going to the enforcement of OSHA, but at the same time what I want you to do is take half of that money and assure that it is going to consultation.

As I said before, there is no way we can assure that it is going to consultation. Once it gets in that department budget, even though it is under a line item, there is not much of a way, even with oversight, to see if those people who are supposed to be under consultation are doing any enforcement, and vice versa.

So it is a statement that we are making that, yes, consultation ought to go hand in hand with enforcement. It is a statement. How they use that budget, we will never know. Maybe we will know through increased enforcement. Maybe we will know with a decrease in the amount of waiting time people have to have for these inspections.

But we have a chance to do the right thing and to do it in a responsible manner that can be handled, giving the increases and making sure that to the small businessman out there who wants to understand those 1,275 pages as they apply to his business—and it isn't optional for him to do that; it is mandatory he do that—we are saying we are going to reach out and give you a little bit of a hand. We are going to come into your business. We are going to show you what is wrong, and you have to clean it up because we are hiring more enforcement people who are going to be here to check on you if you do not.

That is all we are asking. I think it is a reasonable amendment. I was hoping that it would be accepted. I am still hoping it will be accepted.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Minnesota.

Mr. WELLSTONE. My understanding is that the Senator from Pennsylvania is going to try to propound a unanimous consent request.

Let me, in 2 minutes, summarize. I appreciate the amendment by my colleagues in Wyoming and Georgia. I think this is an unfortunate tradeoff. I think it is a profound mistake. I think enforcement is the backbone of worker safety.

The second-degree amendment we will offer later on would essentially say: We can do better for consultative services, and we can advance some funds there, but we are certainly not going to take it out of enforcement.

My colleague from Massachusetts has spoken about this at great length; I have as well. I will not recite the statistics again as to the number of unsafe workplaces and the need for strong inspection. I simply say that the promise of OSHA—not yet realized—is we are going to make a commitment to working people, and we are going to make a commitment that people have a safe workplace.

We are not doing as well as we should. We should do much better. But I think it would be a serious mistake for Democrats or Republicans to vote to reduce enforcement. That is a huge mistake. For all who care about worker safety, do not vote to reduce enforcement, to reduce inspection. The laws and the rules and regulations do not mean a thing unless we have the enforcement. That is why I think this amendment is flawed. That is why I hope it will be voted down.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Just a few comments about the merits of the pending amendment; then I will move on to a unanimous-consent request.

I believe that in the bill, as it is currently drafted, there is an appropriate balance between consultation and enforcement. I agree with the Senator from Wyoming that this consultation is very important, and there are many places where consultation will work. I think there are some areas where enforcement is necessary.

I saw in my line of work as district attorney of Philadelphia, under somewhat different circumstances, what enforcement does and what deterrence does and what the prospects of penalties may do.

We have crafted this bill as carefully as we can. I think it has about the right mix, although I welcome the suggestions from the Senator from Wyoming and the spirited debate which we have had.

As I take a look at the figures, in the period from 1995 to 1999, the enforcement funding falls $3 million this year below the 1995 level; $145 million to $142 million.

By contrast, in the same period, fiscal year 1995 to fiscal year 2000, OSHA's consultation program has grown from $31.5 million to almost $41 million; an increase of about 30 percent.

Even at the level that we have here, there are 7 million workplaces in the United States but only about 2,300 OSHA inspectors. Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year; so 9,500 will not be inspected. The enforcement shows that there is an average decline of some 22 percent in the 3 years following inspections.

So when I take a look at the entire picture, I think we have it about right in the current bill.

Therefore, I move to table the second-degree amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. Mr. President, I am now going to propound a unanimous-consent agreement on the pending matter.

I have been asked to pause for a minute so that other Senators may consider the unanimous-consent agreement.

What we propose to do by way of schedule today to move ahead is to set the vote aside, then move to an amendment by Senator GRAHAM of Florida. I hope we can work out a time agreement on that which is not yet agreed to. Then we would go to an amendment by Senator DODD for 30 minutes, equally divided, and then come back, perhaps, to Senator GREGG, and then move to an amendment which may be contentious on ergonomics, to be offered by Senators BOND and NICKLES. We would plan to have the votes before the ergonomics amendment, which may take some considerable time and move into the evening.

We are still working as fast as we can through a long list of amendments to try to see when we can bring this bill to a conclusion at the earliest moment.

May I inquire of the Senator from Minnesota if he is prepared for me to propound the unanimous consent request?

Mr. WELLSTONE. I say to my colleague from Pennsylvania, we are looking at it right now. If we can have another moment, we will be ready to respond.

Mr. SPECTER. Mr. President, I ask consent that a vote occur on or in relation to the pending second-degree amendment after 15 minutes of debate to be equally divided in the usual form, and if a motion to table is made and defeated, then the Senate immediately proceed to a vote on the pending second-degree amendment.

I further ask consent that following the disposition of the second-degree amendment, only if agreed to, Senator WELLSTONE be recognized to offer a second-degree amendment under the same terms as outlined above.

Finally, I ask consent that following the disposition of the first second-degree amendment, if tabled, the first-degree amendment be withdrawn.

I further ask consent that if the second second-degree amendment is offered, following its disposition, the Senate proceed to vote on the first-degree amendment, as amended, if amended, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I think that is miraculous. I hardly understand much of what I just read, although it was carefully drafted and I am sure will provide a roadmap to the future.

I ask unanimous consent that we now proceed to the amendment offered by the Senator from Florida, Mr. GRAHAM. I inquire of Senator GRAHAM if he will be prepared to enter into a time agreement.

Mr. GRAHAM. Mr. President, I appreciate the courtesy of moving forward. This amendment is going to raise some very fundamental issues not only for a major social program but also for the relationship between the Federal Government and the States and the relationship between the appropriations process and the committees that have jurisdiction for authorization and the administration of the mandatory spending program.

I do not believe at this time I can indicate how long it will take to fully articulate those issues to have the kind of debate which this amendment clearly justifies.

Mr. SPECTER. Might I suggest an hour for the Senator's position and a half hour for this side or perhaps even an hour and a half for the Senator's position and a half hour for this side. I am anxious to try to get some parameters so we know what to do with the remainder of the amendments and voting.

Mr. GRAHAM. I suggest, in deference to the effective use of time, it would be preferable if we got started with this amendment and then saw, as we were into it, what might be a reasonable time.

Mr. SPECTER. Mr. President, I ask consent to yield back the time on the Enzi amendment and ask that the amendment be laid aside.

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

The Senator from Florida.

AMENDMENT NO. 1821

(Purpose: To restore funding for social services block grants)

Mr. GRAHAM. Mr. President, I ask that amendment No. 1821 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. WELLSTONE, and Mr. ROCKEFELLER, proposes an amendment numbered 1821.

Mr. GRAHAM. 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 end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

Mr. GRAHAM. Mr. President, this amendment, in which I am joined by Senators WELLSTONE, ROCKEFELLER, and DODD, will have the effect of reversing a decision made by the appropriations subcommittee to cut by more than 50 percent the funding in title 20 of the Social Security Act for social services block grants.

This amendment will restore the program to the level that was authorized by the Finance Committee, which is $2.38 billion. This program, title 20 of Social Security, allocates funds to the States in block grant form, allowing them to provide services to vulnerable, low-income children and elderly, disabled people. The purpose of this program is to assist in maintaining the well-being of those Americans who, but for these types of services, might become direct, individual recipients of Social Security funds, whether they fell into such because of a disability, because of their circumstances in terms of losing the support of an adult, or because of the aging process.

I can tell the Senate, as a former Governor of Florida, the State which has the highest percentage of persons over 65 in the Nation, and now, as a member of the Finance Committee, which has responsibility for the authorization of this program, I am aware of the positive contribution this program has made to the well-being of millions of Americans and to the fiscal well-being of the Social Security program. I am particularly concerned about the draconian cuts that have been made and the fact that they have been made with almost no discussion or attention to the very serious policy implications.

My Finance Committee colleagues and I, joined by colleagues from the House Ways and Means Committee, have agreed that this program should be funded at the level of $2.38 billion for the fiscal year 2000. In fact, the two committees of responsibility, the Senate Finance Committee and the House Ways and Means Committee, made a commitment to the States that the social services block grant would be guaranteed at the level of $2.38 billion until welfare reform is reauthorized in the year 2002.

However, the Senate appropriators, rather than simply appropriating the statutory funding level for the fiscal year 2000 at $2.38 billion, have slashed the social services block grant to $1.05 billion for the fiscal year 2000. This harsh, unauthorized reduction would be on top of a 15-percent reduction made to title 20 in the 1996 welfare law.

These enormous reductions will have adverse consequences for substantial numbers of frail elderly persons, disabled individuals, and children and their families. In my State of Florida, critical programs will be at serious risk if these cuts are made.

For example, these reductions will affect services that protect children from child abuse and that enable poor elderly and disabled persons to remain in their homes rather than being placed prematurely in nursing homes or other institutions.

Our State was one of the first to start a program called Community Care for the elderly, begun over 20 years ago. It had as its objective to allow older Americans to live the life they wanted to live, a life of maximum independence in their homes, in their communities, not to be forced prematurely into an institution. That program was funded both by State funds and by the use of some of these social service block grant programs. That program has had not only enormous positive benefits in terms of the quality of life of the beneficiaries—and, I might say, has now become a program that has been identified for substantial expansion by our current Governor, Governor Bush—but it also has been a program that has saved both Medicare and Medicaid substantial funds by maintaining the best possible state of health for many frail elderly and avoiding the extreme costs that are entailed when an individual has to be placed in a nursing home.

We heard at a luncheon earlier today from a program that has shown great promise in terms of providing a successful educational environment for our youngest students. One of the primary keystones of that success is appropriate early intervention with children before they become public school

students, while they are still in the infant and toddler ages, if they have physical or other disabilities, to begin to deal with them at the earliest stages, to give them an appropriate learning environment in preschool.

Again, those are precisely the programs that are funded through title 20 of the Social Security Act. Those are precisely the programs that are going to be eviscerated if we adopt this budget with this over 50-percent cut.

To add to all of that, I direct the attention of the Senate to page 212 of the conference report which has been issued on the Labor-HHS appropriations bill. In that conference report, there is an explanation of why this cut is being recommended. The report states:

> The committee recommends an appropriations of $1.50 billion for the Social Services Block Grant. The recommendation is $1.330 billion below the budget request (read the recommendation of the House Ways and Means Committee and the Senate Finance Committee) and $859 million below the 1999 enacted level. The committee has reduced funding for the block grant because of extremely tight budget constraints.

I would like for the Presiding Officer and my colleagues to listen to this particular part.

> The committee believes that the States can supplement the block grant account with funds received through the recent settlements with the tobacco companies.

So the subcommittee's rationale for this particular reduction is that the States can now be directed to use their tobacco settlement money in order to fund what previously had been a partnership of Federal-State funds for the frail elderly, for the disabled, and for children and their families.

Mr. President, I fervently object to this outrageous, irresponsible and, I would say, nonsensical rationale.

As you will recall, this spring we had a fervent debate about the question of whether the Federal Government should reach in and mandate how all or a portion of the States' tobacco settlements should be spent. We fought that out for weeks in the Senate.

I thought after a series of rejections of exactly this proposition that the States could now with some comfort step back and say the Federal Government has decided, properly so, that we were the entities which secured these tobacco settlements; that the Federal Government would be saying we have the respect of the States that they have the good judgment to decide what is in the best interests of their citizens in the methods of spending these tobacco settlement funds; that the States could breathe easy; that they no longer were faced with the threat that the Federal Government would want to play big father and tell them how to spend their money.

It was only in March of this year that the Senate overwhelmingly by a margin of approximately 71 to 29 defeated an amendment that would have required the States to spend part of their tobacco settlement according to a Federal list of priorities. In June, the entire Congress voted for the Federal Government to stand back, to keep its hands off the tobacco settlement, which the States had with such effort and commitment achieved; that the Federal Government was saying to the State: We respect you, and we put our confidence in your decisions as to how to spend this money.

Now we have a few months later this language saying that it is one of the most important social programs we in Washington are going to effectively, by withdrawing Federal funds, direct how the States are going to spend their tobacco settlement.

It is outrageous.

The commitment that we made for hands off was a binding commitment, just as our commitment to fund the title XX program that we made to the States to fund it at its current level to the year 2002 in order to play a role in the successful completion of the welfare-to-work law was also a binding commitment, commitments that we are now about to breach.

Today, many of the same individuals who voted to allow the States to use these funds as they saw most appropriate for their citizens are about to tell the States that they need to reallocate tobacco settlement dollars in order to pick up the Federal social services block grant which we are going to slash by over 50 percent. That is blatant hypocrisy.

The argument that the tobacco funds should be used to fill a $1.33 billion cut in title XX is quite simply—no pun intended—a smoke-and-mirrors tactic that does not address the issue at hand. Senate appropriators have no valid argument in defense of their drastic cuts in this critical program.

Have no doubt that the ultimate loser in this exercise is the child—the child who is currently receiving child care in a title XX funded center. The loser is that other American who has sought refuge from abuse through adult protective services, the disabled woman who receives treatment through a title XX funded center. Perhaps the reason our appropriators believe that they can get away with this raid on the social services block grant is that the American people are unclear about the services that this program provides.

So I would like to take this opportunity to enlighten my Senate colleagues and the American people on what are the programs funded under title XX of the Social Security Act.

The social services block grant was established in 1975. So it is now about to celebrate its 25th year of an important part of the safety net that helps those persons who might otherwise have to rely on expanded Social Security funds.

It provides States with funds to address the social service needs as the States determine to be of the greatest priority. States have broad flexibility in determining which services to provide, who should deliver services, and which families and individuals to serve.

I know our Presiding Officer had a distinguished career of service in his State before being elected to the Senate. So he has no doubt dealt with some of the programs that are funded under title XX of the Social Security Act.

Adoption, case management, congregate meals, counseling services, adult day care, day care for children, education and training services, employment services, foster care services, health-related services, home-based services, home-delivered meals, housing services, independent living services for youth, legal services, child and adult protective services, recreation services, residential treatment, special services for youth at risk, and the disabled—these are some of the services that are provided under title XX.

As you can see, many of the SSBG-funded services focus on children and youth.

In fiscal year 1996, some 15 percent of the SSBG funds supported programs providing child care for low-income children. An additional 21 percent was spent on services to protect children from abuse and provide foster care for children.

SSBG funds programs for nearly half a million people with mental retardation and other physical and mental disability, including transportation, adult day care, early intervention, crisis intervention, respite care, employment, and independent living services. These services help such individuals remain at home and out of expensive and often inappropriate institutions. These services also help people with disabilities to work, to the extent it is possible for them to do so.

These programs drew the support of the House Ways and Means Committee and the Senate Finance Committee, the two committees with responsibility for Social Security, to support the level of funding which is in the amendment currently pending.

For those who have suggested this more than 50-percent slash in this program, what is it they know about this program that the House Ways and Means Committee and the Senate Finance Committee did not know or did not take into proper account? What we should be doing is not slashing this program but, if anything, we should be increasing this funding in order to assist particularly in this important time of transition from welfare to work.

It should be noted that the Senate Labor-HHS-Education appropriations bill appears to reduce the percentage of a State's Federal TANF block grant,

another of the programs that will be critical to the transfer from welfare to work, will reduce the percentage of a State's Federal TANF block grant that can be transferred to the social services block grant from 10 percent to 4.25 percent for fiscal year 2000. Not only are the States facing a draconian reduction in the social services block grant but also a limit in the flexibility of those funds. The 4.25-percent ceiling further limits States' abilities to compensate for the impact of the overall social services block grant funding.

One might ask, should the States also use tobacco money to fill the hole for this further cut, as well? Should the States perhaps be called upon to use tobacco funds to supplement all Federal funds for social programs?

It is critical we keep the national commitments to the most vulnerable members of our society. That commitment cannot be fulfilled by slashing title 20 funds by over 50 percent. The President has said he would veto this bill in its current form. He cited the deep cuts in title 20 as a key reason for doing so. I applaud the President if it were to be necessary—and I hope desperately it will not be necessary—to exercise that veto because of these unwise cuts in title 20 and the attempt to direct the manner in which the States will spend their tobacco settlement funds.

There has been a cascade of opposition to this recommendation. The National Governors' Association, the National Council of State Legislatures, and the National Association of Counties have spoken out against this cut. They are joined by over 600 Federal, State, and local groups that understand the importance of these title 20 programs.

I ask immediately after my remarks a series of letters from groups across America be printed in the RECORD expressing their objection to this proposal.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the social services block grant cut of the magnitude reflected in this bill would substantially reduce a State's ability to provide services to vulnerable children, elderly, and disabled people. Because of the dimensions of such a cut, as well as the fact that most 1999 State legislative sessions have already adjourned, most States would not be able to offset this loss with additional State funds, tobacco or otherwise. That is the real point of this debate. This debate is not about tobacco money nor is it about what States do with their dollars. This debate is about the cutting of a program that was designed to help the most vulnerable Americans to live better lives and the devastating impact such a cut will have on their lives and our communities.

As I come to a close, a word of caution: The raiding of title 20 programs could serve as an example of what will happen when a program is block granted. In the eleventh hour of last year's budget debate, a budget bind had developed and the means of escaping from that bind was to use title XX funds, if you will believe it, to fund road and highway spending. Today we are again sacrificing the same social services block grant on the altar of budgetary expediency.

This year it is not highway funds but let's tell the States how to spend their tobacco settlement. These experiences should serve as a big red flag as we structure our social services funding. Thus far, we seem willing to use Meals on Wheels' funds to continue the illusion we are not breaking the budget caps. Will we ever fund the census from moneys from our children's educational future? If the answer to this question is yes, can similar cuts to Social Security and Medicare and other social programs critical to the well-being of millions of Americans be far behind?

The implications of this action this afternoon are ominous. They are odious. We have the opportunity to avoid them.

EXHIBIT 1

INTERGOVERNMENTAL RELATIONS,
Milwaukee, WI, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of Milwaukee County to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to Milwaukee County.

In addition, Milwaukee County urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

As you know, the SSBG program has been cut three times in the past three years, totaling a half a billion dollars in funding. With current funding down to $1.9 billion for FY 1999, Wisconsin has experienced a decrease in funding of over $7.6 million for this year, with the state's counties bearing the brunt of these significant cuts.

In Wisconsin, it is the state's counties that provide critical social services to vulnerable populations such as supportive home care and community living and support services for elderly and disabled adults and children. Milwaukee County also utilizes SSBG dollars to provide a wide range of other services, including drug and alcohol abuse treatment, temporary shelter service for homeless families, and outpatient treatment for individuals with mental health issues.

In addition, Wisconsin is currently transferring the full 10 percent of its TANF block grant, nearly $32 million, to fund Title XX services. If the current 10 percent transferability level is reduced to the proposed 4.25 percent, Wisconsin would lose the ability to transfer over $18 million in TANF funds.

Again, Milwaukee County strongly supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support of Title XX.

Sincerely,

JOE KRAHN,
Milwaukee County Washington Representative.

WISCONSIN COUNTIES ASSOCIATION,
Monona, WI, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of the Wisconsin Counties Association (WCA) to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to Wisconsin's counties.

In addition, WCA urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

As you know, the SSBG program has been cut three times in the past three years, totaling a half a billion dollars in funding. With current funding down to $1.9 billion for FY 1999, Wisconsin has experienced a decrease in funding of over $7.6 million for this year, with the state's counties bearing the brunt of these significant cuts.

In Wisconsin, it is the state's counties that provide critical social services to vulnerable populations such as supportive home care and community living and support services for elderly and disabled adults and children. Wisconsin's counties also utilize SSBG dollars to provide a wide range of other services, including drug and alcohol abuse treatment, temporary shelter service for homeless families, and child abuse prevention and intervention services.

In addition, Wisconsin is currently transferring the full 10 percent of its TANF block grant, nearly $32 million, to fund Title XX services. If the current 10 percent transferability level is reduced to the proposed 4.25 percent, Wisconsin would lose the ability to transfer over $18 million in TANF funds.

Again, WCA strongly supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support of Title XX.

Sincerely,

JOE KRAHN,
WCA Washington Representative.

JULY 13, 1999.

Hon. TED STEVENS,
Senate Appropriations Committee, Washington, DC.

DEAR SENATOR STEVENS: The Board of Directors of Generations United urge you to fund Title XX, the Social Services Block Grant (SSBG) at its present entitlement level of $2.38 billion included in the Personal Responsibility and Work Opportunity Act of 1996.

We are pleased that the Clinton Administration has requested restoration of this program to the fully authorized level for the next fiscal year. We believe that this proposed funding level is a formal recognition by the administration of the importance of this block grant and we hope you will endorse this recommendation. We do however continue to have concerns about reducing the states ability to transfer funds from TANF into Title XX to no more than 4.25 percent. We would like to ensure that state flexibility remains.

SSBG is an important source of intergenerational support providing flexible

federal dollars that helps states respond to their most pressing human service needs. SSBG has a proven record of addressing dependent care needs across the generations. Essential programs supported by SSBG include:

FOR CHILDREN

Services that support the success of the Adoption and Safe Families Act. For example, in 1997, States reported using 2.2 percent of SSBG funds for adoption foster care and child protection services.

SSBG is also an important source of support for Child Care.

OLDER ADULTS

SSBG are essential for keeping older adults independent and out of institutions.

In 1997, an estimated 318 million was used for adult day care and home-based services.

Forty-five states reported using the funds to provide home-based services to the elderly, 38 for elderly case management and 46 for child protection.

Generations United is the only national organization that promotes intergenerational policies, programs, and strategies. We represent more than 100 national organizations and millions of individuals who support reciprocity between the generations and the social compact that calls for using the strengths of one generation to meet the needs of the other. We believe a health society should not have to choose between its most vulnerable members—children, youth and the elderly—but instead should support the basic needs of each generation.

We urge you to fund Title XX, the Social Service Block Grant at its fully authorized level of 2.38 billion.

Sincerely,

THE BOARD OF GENERATIONS UNITED.

NATIONAL NETWORK FOR YOUTH,
Washington, DC, September 30, 1999.

DEAR SENATOR: The National Network for Youth is a 24 year-old non-profit membership-based organization committed to advancing its mission to ensure that young people can be safe and grow up to lead healthy and productive lives. Representing hundreds of non-profit, community-based youth-serving organizations, youth workers and young people from around the nation, the National Network for Youth urges Congress to support the amendment offered by Senators Graham, Wellstone, and Rockfeller to restore funding for the Social Services Block Grant so states can continue to provide children and youth in high-risk situations and their families the services they need.

Established under Title XX of the Social Security Act, the Social Services Block Grant provides funding critical to states' ability to offer services to vulnerable children, youth and families. In 1997, 5% of the funding available was designated for vulnerable youth. Over 200,000 youth received SSBG services including temporary housing, residential treatment, counseling, therapy, support and training to live independently, vocational training, and case management. Without the support of state and local services, vulnerable youth have a high risk of homelessness, teen pregnancy, poverty, and entering the criminal justice system.

The homeless youth population is estimated to be approximately 300,000 young people each year. Physical and sexual abuse and neglect are among the key causal factors for runaway behavior. States and local governments have the primary responsibility for protecting children from abuse and neglect, and preventing youth at high risk from entering the criminal justice system. In Fiscal Year 1997 more than 2.3 million children were protected from abuse and neglect through services funded by the Social Security Block Grant, supplementing other federal programs offering aid to state and local programs protecting children and youth.

Funding for the Social Security Block Grant was reduced from $2.8 billion in 1995 to $2.38 billion in 1996. The Social Security Block Grant has since faced repeated cuts and is currently funded at $1.9 billion. Additional funding cuts to the Social Services Block Grant could weaken those services critical to the aid of vulnerable youth and other at-risk populations. The National Network for Youth urges Congress to support the amendment offered by Sens. Graham, Wellstone, and Rockefeller to restore funding for the Social Security Block Grant in FY2000.

Sincerely,

DELLA M. HUGHES,
Executive Director.
MIRIAM A. ROLLIN,
Director of Public Policy.

CALIFORNIA STATE
ASSOCIATION OF COUNTIES,
Sacramento, CA, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of the California State Association of Counties (CSAC) to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to California's counties.

In addition, CSAC urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

The SSBG is a major source of human service funding for California, and repeated federal cuts will impair services for vulnerable populations. Our state is one of the largest recipients of SSBG funds, and due to last year's $471 million reduction in the block grant, California lost over $56 million in funding. Two of the major services California funds with SSBG are In-Home Supportive Services (IHSS) at $116.2 million, and Development Disability Services for kids in CWS at $111 million.

The SSBG is a cost-effective program that has been slashed by close to one billion dollars over the past five years. The SSBG funds services that allow people to remain in their homes, a much more desirable solution than the costly alternative of institutionalization. According to HHS data, in FY 1997 the SSBG funded home-based services that allowed over 60,000 elderly Californians to remain in the community. Overall, the SSBG funded services for 1,665,349 Californians, including 191,000 disabled and 87,195 elderly that same year. In addition, in 1998, California transferred $183 million from TANF to the SSBG to fund child care services.

Again, CSAC strong supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support to Title XX.

Sincerely,

JOE KRAHN,
CSAC Washington Representative.

AMERICAN HUMANE ASSOCIATION,
Washington, DC.

Hon. BOB GRAHAM,
Washington, DC, September 28, 1999.

DEAR SENATOR GRAHAM: I am contacting you to commend your amendment to fund Title XX, the Social Service Block Grant at its present entitlement level of $2.38 billion for the FY 2000 budget. Title XX is one of the few programs available to support lower-income working families. This block grant has also been a significant funding source for programs that protect abused and neglected children.

Founded in 1877, the American Humane Association (AHA) is a nationwide association of child welfare professionals, public and private social services, medical and mental health professional, as well as educators, researchers, judicial and law enforcement professionals and child advocates. AHA's Children's Division continues to be a voice dedicated to the protection of children.

AHA strongly believes that Title XX deserves to be placed high on the list of priorities. This block grant allows states the flexibility to provide much needed services for vulnerable children and families in near crisis situations and has helped support reforms in state foster care systems.

AHA is pleased that the Clinton administration has requested restoration of this vital program to the full entitlement level for the next fiscal year. We believe that this proposed funding level is a formal recognition by the Administration of the vital importance of this block grant and we hope you will endorse this recommendation. We do, however, continue to hold great concerns with regard to the administration's proposal to reduce the states' ability to transfer funds from TANF into Title XX to no more than 4.25 percent. We would like to work closely with you, as well as the Administration, to ensure that state flexibility is retained.

By helping to keep people in the community, the Social Services Block Grant actually saves the federal government and the nation's taxpayers the cost of expensive institutional care. Therefore, we strongly urge you to fund the Social Services block Grant at its fully authorized level of $2.38 billion.

Thank you for your hard work and attention to this issue. If you have any questions or concerns, please do not hesitate to contact us at (202) 543–7780.

Sincerely,

ADELE DOUGLASS,
Director, Washington DC Office.

AMENDMENT NO. 1886 TO AMENDMENT NO. 1821

(Purpose: To restore funding for social services block grants)

Mr. GRAHAM. I send to the desk a second-degree amendment to the amendment currently pending.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, and Mr. KENNEDY, proposes an amendment numbered 1886 to amendment No. 1821.

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

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

Strike all after the first word and insert the following:

''Notwithstanding any other provision of this title, the amount appropriated under

this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2001 shall be $3,030,000,000.''

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be able to follow the Senator from Pennsylvania.

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

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in listening to the arguments by the Senator from Florida I can understand his interest in adding funds to what the committee mark is. I have no disagreement with the importance of the funds which are at issue.

I am constrained to oppose the amendment because in constructing this overall bill for $91.7 billion, in collaboration with the ranking Democrat on the subcommittee, we have juggled some 300 programs. If we are going to add a very substantial amount of additional funding to education, which we have some $2.3 billion over last year, and if we are to add $2 billion for the National Institutes of Health, and to have an initiative against juvenile violence, it is a matter of the allocation of priorities.

The comment has been made about the use of the tobacco funds. Those are very substantial sums of money, some $203 billion over a number of years.

I fought on the Senate floor to try to bring some of those tobacco funds to the Federal Government so we would have more moneys available. It is an obvious suggestion, when the States are the recipients of so much of that funding, that some of it be used where other Federal funds had been made available. This is another illustration, along with the request for additional funds for after school, $200 million more, or for class size, for the Corporation for Public Broadcasting—all of those are items which, under normal circumstances, I would say are very good programs, they are very good approaches, we would like to see them. But when it comes to assessing priorities, it is my sense, after working through very carefully with staff and then with the Democratic staff, the full subcommittee and the full committee, that this is an appropriate assessment of priorities.

Therefore, even though I have sympathy for what the Senator from Florida has had to say and think these are good programs, on a priority basis I have to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am pleased to join with the Senator from Florida, Mr. GRAHAM, on his amendment.

I want to respond to my colleague from Pennsylvania. I will start out with Minnesota, and then I will go to the country at large. Actually, in Minnesota, for reasons I will explain, these social service programs and funding are passed directly to counties. The State cannot replace the money with tobacco money or anything else, and certainly not for next year, which is a bonding legislature. But above and beyond that, in any case, the tobacco money has already been spent for other programs.

The point is, we do not know what will happen. This is what my colleague concluded. We do not know what will happen with these programs that are so important to poor people, to vulnerable people, elderly people, people with disabilities. To cut the social service programs by 50 percent and then say States have tobacco money so we will count on them to do it is an abandonment of our commitment. It is an abandonment of our commitment.

What we have done is cut the social services block grant program by more than half. What my colleague from Florida has done—and I am pleased to join him in this amendment—is to restore the funding to the full formula amount of $2.38 billion. We are talking about programs that are so important to the lives of the most vulnerable citizens in our country: The elderly, the very young, the poor, and the disabled.

The question is, What is this SSBG fund? Are we talking about something important?

Yes, we are talking about something important, if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home-delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth, and special services for families for the disabled and transportation services are important. If we think these services are important, then how in the world can we cut this funding by 50 percent?

I respect my colleague from Pennsylvania. He has done the very best, given the budget caps under which he has worked. But I do not believe a good argument against the amendment we have introduced is: Well, there is tobacco money out there and the States can use that money.

Some States do not have that money to use. Some States can't use that money. In any case, whatever happened to our commitment at the Federal level to try to fund some services that would help the most vulnerable citizens in our country? That is my question.

Let me talk a little about some of these programs and then go further with the argument I want to make. Let me take Meals on Wheels. Why do we not think about this in personal terms? I think, I say to Senator GRAHAM, we are going to get support for this amendment. I believe we can pass this amendment. Are Senators going to vote to cut funding for the Meals on Wheels program? That is a program for people, many of them elderly, many of them disabled. Both my parents, for example, had Parkinson's disease. They might not even be able to get to congregate dining, which is a great program. They might not even be able to get into town; they cannot drive. Quite often there is not the transportation. In Minnesota it is cold; it is wintry weather. Maybe during the winter they cannot get out and freely move around. So you have the Meals on Wheels program where you deliver a hot lunch, a nutritious meal, to elderly citizens. And we are going to cut this program?

Let me repeat that. We are going to cut this program? We can do better. We can do much better.

Talk about independent and transitional living services; here we have some services—I will talk about this in some detail—that would enable an elderly person or someone with a disability to live at home in as near normal circumstances as possible, with dignity. It is a range of support services. It might be nursing services, community health outreach services, making sure those people are able, with a little help, to stay at home. We are going to cut this program, potentially by half? We are going to cut services that enable people to live at home with dignity as opposed to being put into a nursing home? We cannot do that. We cannot do that.

According to the Title XX Coalition, in fiscal year 1997 more than 1.1 million elderly people and over 740,000 people with disabilities benefited from the social services program. State and local prevention and treatment services reached over 2.3 million children and their families. I thought we cared so much about the elderly. I thought we cared so much about the children. I thought we cared so much about making sure at least there is an investment in some resources that will enable people with disabilities to live lives with independence and dignity. That is what the disabilities movement is all about. We cannot say that if we cut these services, if we cut these programs by over 50 percent.

In my home State of Minnesota, SSBG funds are used, in some counties, to augment child care for single women and their families. We talk about the importance of moving from welfare to work, but if a mother works and cannot find child care or cannot afford child care, how is she going to do it? Or if you have working poor people and they work 52 weeks a year and they work 40 hours a week and one of them

is working or both of them are working, affordable child care is a hugely important issue for them. There are not Senators in this Chamber who would not want to make sure their children were able to get good child care. And we are cutting into services for child care?

Many Minnesota counties use SSBG money for home care services for the elderly. We are talking about funds to pay for a care giver to go to a vulnerable elderly person's home and help them with ''home chore services,'' such as taking their medicine on time and in the right doses, keeping their homes clean and safe, helping people take a bath, making sure there is food in the refrigerator.

I am sorry, I am not going to get worked up, but I do not understand how in the world we can justify cutting those services for elderly people. I do not understand that. That is exactly what we went through with my mother and father in Northfield, MN. That is exactly the struggle we had in trying to help them stay at home. We did all we could among Sheila, myself, and our children.

Sometimes one needs some help. At the county level, if there is a public health outreach program, somebody can help elderly people to make sure they take their drugs, to make sure they take the right dosage, to help someone like my dad who had Parkinson's disease and his body shook and my mother was not able to help him take a bath, to help people live at home, help people keep their independence. This is mean-spirited to cut these programs.

We cannot say: Well, but there is the tobacco money and States can use tobacco money. We do not know whether all States can. We do not know whether all States will and, in any case, this is a commitment that we have made in the Senate. We are a national community. Can we not as a national community, represented by the Senate, Democrats and Republicans alike, at least make a commitment to fund these services that are so important for vulnerable people?

I was speaking with Marien Brandt, the human services director in Sibley County, MN, a rural county, who told me her county spends SSBG funds primarily to serve vulnerable populations who are not eligible for assistance under other funding programs. She suggested that many of the people her agency serves would be forced into institutionalized care without SSBG funds.

She gave me the example of the child who might have to go into an out-of-home placement if her agency becomes unable to provide counseling services that help the child's parent learn to adequately care for and protect that child.

The vulnerable adults they help with SSBG money tend to be elderly people, seniors, disabled people who get home health care services, people they help stay at home, the very people about whom I talked.

If we are talking also about counseling services for parents and for children at risk, what in the world are we doing cutting those services? Marien told me that in Sibley County, SSBG money is used especially in the rural areas to fund transportation for the elderly and the disabled so they can go to the doctor, so they can buy groceries, so they are simply not isolated.

Let me point out what we are doing. All too often we say SSBG and people do not know what we are talking about. And we throw the money around: increase $1.2 billion, subtract $1.3 billion. I will translate it into personal services. Here is an example of one of many counties—I could take hours on this—where we use this money to provide transportation. Sometimes it is not the big buses. Sometimes it is smaller, a dial-a-bus so an elderly person can go to the doctor, people can go to the grocery store, they can go to congregate dining, they can go places and they are not isolated. What in the world are we doing cutting this funding by 50 percent?

This SSBG money, I say to my colleague from Florida, is used to fund services for people who otherwise would fall through the cracks. This money is used to provide services for the most vulnerable citizens in our country.

I do not understand exactly—I understand what my colleague from Pennsylvania said. He cares a lot about these budgets as they affect people. But I really do not know how we got to the point where we cut these social service programs by 50 percent. I do not understand that. I am afraid one of the things I think happens is that quite often, when we work under these caps—I do not know if my colleague from Florida will be angry with me for saying this, so therefore maybe I will not, now that I think about it.

We put ourselves into fictional politics. These caps do not work, and everybody seems to be locked in with these caps. We are engaged in mutual deception. Nobody wants to talk about breaking the caps. That is not what this amendment does, although advance funding, whatever, we all know we need to spend more.

In my opinion, this amendment goes to the heart of what this debate is all about. We ought not, I say to the Presiding Officer—a good Senator—to be cutting these kinds of programs. These programs are for the most vulnerable citizens in our country. We ought not to be cutting programs that enable someone to get Meals on Wheels, that enable someone to go to congregate dining, that provide home health care services so people can stay at home rather than being institutionalized, that provide child care, help for families so they can afford child care. We ought not to be cutting these kinds of services by 50 percent. I fear one of the reasons we end up doing it is that these are the citizens who do not have the clout. It is just too easy to make cuts based upon the path of least political resistance. It is just too easy to cut services for the very poor and the most vulnerable. This is wrong.

This amendment goes to the heart and soul, I hope, of the Senate.

I will not go over reports from many counties, but I want to talk briefly about how my own State is going to be impacted.

Minnesota communities currently receive $41.6 million annually. If these proposed cuts are enacted, Minnesota is going to lose $23.2 million in funding. We will receive only $18.3 million in fiscal year 2000.

We are unique, I will concede that point, because by law the SSBG funds bypass the Governor and flow directly to the local level. The State cannot touch the money. We cannot add or subtract funds from the block grant.

Minnesota law further requires local level programs to run balanced books, which means they cannot carry any budget surplus from one year to the next. What this means, if these cuts to the SSBG go through, the State will not be able to offset any of the lost funds with funds from other sources. The local level programs will have no budget surpluses to fall back on, and these Federal level program cuts will be reflected immediately in local level cuts; in other words, right there in the counties where the people live. It would mean substantial reductions or perhaps even the elimination of local Minnesota programs.

So when I come to the floor and speak about this with some sense of urgency, it is because we could lose senior congregate dining. We could lose Meals on Wheels. We could lose a host of other local community-based programs that are so important to our citizens.

It would also mean cuts in health and substance abuse programs. Minnesota is one of only seven States in the country that relies more heavily on title XX grants than its SAMHSA grant to fund mental health services. We are going to see draconian cuts in mental health services as well.

Furthermore, next year, in my State it will be a ''bonding legislature,'' one in which they will not be able to consider policy issues. So the Minnesota Legislature is not going to be able—I think my colleague from Florida was alluding to this in other States—to take up any legislation to change the law governing the flow of SSBG funds in 2001.

I will tell you, I give the example of Minnesota because this is one hugely important issue in my State. But I also

want to say to my colleagues that Senator GRAHAM has done a good job of talking about how this is going to affect all of the States. In a report that was put out yesterday, the Center on Budget and Policy Priorities explained that if the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut 87 percent since 1977 in inflation-adjusted terms—87 percent. An SSBG cut of the magnitude proposed in this bill will substantially reduce our State's ability to provide services to vulnerable children, to elderly, and disabled people.

This amendment, that I am proud to cosponsor with Senator GRAHAM, is an effort to say to the Senate that we have to do the right thing and that we must restore full funding for the title XX social services block grant program.

I will wait to hear if there is debate on the other side. I have many more examples to present from many counties in my State, both rural and urban. But I will repeat it one more time. As far as I am concerned, the fundamental core question for us to address, the issue for us to debate, is whether or not we in the Senate want to cut the social services programs that are so important to the most vulnerable citizens in our States—important to elderly people so they can have transportation and not be so isolated; important to people like my parents, who are no longer alive, so someone can come to their apartment and help them live at home when they have a disabling disease; important to a family where the single parent is working and she wants to make sure there is affordable child care; important to the person with disabilities so he or she can live at home with dignity; important for people who are not well enough and cannot even physically be able to go to congregate dining, who need Meals on Wheels, so someone can come and deliver them a nutritious meal.

By the way, the Meals on Wheels program is inadequately funded right now. We cannot cut these critically important programs and services that make life better for vulnerable citizens in our country. We cannot do this.

The States have a tremendous amount of leeway in how they use their SSBG funds, and this is one program in which they are able to try to develop innovative and creative programs to help the poor and needy (people with incomes up to 200 percent of the poverty line are eligible for SSBG funds). Title XX only specifies that the money be used to help people achieve and maintain economic self-support and self-sufficiency to prevent, reduce, or eliminate dependency. The law also allows the money to be used for services that prevent or remedy neglect and abuse, and to prevent or reduce unnecessary institutional care by providing community-based or home-based non-institutional care. States use this money to care for people who would otherwise slip through the cracks; these funds are critical for the well-being of the most vulnerable people among us—the elderly and the very young, the poor, and the disabled. These are people who most need our help, and we should not be slashing the very money that is most likely to serve them.

Title XX of the Social Security Act specifies that $2.38 billion is to be provided to the States for fiscal year 2000. The Senate Labor-HHS appropriations bill, though, slashes funding for this block grant to only $1.05 billion. This cut comes on top of a 15 percent cut to the block grant made as part of the 1996 welfare reform law, a cut that the states reluctantly accepted only with a commitment from Congress that we would provide stable funding for the block grant in the future. I am pretty sure that a 50-percent cut doesn't qualify as stable funding by anyone's definition.

And what kind of a message do we send to the States when we talk about cutting block grant funds? Congress sold welfare reform to the states on the promise that they would have the flexibility to administer their own social service programs. But as the National Conference of State Legislatures point out, ''these cuts [to the SSBG] would set the precedent that the federal government is reticent to stand by its decision to grant flexibility to states in administering social programs.'' SSBG funds are used by the states to provide services for needy individuals and families not eligible for TANF, and to reduce federal Medicaid payments by helping vulnerable elderly and disabled live in their homes rather than in institutions. States also use SSBG funds for child care services and other supports for families moving from welfare to work. When Congress proposes slashing these funds, we send a clear, and I believe extremely damaging, message to the States. I think we are telling them not to invest in these kinds of social support programs, because they just can't count on the money being there.

But let's just say for a minute that we do go back on our word and break our commitment to the States—so what? What exactly does SSBG fund? Anything important?

Only if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth and families, special services for the disabled, and transportation services are important. All of these programs are funded, in part at least, through the SSBG.

According to the Title XX Coalition, in fiscal year 1997, more than 1.1 million elderly people and over 740,000 people with disabilities benefited from SSBG. State and local prevention and treatment services reached over 2.3 million children and their families. The SSBG also reached 1.5 million individuals and families by supporting their physical and mental well-being, and by helping them overcome barriers to employment and economic self-sufficiency. And child care-related services were provided to over 2.3 million children through SSBG.

In my home State of Minnesota, SSBG funds are used in some counties to augment child care for low-income single women and families. Even with these additional funds, there are currently huge waiting lists for subsidized day care in most counties. If we further cut the title XX funds, these county level programs are going to have to reduce or eliminate services that they provide. And when a single mom who has just gotten off welfare and is trying to make ends meet while she starts working at her new job, loses the subsidized day care that she counts on, what do you think is going to happen? Which do you think is more likely—that she'll be able to afford to pay for day care herself, or that she'll be forced to go back onto welfare?

Many Minnesota counties use SSBG money for home care services for the elderly. These counties use SSBG funds to pay for a care giver to go into a vulnerable elderly person's home and help them with basic ''home chore'' services like taking their medicine on time and in the right doses, keeping their home clean and safe, taking a bath, or making sure there is food in the refrigerator. These are simple, basic services, but they often mean the difference between allowing someone to stay in their own home or being forced into an institution. If SSBG funds are cut, vulnerable elderly are likely to lose home care services like a visiting nurse or case management person, which might then force them into a nursing home or an assisted living situation that would, in the end, cost much more money.

I was speaking with Marien Brandt, the Human Services Director in Sibley County, Minnesota who told me that her county spends SSBG funds primarily to serve vulnerable populations who aren't eligible for assistance under other funding programs, and she suggested that many of the people her agency serves would be forced into institutionalized care without SSBG funds. Marien gave me the example of the child who might have to go into an out-of-home placement if her agency becomes unable to provide counseling services that help the child's parent

learn to adequately care for and protect that child. The vulnerable adults they help with SSBG money tend to be elderly people, seniors or disabled people, who get home care services—someone to come in to help them clean their home and maintain a safe environment, bathe, have food to eat, to see that they take the right amount of medicine when they are supposed to. Oftentimes these people are not eligible for medical assistance, so there is not another source of funding available to them when they are living in the community. What will happen if SSBG funds are cut is that they will wind up having to go into a nursing home in order to qualify for funds to pay for their care.

Marien told me that in Sibley County, SSBG money is also used, especially in rural areas, to fund transportation for elderly and disabled, so they can access services like doctors, getting groceries, and just simply so they are not so isolated in their home (a ride to the senior center, perhaps). There is no other funding source that will pay for this. For disabled people who are just over eligibility guidelines for medical assistance, SSBG money is used to help meet their needs—managing medication, transportation, and community based services like training and counseling.

The way Marien explained it to me, her county basically counts on SSBG money to pay for services for people who otherwise fall through the cracks. They count on this money to provide simple, basic services that keep the most vulnerable among us in their homes and out of much more costly institutions.

Sue Beck, the Director of Human Services in Crow Wing County, Minnesota told me a similar story. She explained that her county also counts on SSBG funds to make sure that vulnerable populations, the elderly, the disabled, children, and poor people, have the services they need to live economically secure, self-sufficient lives. Over the past several years, due to SSBG cuts that have already been imposed, her county has had to cut back services in transportation and ''chore services''—for disabled and elderly people who need just a little bit of help—things like help shoveling snow or grocery shopping. They use SSBG money currently to augment their employability budget—to provide supported employment, and community based employment for people who other wise might not be able to compete successfully in the job market. All of this is at risk when we talk about cutting SSBG in half.

Dave Haley, from the Ramsey County Department of Human Services also told me about his county spends SSBG money. The first example he gave me was that of a typical family of a single-mother who has three young children. The oldest child, a 7-year-old boy, has missed a significant number of school days. The mother is experiencing problems with chemical dependency and involved in a violent relationship with her boyfriend. The mother cannot make sure that the child gets up every day on time, and is promptly fed and dressed for school. The family does not have a car or other personal means of transportation. Through programs partially funded with SSBG money, the County is able to provide support to the mother to resolve her chemical dependency problems and domestic abuse. Services ensure that the seven-year-old is attending school on a regular basis and the boy is beginning to make academic progress.

There are over 2,000 young children in Ramsey County currently in this situation. Ramsey County and local school districts have been able to develop a very active program to address these educational neglect issues and insure that children attend school on a consistent basis. They will be forced to scale back this effort, though, if SSBG funds are cut by more than 50 percent.

Another example that Dave gave me is that of a 30 year-old woman that is living in her own apartment in her home community. Thirty years ago, a similar individual with moderate mental health needs would have been placed in a state hospital miles from their family home. Over the last three decades, needed supports have been developed, including programs to monitor and assist individuals in managing their medications, checking on their money management and assisting when necessary with proper budgeting, teaching needed independent living skills, and employment support to maintain their current job. Without periodic weekly checks, the individual would have great difficulty managing their daily life, and might be forced into an institutionalized living situation.

The system that has developed over the last three decades has not only improved the lives of hundreds of people in Ramsey County, it has also enabled the state and federal government to save hundreds of thousands of dollars on more expensive institutional care.

Currently, Ramsey County receives $5 million in SSBG funding. If this were reduced by half, it would affect far more than what I have briefly mentioned. SSBG money also supports chemical dependency prevention efforts, homemaker and other support services for seniors to prevent nursing home placement, and support efforts for families with a child with developmental disabilities to enable the family to stay together and avoid or delay out of home placement, to name only a few. If these funds are not restored, all of these programs, and all of the people they serve, will suffer.

So you tell me, which of these programs deserves to go, because something is going to have to if this provision passes. Who do you think we should turn away? Maybe low-income families with children? Or perhaps the elderly or disabled? What difference does it make if someone goes to bed hungry, or homeless, or just plain afraid that they won't make it through tomorrow? We have a budget cap to maintain, after all. And that is what this Congress has defined as really important here, right? Not helping our constituents, or keeping our commitments to the States, because I certainly don't see how anyone in Congress could argue differently when I see an effort like this to eliminate one-half of the SSBG funding.

In my own State of Minnesota, these cuts will have an immediate and deeply felt effect. Minnesota communities currently receive $41.6 million annually. If the proposed cuts are enacted, Minnesota will lose $23.2 million in funding, receiving only $18.3 million in FY 2000.

Minnesota is unique among all the states, though, because, by law, SSBG funds by-pass the governor and flow directly to the local level. The state cannot touch the money—they can neither add nor subtract funds from the block grant. Minnesota law further requires local levels programs to run balanced books. Which means that they cannot carry any budget surplus from one year to the next. So what that means is that if these cuts to the SSBG go through, the state will not be able to help offset any of the lost funds with funds from other sources, the local level programs will have no budget surpluses to fall back on, and these federal level cuts will be reflected immediately at the local level in program cuts. It would mean substantial reductions, or perhaps even the elimination of local Minnesota programs like senior congregate dining, Meals on Wheels, and a host of other local community based programs. It would also mean cuts in health and substance abuse programs, as Minnesota is one of only seven states in the country that relies more heavily on its Title XX grant than its SAMHSA grant to fund mental health services. Furthermore, because next year will be a ''bonding legislature,'' one in which they will not be considering policy issues, the Minnesota legislature will not be able to take up legislation to change the law governing the flow of SSBG funds until 2001.

So some of my colleagues may be saying to themselves, well that's unfortunate for Minnesota, but in my home state we'll be able to supplement the cuts with other money—maybe the money we got from the tobacco settlement, or perhaps we will just transfer money from our TANF surplus. First, let's talk about the tobacco settlements: in some states, anti-smoking and other health needs will receive first priority for use of the settlement

funds, not unanticipated reductions in SSBG funds. Also, some states have already enacted legislation committing the tobacco funds for other purposes. Okay, well, then if not the tobacco settlement funds, then maybe the TANF surplus funds. But right now, seven states—Delaware, Illinois, Indiana, Massachusetts, Missouri, Nevada, Oregon—currently have no unobligated TANF funds. And if the House gets its way, 3 billion dollars in TANF surpluses will be rescinded from the states. This will leave another 12 states—Alabama, Connecticut, Kansas, Kentucky, Maine, Michigan, Nebraska, New Hampshire, North Carolina, North Dakota, Utah, and Vermont—who if they used every single cent of their remaining TANF surplus still won't have enough money to cover the lost SSBG funds. That's a total of 19 States, more than a third of all states, that won't have the social service funds available to offset the SSBG funding cuts proposed in this bill.

I have here a letter from a group called ''Fight Crime, Invest in Kids,'' which is an organization made up of over 500 police chiefs, sheriffs, prosecutors, victims of violence, and violence prevention scholars, written in support of this amendment. They write to explain that recent cuts in SSBG have short changed child care, child abuse prevention, removal and placement of abused children, drug treatment, and other critical crime prevention investments.

As they point out in this letter, one of the Government's most fundamental responsibilities is to protect the public safety. To meet that responsibility, Congress must close the crime-prevention gap—the gaping shortfall we ought to be making to help our Nation's children get the right start.

The Graham-Wellstone amendment to restore funding to the SSBG would provide over $591 million to protect children from abuse and neglect. Since abused and neglected children are almost twice as likely to become chronic offenders, it is clear that these services can have an important crime prevention impact. The amendment would also provide $300 million to support child care in 47 states. A study by the High Scope Foundation showed that quality child care can dramatically reduce the chances of children becoming criminals. It is clear that we must continue to provide the funds for these programs, and we can only do that by restoring the title XX grant to its full formula amount.

In a report they put out yesterday, the Center on Budget and Policy Priorities explained that if the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut by 87 percent since 1977 in inflation-adjusted terms. An SSBG cut of the magnitude proposed in this Senate bill will substantially reduce the States' ability to provide services to vulnerable children, elderly, and disabled people. Please, do the right thing and restore the SSBG money by supporting the Graham-Wellstone amendment to restore full funding for the Title XX Social Services Block Grant.

If the Senate does not support this Graham amendment, then, in my view, the Senate does not have a soul. If the Senate does not support this Graham amendment, then, in my honest to God opinion, the Senate does not have a soul.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I am ready to make a motion, if the other side does not wish to use the remainder of their time. If there is something further they have to say, I do not want to cut that off.

Mr. GRAHAM. Mr. President, it is my understanding we are not operating under a time agreement, so there is not a clock ticking on this issue.

I see one of the cosponsors of the amendment, the Senator from Connecticut, is on the floor. I do not know if he desires to speak on this issue or not.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate that. I am very impressed with the level of my colleagues' debate. I commend my colleague from Florida, Senator GRAHAM, and my colleague from Minnesota, Senator WELLSTONE, for articulating what I think the rationale and support for this amendment means to make a huge difference in our States and localities and to underserved Americans.

I have an amendment that I will be offering shortly on behalf of Senator JEFFORDS and myself, Senator SNOWE, and others, on child care. I am prepared to offer that, but I do not want to in any way cut into the debate of my colleague from Florida or others who may want to continue with regard to his particular amendment.

Again, I commend him for it. I am delighted to be a cosponsor of it. I think it makes a significant contribution. I point out, in my State alone—I represent the most affluent State in America, something of which I am proud. I also tell you I am not so proud of the fact that the largest increase in child poverty in the country occurred in my State over the last several years—a 60-percent increase in child poverty.

So here is a small State, Connecticut, with 3.5 million people, enjoying unprecedented prosperity. Yet in the midst of this small State, we are also finding an unprecedented hardship on the part of a lot of people, particularly young people. One out of every five children in my State is growing up in poverty.

What the Senator from Florida and the Senator from Minnesota have offered is some relief for people in that category, to see to it that they might also enjoy the prosperity of our country.

Meals on Wheels, adult day care, foster care—there is a wide variety of other issues. But as my colleagues know, I have tried to focus my attention, over the years, particularly on children and their needs; and hence the amendment I will offer with Senator JEFFORDS in a moment on child care and afterschool care.

But I realize this amendment being offered by the Senator from Florida covers more than just children. For example, it covers adult day care. Three generations living under the same roof—we find that a more frequent occurrence in our society. The wonderful advances in medicine allow people to live longer, more fruitful lives, but it also creates generational burdens in many ways.

So this is not an unreasonable request for a nation of almost 280 million people to see to it that those who are the least well off—carrying some of the most significant burdens—can also share in the prosperity we are enjoying. That is what I think we would all like to think of when we talk about America: a nation where there is equal opportunity.

What this amendment does is create opportunity. It does not guarantee success, but it gives people a chance to maximize their potential. For those reasons, I strongly urge the adoption of the amendment, and again I am pleased to be a cosponsor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I would like to reserve time to close. If there are any speakers in opposition to the amendment, I would defer to them and then I would like to close.

Mr. COVERDELL. Mr. President, we are prepared to move to the close on behalf of the distinguished Senator from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. The arguments in favor of this amendment are numerous. The Federal Government made a commitment to the States as part of the welfare-to-work legislation that it would maintain funding for this program at the level of $2.38 billion each year. That commitment was made out of a recognition of the importance of the programs funded through title XX of the Social Security Act toward achieving the results, the goals of welfare to work. We are about to breach that commitment—not just to breach it, we are about to obliterate that commitment.

Second, the proposal directs the States to spend a portion of their tobacco settlement to replace these Federal funds, the funds we have committed to make available to the States.

We have voted in this Senate on numerous occasions, by margins of 70 to 30 or more, against that specific proposition, against the attempt of the Federal Government to play big father and direct the States as to how they should use their tobacco settlement money. Now, having beaten back the efforts at the front door, we see this effort coming in through the back door saying: Well, we are not going to tell you that you have to spend your money. We are just going to cut over half of a critical Federal partnership program with the States, a program we committed to as part of the States entering into the Welfare-to-Work Program. We are just going to suggest. And, by the way, you ought to spend your tobacco money to fund it. Outrageous.

Third, this is not just a matter of what is in our heart; this is also what is in our mind. The reason Congress adopted this program in 1975—which, if I recall, was under the administration of President Ford—was the recognition that expenditure of Federal funds on programs that kept older Americans out of nursing homes, expenditure of Federal funds on programs that alleviated the suffering and the potential for further suffering of the disabled, saved the Federal Government money, programs that kept families together, that helped children in need, saved the Federal Government money. With almost no consideration, we are about to turn the clock back on this accomplishment of President Ford and 25 years of demonstrated success of this program in both helping people and saving the Federal Government money.

Most important, we are about to pick out the most vulnerable people among us and say: It is upon your back that we are going to attempt to reduce the imbalance in our budget accounts. We are going to turn to the weakest to say: You should carry the fullest load.

I don't want to just speak these closing remarks in my words. I will use the words of a few of the many organizations across America which, in the short period of time since the alert went out that this ridiculous action was even being considered by the most deliberative body in the world, have responded with their assessment of what this would mean. Let me mention a few of them.

The National Governors' Association had this to say:

> Over the past few years, the [social services block grant] has taken more than its share of cuts in federal funding. As part of the 1996 welfare reform deal, Congress made a commitment to Governors that the SSBG would be level funded at $2.38 billion each year.

Congress made a commitment to the States that this funding would be maintained. Now we are about to cut that funding by more than 50 percent, according to the National Governors' Association.

The Fight Crime Invest in Kids Coalition, an organization that represents over 500 police chiefs, sheriffs, prosecutors, victims of violence, leaders of police organizations and violence prevention scholars, had this to say about this proposal:

> The GRAHAM-WELLSTONE amendment to restore funding of $2.38 billion for the Title XX Social Services Block Grant would:
>
> Provide over $591 million to protect children from abuse and neglect. Since abused and neglected children are almost twice as likely to become chronic offenders, it is clear these services can have an important crime prevention impact.
>
> Provide $300 million to support child care in 47 States. The High/Scope Foundation study showed that quality child care can dramatically reduce the chances of children becoming criminals.

That is what 500 chiefs of police and sheriffs and other leaders in the criminal justice community have said about the importance of this amendment.

Catholic Charities USA said this in its letter:

> Cutting funds to services that keep people independent and in their communities is short sighted and will lead to unnecessary suffering and increases in other federal programs.

This is what the Girl Scouts said about this proposal:

> The further cuts to this program which have been proposed by the Senate will no doubt negatively impact our communities, most of which are already struggling with limited resources for much needed services.

Finally, the National Conference of State Legislatures in their letter stated:

> The current proposal in the Senate Labor, Health and Human Services and Education appropriations legislation will jeopardize services to the elderly, disabled and children and families. It also represents a retreat from Federal commitments made during the enactment of welfare reform legislation.

For all of those reasons, as well as the fact that Senators KENNEDY and CLELAND have asked to be added as additional cosponsors to this amendment, I urge my colleagues to step back from the precipice of irresponsibility and repudiation of commitment, to step back from the cliff that would have us, through the back door of this ill-considered proposal, breach our commitments to the States to keep our hands off their State-won tobacco settlement, and particularly so we can look in the eyes of the American people who would be most affected by this—the children, the disabled, and the frail elderly—and say: You are not the forgotten Americans.

I urge the adoption of this amendment.

Mr. MOYNIHAN. Mr. President, I rise to voice my displeasure at the severe reduction this year's Labor-Health and Human Services appropriations bill includes for the Social Services Block Grant. This program was established under Title XX of the Social Security Act to help people who are least able to help themselves; the elderly, the disabled, and children of low income families. The money is put to good use in some two dozen areas such as foster care services, day care, intervention and prevention for at-risk families, and special services for the disabled. The Labor-HHS Subcommittee has produced a bill that cuts SSBG funds from $1.9 billion to $1 billion. Just short of cutting it in half. The committee report cites tight budget constraints and suggests that states can make up the difference with proceeds from the tobacco settlement. Mr. President, money from the tobacco settlement should be used for anti-smoking programs and other health programs. The basis of that litigation was that smoking caused health problems which the states had paid for. So health care programs that were deprived of funds in the past should be the beneficiaries of the tobacco money, as should anti-smoking programs. We should not tell the states that we're pulling the rug out from under the SSBG and it is up to them to make up the difference if they choose to. Some states have already passed legislation that allocates the tobacco money.

The Social Services Block Grant program is an entirely egalitarian program. The formula could scarcely be simpler. The proportion of the money each state gets is the proportion of the national population it has. New York has seven percent of the population. It gets seven percent of the funds. So this draconian cut affects states evenly. Everyone should be concerned about it.

One further point. This is a block grant. It allows the states to decide how best to spend money on a range of similar needs. The alternative would be a handful of categorical programs to which the states would apply individually. From time to time Senate debate centers on the merits of block grants versus categorical programs. Education comes to mind, for example. The opponents of block grants frequently say that once you block grant a group of existing programs, it becomes significantly easier to cut their funding. If this $900 million reduction is allowed to stand, the opponents of block grants will have a shining new example of the damage that can be done to a block grant and the proponents of block grants will have a more difficult time gaining their objectives in the future.

Mr. ROCKEFELLER. Mr. President, I am proud to be a cosponsor of the Graham amendment to restore funding for Title XX, the Social Services Block Grant. This program is critical to the ability of our states to meet the needs of our most vulnerable citizens—children, the elderly and the disabled.

The present Senate Labor-HHS-Education appropriations bill contains a provision to cut funding for the Social Services Block Grant by more than half, from $2.38 billion to $1.05 billion. This program has been under attack for years. In 1996, Title XX was cut by 15%. In 1998, the highway bill used cuts in Title XX to pay for the out years of highway spending in 2001. While I understand the importance of roads for economic development, should we pay for it by cutting basic funding for needy children, disabled Americans, or senior citizens?

In the last few years this Congress has sent a message to the states. We have said, ''We trust you to know how to take care of your own people. We want to support you, and help you, and at the same time, give you the flexibility to design your own programs.'' This was one of the clear messages of welfare reform.

As one of the members on this side of the aisle who voted for the 1996 welfare law, I have to say that I truly believe that these Title XX cuts will weaken welfare efforts in our states. The Social Services Block Grant is used to provide many important support services that help complement the efforts of welfare reform in helping individuals go to work and continue working—education and training services, employment services, transportation, and child care are all among the important programs supported by this block grant. Indeed, as part of the welfare reform package that I agreed to, we promised the states that we would maintain funding for Title XX at the $2.38 billion level until reauthorization in 2002. How can we take back that promise now?

You know, one of the greatest features of the Social Services Block Grant is its flexibility. States, and even communities, can determine how to best serve their poor, their elderly, their children and their disabled citizens. My state provides an excellent example of this. While nationally states used an average of 14% of the Title XX block grant for foster care program for abused and neglected children, in West Virginia we use over 30% of our block grant for foster care and 34% for protective services for abused and neglected children. West Virginia cannot afford such a drastic cut in Title XX. It will undermine our State's commitment to abused and neglected children just when tough, new federal time lines are being enforced to move more children from foster care into safe, permanent homes faster.

If we cut this funding by more than half, my state will face enormous challenges in its efforts to keep children safe and stable in their homes and communities. This is intolerable.

Nationally, 12% of the Title XX block grant is spent on services for the elderly, including protective services for seniors who are victims of abuse and neglect. In West Virginia, 10% of our block grant—a little over $1.6 million—is spent on these services for seniors. This not only provides them with support and protection, it helps them remain in their own homes, rather than being placed in nursing homes or other institutions.

What message are we sending to our poor, elderly neighbors, if we cut these services in half?

As a former Governor, I understand why Governors want the flexibility of block grants. But the history of Congress is to push for block grants in the name of ''flexibility'' but then to slowly but surely cut the funding of block grants, leaving states and families in the lurch. As a member who cares deeply about poor children, disabled Americans and needy families, I am worried about how such cuts will effect the small communities and our most vulnerable families.

We should not cut these vital funds. There is a unique and strong coalition fighting to protect this vital investment ranging from government groups like the National Governors Association and National Association of Counties, to dedicated service providers like Catholic Charities and the United Way. If we believe in community programs and the importance of non-profit charities, how can we justify cuts to Title XX which will hinder their partnership projects?

The Social Services Block Grant is not just good for people, it is also good policy. It gives the states flexibility. It helps communities to be innovative in taking care of their own by supporting local partnerships. It makes sense.

These funding cuts undermine many of our priorities. We cannot say we want to invest in children and families, then cut the Title XX Social Services Block Grant. This is worse than many of the budget gimmicks in this legislation because cutting Title XX hurts vulnerable families in communities across America. We should not cut this program.

Mrs. HUTCHISON. I would like to briefly discuss with my colleague, Senator GRAHAM, some language that appeared in the Appropriations Committee Report for the fiscal year 2000 Labor, HHS, and Education Appropriations bill. Senator GRAHAM, I understand that the Report states, with regard to the funding reduction in Social Services Block Grant program, that ''the States can supplement the block grant amount funds received through the recent settlements with tobacco companies.'' Senator GRAHAM, I understand you have seen this language?

Mr. GRAHAM. Yes I have, and I thank my colleague from Texas. I must say I was very surprised by this report language, particularly considering the fact that the Senate only this year voted several times and decisively to prevent the federal government from seizing the money the States earned as part of their tobacco settlements. Legislation that you and I offered in the Senate passed overwhelmingly, and amendments to that language to force the states to spend their settlement funds according to a specified formula were soundly rejected.

Mrs. HUTCHISON. That is an excellent point. In fact, I think it should be pointed out for the RECORD that, on March 18 of this year, the Senate voted 71 to 29 to protect our States' settlement funds by defeating an amendment that would have directed that states spend at least half of their settlements according to whatever specific list of programs the Secretary of Health and Human Services designated during any given year. Thus, the Senate rejected the notion that the federal government should have an annual veto over more than $140 billion of state funds. I think it is also worth noting that the Hutchison/Graham legislation we introduced this year to protect these state funds from federal seizure had 47 cosponsors, including substantial bipartisan support. The legislation was signed into law by the President on May 21, 1999.

Mr. GRAHAM. I thank the Senator for that clarification. Our effort certainly struck an unmistakable blow for states' rights, and I am pleased and proud that our states and others are now free to use their funds for children's health, health research, smoking control, and the many other health, education, and public welfare programs that they are pursuing.

Mrs. HUTCHISON. In fact, I would like to point out that, of the roughly $1.8 billion that Texas is spending during the present budget biennium, virtually every dollar is going toward health care. For example, the state is allocating over $200 million for a permanent endowment for children's cancer research; $200 million for smoking control and research activities; $100 million for emergency and trauma care; $180 million to expand health insurance for low income children; and over $1 billion in various permanent endowments for many of our state's public and teaching hospitals. I am proud of what Texas is doing, and I am proud that you and I and so many of our colleagues had the courage to stand-up for the right of our states to pursue those priorities and programs that best meet the needs of their residents.

Mr. GRAHAM. I thank my colleague for her statement, and for her leadership in this important area.

Mrs. HUTCHISON. I thank the gentleman for his leadership as well, and I am glad we had the opportunity to clarify the intent and the will of the Senate in this regard. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, on behalf of the manager, I move to table

the amendment by the Senator from Florida, Mr. GRAHAM, and the Senator from Minnesota, Mr. WELLSTONE, and I ask for the yeas and nays.

The PRESIDING OFFICER. To which amendment is the Senator referring?

Mr. COVERDELL. I am referring to the amendment by Senator GRAHAM of Florida.

The PRESIDING OFFICER. The second-degree amendment or the first-degree amendment?

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. To clarify the motion, I apologize, I did not realize it was a second degree. The motion I have just made would be to the first-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COVERDELL. Mr. President, I am about to propound a unanimous consent that will explain what the remainder of the evening will be. We are waiting for the other side to sign off.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order for Senator DODD of Connecticut to offer his amendment and that no second-degree amendments be in order to the Dodd amendment prior to a vote on a motion to table.

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

Mr. COVERDELL. If the Senator will pause for one moment, I think what we are close to doing is having about four votes that would occur at around 5:15. So Senators can be on notice. We need to get one more sign off on that matter before we officially announce it. But that is the intent of the managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1813

(Purpose: To increase funding for activities carried out under the Child Care and Development Block Grant Act of 1990)

Mr. DODD. Mr. President, I thank the manager of the bill.

I call up amendment No. 1813

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. KENNEDY, Mr. LEVIN, and Mrs. MURRAY, proposes an amendment numbered 1813.

Mr. DODD. 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:

In the matter under the heading ''PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT'' in the matter under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' in title II, strike ''$1,182,672,000'' and insert ''$2,000,000,000''.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator JEFFORDS, Senator SNOWE, Senator KENNEDY, Senator MURRAY, Senator LEVIN, and others.

Let me begin these remarks by apologizing to my colleagues who, once again, are being asked to vote on a child care amendment. The obvious question raised is, Why am I voting on this for the third or fourth time? The simple reason is—and I appreciate the votes. We have had good votes in the Senate, and strong bipartisan votes on this issue. But for a variety of reasons, which I will not take the time of this body to go into, the matter has been dropped in conference, or bills have died, or for other reasons. So despite the good and strong and positive efforts on behalf of Members of the Senate, we have not been able to adopt the language on child care that my colleagues, by overwhelming votes, have adopted already in these past 10 months.

Again, Senator JEFFORDS, myself, and Senator SNOWE are proposing this amendment. It is somewhat different than the other ones in this regard only. Earlier, amendments dealing with the child care proposal actually had mandatory spending in them. This is discretionary spending. In fact, the amendment I am offering—properly the credit goes to Senator CHAFEE of Rhode Island, who has been a champion on child care issues. This amendment is basically the Chafee amendment on child care that we think is deserving of our support on a bipartisan basis.

By increasing margins, as I have indicated, this body has supported additional funding for the child care block grant. The first vote we had was 57–43, the second vote was 60–33, and by the third vote it was unanimously adopted.

I apologize again at the outset for asking my colleagues, once again, to cast a child care vote since you think you have done so, and already you have. But basically our opportunity to provide some additional funding is still the same. The arguments have not changed. The bill hasn't changed, except this is discretionary and not mandatory, and obviously the need across our country has not changed over the last number of months.

I will take a few minutes. We have a very short time agreement on this amendment. We have debated it extensively over the past year. I don't want to take any more of this Chamber's time than is necessary on this amendment.

But the amendment would increase child care assistance to working families by doubling the discretionary fund in the child care development block grant from $1 billion to $2 billion.

I continue to believe the best place for a child to be is with their parents. That is the best place—no question about it. But when both parents are working—as many do in this country, trying to put food on the table, a roof over their children's heads—that is difficult. When there is only one parent—regretfully, that happens too often in our society—you can imagine the burdens on a single parent who has to work and also has young children and trying to provide for child care needs.

So the reality is that good, affordable child care is a necessity. In the absence of parental care, we try to do the best we can to approximate the kind of care that parents would give.

That is what this amendment is all about.

The child care block grant is almost a decade old. My good friend and colleague from Utah, Senator HATCH, and I authored the child care block grant almost a decade ago. It won support and the signature of President Bush who signed the legislation into law, and it has provided a lot of decent assistance to people over the years.

It provides direct financial assistance to help families pay for child care and does not dictate where that care must be provided. Parents across this country can choose a child care center as the child care provider. They can choose a home-based provider, a neighbor, a church, a relative, or whatever they think is best for that child. We leave that entirely up to the parents to make that decision.

This block grant is also the largest source of Federal funding for critical afterschool programs.

Again, we all appreciate, I think, the growing need for afterschool care.

I point out to my colleagues that 30 percent of the child care block grant is used by parents to pay for care to school-age children. That translates into almost $1 billion a year.

That is a major, major source of assistance to parents who worry about who is watching their children after school in State after State across our country.

The only downside to this now almost decade-old program is that it has been underfunded because of the lack of resources. The Child Care and Development Block Grant Act is available

only to 1 in 10 eligible families in America today.

Despite all the efforts over the years—and I appreciate the votes and the support we have received—still only one 1 in 10 eligible families get any assistance under this program.

Because of a lack of resources States have been getting under the block grant—it goes to the States—States have had to severely ration child care assistance to families in need.

So what States have done is they create a threshold, a dollar threshold, an income threshold. They say that anybody above that threshold cannot get the child care development block grant assistance. They have lowered the threshold—that is all the time—because the scarce dollars mean that they can only provide it to some families.

Let me explain what I mean.

Two-thirds of all of the States in the United States have cut this child care assistance to families earning under $25,000 a year—two-thirds of all the States. Fourteen of those States have cut off all assistance to families earning over $20,000 a year, and eight States even ration the funds more stringently.

In the States of Wyoming, Alabama, Missouri, Kentucky, Iowa South Carolina, and West Virginia, if you are a family earning in excess of $17,000, you get no child care assistance.

I don't know how a family making $17,000 a year trying to work—this is a working family; I am not talking about somebody getting welfare. These are working people. If you are a working mother, and you have a $17,000-a-year income, you have two children, you do not have child care. I am sorry. You don't. You may be lucky and have a grandmother, aunt, or next-door neighbor, and probably juggling it every day. But if you are in those eight States, even in one of those 22 States, and make $20,000 or less, I don't know how people do it.

That is because we have underfunded for the block grant. I am not going to be able to take care of everybody. Senator JEFFORDS, Senator SNOWE, I, and others who have supported these amendments know we are not going to make a difference for every family. But if we can get a little more money by doubling this amendment from $1 billion to $2 billion in this discretionary program, maybe these States—we think they will—will raise those threshold levels, and as a result, more families in these States will get that kind of good child care assistance that they need.

Let me tell you how bad this problem is. Even with these stringent income eligibility requirements that I have just enumerated, consider the waiting list that exists across America. I will not recite all 50 States.

Let me tell you for almost every State that we have, the numbers are high.

In California, there are 200,000 children waiting for a child care slot, even with the income levels as low as they are.

So even when you have an income level of $17,000 or lower to get child care, or $20,000 or lower, there are 200,000 children in those States whose parents qualify financially. They are earning less than $20,000. But because there are so few funds, 200,000 are on a waiting list.

Texas, 34,000; Massachusetts, 15,000; Pennsylvania, almost 13,000; Alabama, 19,000; Georgia, in excess of 12,000.

The list goes on.

These are families that are meeting those income criteria. But even with the income criteria, there are not enough dollars to go around to provide child care to these families.

There is a waiting list even with these low-income levels.

Other States ration their limited child care dollars by paying child care providers poverty level wages.

That is hardly the way to ensure good, quality child care. Again, the lowest paid teachers in America are child care providers.

What a great irony. I don't think anyone argues we probably ought to have the best prepared teachers for the most vulnerable of our society—kids. A case could be made, I suppose, that someone in a higher education institution needed less care. But imagine a 6-month-old baby and the person who watches that 6-month-old, 1-year-old child is one of the lowest paid workers.

I am urging my colleagues to adopt this amendment so we can raise some of the income levels, we can get a few more dollars to the child care providers who are so necessary, and we can also see if we cannot help our Governors raise some of the income levels.

We have voted on this now three times. I am deeply apologetic to my colleagues. I have had unanimous support for this amendment as recently as a few months ago. Because of bills dying or being dropped in conference, we are back at it again. I apologize for taking the time of my colleagues on this amendment that Senator JEFFORDS and I have offered. We cannot let this issue go away. It is too important to too many families.

I thank publicly Senator ABRAHAM of Michigan, Senator CAMPBELL of Colorado, Senator CHAFEE, Senator COLLINS, Senator DEWINE, Senator FRIST, Senator HATCH, Senator JEFFORDS, Senator ROBERTS, Senator SNOWE, Senator SPECTER, Senator WARNER, and more. I will not read the entire list of Republican colleagues who have been supportive of this amendment. The Senators have made a difference voting for this. I thank the Senators for their support.

The votes I had then were for the mandatory program. This is discretionary funding. It is substantially different. Some in the past may have said vote for this, it is mandatory; this is a discretionary program. Obviously, we are dealing with Senator SPECTER's bill. It is different in that regard, probably less of a problem politically for some.

I am deeply grateful for the strong bipartisan support and I am confident we will have support again this afternoon on this issue which has developed strong bipartisan interest in this body.

My principal cosponsor from Vermont is here. I want to make sure he has some time to talk about this.

Mr. SPECTER. Mr. President, I ask unanimous consent a time agreement be entered into, with 10 additional minutes for the proponents of the amendment, and 15 minutes for myself and whomever I designate.

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

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join my good friend from Connecticut. We have been working for years to draw the attention of the public to the essential need that we pay more attention and provide help in the child care area. Each year we get the support of our Members. Each year we have successfully gotten agreements for billions of dollars of the budget, but the time is now to do something real. That is why we are here, to make sure we make a commitment, not only make a commitment but provide the funds to enable our society to be able to take advantage of all that can be done to make sure our children have an opportunity to participate in the best possible way in our society.

This amendment will almost double the funds that provide low-income working families with the help they need. The amendment increases funding for the child care and development block grant from about $1.83 billion to $2 billion. This block grant has always been forward funded so no offset will be required. States are struggling to meet the escalating child care needs of low-income families, and they are transitioning off of welfare. States have already transferred $1.2 billion in TANF funds into the child development block grant; other States use TANF dollars directly to pay for child care costs; while still others have spent all of their TANF funds and have nothing left to transfer.

Still this is not enough. States have waiting lists for child care subsidies provided under the CCDBG. In addition, many States provide subsidies so low-income families are forced into the cheapest and in many cases the poorest quality child care.

There are more than 12 million children under the age of 5, including half of all infants under 1 year of age, who spend at least part of the day being cared for by someone other than their parents. There are millions more

school-age children under the age of 12 who are in some form of child care at the beginning or end of the school day as well as during school holidays and vacation. More 6-to-12-year-olds who are latchkey kids return home from school to no supervision because parents are working and there are few, if any, alternatives.

While the supply of child care has increased over the past 10 years, there are still significant shortages for parents in rural areas with school-age children or infants and for lower income families. The cost of child care for lower middle-income families can rival the cost of housing and the cost of food. The most critical growth spurt is between birth and 10 years of age, precisely the time when nonparental child care is most frequently utilized.

A Time magazine special report on ''How a Child Brain Develops'' from February 3, 1997, said it best:

> Good, affordable day care is not a luxury or a fringe benefit for welfare mothers and working parents but essential brain food for the next generation.

The Senate has voted on and passed similar amendments three times this year. There were two votes on the budget resolution, and a modified version of the amendments was included in the conference report. Again, in July, Senator DODD and I introduced a similar amendment through the tax bill which was subsequently dropped in conference. Hopefully, this fourth time will be the charm and the Senate will pass this amendment and retain it in conference.

I ask my colleagues to vote for this amendment which is so critical for low-income working families and their children.

I yield to my colleague from Connecticut.

Mr. DODD. Mr. President, I thank my colleague and I thank so many of our Republican friends who worked with us on a bipartisan basis. I thank the manager, my good friend from Pennsylvania. We have been together many years. We both first arrived in this Chamber and we worked so closely together back 20 years ago, in 1981, on a caucus for children. It seems like a long time ago. Senator SPECTER, on numerous occasions, has been a real stalwart battler and fighter on behalf of the Child Care Block Grant Program. I am deeply grateful to him for his support on that.

Senator JOHNSON desires to be added as a cosponsor.

I know my colleague from Pennsylvania wants to be heard on this. I thank my colleague from Vermont and I thank my colleague from Maine. I thank Senator CHAFEE who has been a champion on this issue.

The mandatory bill is gone and we are down to the discretionary bill. I apologize, I say to the manager. I know Members think we vote on this issue every other day, but each time we have been dropped in conference despite unanimous votes in the Senate on this issue. I hope, as the Senator from Vermont has said, the fourth time may be a charm and we will be able to provide some additional funds on a very worthwhile and needed program.

I, again, thank my colleague for yielding. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before proceeding to the discussion of the amendment on the merits, I would like to announce to my colleagues we will shortly begin voting on four stacked votes: the Reid amendment, Graham amendment, Dodd amendment, and the Coverdell second-degree amendment to the Enzi amendment.

I ask unanimous consent we begin voting on these matters at 5:10.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend, the manager of the bill, it is my understanding there will be 1 minute on each side to explain the amendments.

Mr. SPECTER. Fine.

Mr. REID. Two minutes, equally divided.

Mr. SPECTER. I incorporate that into the unanimous consent request.

Mr. REID. And the Reid amendment will be the first amendment we will vote on?

Mr. SPECTER. Yes.

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

Mr. SPECTER. Has all time elapsed for Senator DODD?

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes remaining.

Mr. SPECTER. The Senator from Connecticut has 10 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. The unanimous consent agreement gave him 10 minutes total. Since that time, Senator JEFFORDS has spoken and Senator DODD has spoken.

Mr. DODD. If my colleague yields, we will yield back whatever time we have. I realize he is trying to move things along.

Mr. SPECTER. I am trying to find out what is happening with the time.

The PRESIDING OFFICER. The time of the Senator from Vermont was charged to him, and he yielded back his time to the Senator from Connecticut.

Mr. SPECTER. Is the remaining time between now and 5:10 on my side?

The PRESIDING OFFICER. There are presently 8 minutes 35 seconds remaining for the Senator from Pennsylvania.

Mr. SPECTER. And the other time has been yielded back?

The PRESIDING OFFICER. And 10 minutes remaining——

Mr. DODD. I yield back all time except 1 minute to sum up.

Mr. SPECTER. Mr. President, I find it extremely difficult to speak to and vote on this amendment because I have supported this amendment on so many occasions. Senator DODD accurately relates, when we were elected in 1980, we cochaired the Children's Caucus. Then, in 1987, after we were reelected, we were cosponsors of the first parental leave program which had just begun. We have been soldiers in the field. I have voted for this amendment again and again and again. But I am deeply concerned if we agree to this amendment at this time and add another $900 million to the current bill of $91.7 billion, we are not going to have any bill at all. We are not going to get 51 votes in this Chamber to pass this bill and to go to conference. I say that because of the deep-seated concerns which have been expressed by so many Senators about where we are.

We have a bill at $91.7 billion which is within the budget caps. We have to go to conference with the House. We have to present a bill which the President will sign. I do not believe we will be able to do that if we add $900 million more.

I can count the number of cosponsors which the persuasive Senator DODD has. It may be he will have enough sponsors to defeat a tabling motion. I think next Tuesday, when Republican Senators return, on the vote on the underlying merits it may be different, although I very much would like to support him. We have been very concerned about children in this bill. We increased the child care block grant $182 million for fiscal year 2000, which brings it to $1.182 billion. Senator DODD would like to have it added to $2 billion, and so would I, if I thought we could get that bill passed. This $1.182 billion is in addition to the child care entitlement which was increased $200 million, to $2.367 billion next year. So we have on child care more than $3.5 billion.

In addition, States can transfer up to 30 percent, or $4.8 billion, of their temporary assistance to needy families, the so-called TANF block grants, to the child care block grant. At the end of the first quarter of fiscal year 1999, States had $4.220 billion in unobligated TANF balances.

So there have been very substantial allocations for children. I might say, this is an especially tough vote for me because earlier today, my daughter-in-law, Tracey Specter, took the lead in establishing a child care center in Philadelphia where she and her husband, my son, Shanin Specter, have made a very generous contribution for child care. I know of the importance of child care so working mothers can provide needed assistance for their families in an era of two-wage-earner families and in an era of single mothers. I

know how vital child care is. But this is going to be the log that breaks the camel's back. I think the camel now is burdened so that a straw would break the camel's back, but this is not a straw, this is a log.

I do not know quite where we are going to be when final passage comes on this bill and we do not have 51 votes. So it is a longstanding partnership I have with the Senator from Connecticut, elected on the same day to this body, worked hand in glove, almost as longstanding a relationship as with Senator JEFFORDS. Usually Senator JEFFORDS says, ''Jump,'' and I say, ''How high?'' on matters which he has in mind. But it is with the greatest reluctance that I say I cannot support this amendment, much as I would like to, for the reasons I have given.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator has 3 minutes 20 seconds.

Mr. SPECTER. Let me yield a minute or so to Senator DODD.

Mr. DODD. I appreciate my colleague's very gracious comments on this, and I appreciate the burden he is under. It is not easy to be the chairman of a committee. You have responsibilities to meet and you have a lot of good requests that come your way.

I would make the case to my colleagues, I think there has been a strong indication this is a matter in which we have been able to come together. We were so divided on so many issues, but on child care we found common ground three times already in the last 7 or 8 months, the three votes that have been cast on this issue. In fact, the previous ones were on mandatory spending. This one is discretionary, so it ought to be somewhat more palatable for people.

I appreciate the comments of the Senator from Pennsylvania on how much is already committed. But, of course, I still make the case it still only serves 1 in 10 families—I know he knows—and there are a lot of people on waiting lists, thousands in each State, even with the income levels down. As I said, in 8 States it is $17,000 less; in 14 States, it is $20,000 less. I don't know how a family earning $20,000 a year with all the other financial burdens they have also can meet a child care expense they may have.

So while I am deeply appreciative of the quandary he is in, I make a case this strengthens the likelihood we might get 51 votes for the bill. It is the kind of bipartisan proposal that has enjoyed so much support. It was unanimously adopted only a few weeks ago, so that it might, in fact, bring some people who would feel otherwise disinclined to support the legislation, but doing something, as he properly points out, for working families—it is all working folks now—trying to make ends meet, hold their families together. I know he knows this. I know he cares about it deeply.

I hope in the coming minutes before the vote occurs on this, while people may have voted one way on a variety of different bills, on this one, this amendment, they might say: On this one, we ought to, with forward funding, find that extra $900 million so we can make a difference for these families.

I am deeply appreciative of his kind words and his continuing efforts and fight. I was going to facetiously suggest, since his wonderful daughter-in-law and son went into the business, maybe the chairman might have to recuse himself on the vote since he may be compelled to vote to table. I say that only facetiously.

I am delighted his daughter-in-law and son have felt the need to be involved in the issue, and I am not surprised, knowing the Senator and his spouse, that their children would want to carry on this terrific tradition they have started.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Connecticut for those generous comments. He is almost pervasive enough to get me to change my mind, but passage of this bill is more important.

Mr. President, I ask unanimous consent that after the first rollcall vote, which is 15 minutes in accordance with our practice, with a 5-minute leeway, that the subsequent votes be 10 minutes in duration.

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

Mr. SPECTER. Mr. President, with great reluctance, I move to table the Dodd amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1820

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Reid amendment.

The Senator from Nevada.

Mr. REID. Mr. President, if Members of the Senate have enjoyed and appreciated ''Prairie Home Companion,'' the great work of Ken Burns' ''Civil War,'' ''Baseball''—and now he is doing a new one on Susan B. Anthony and Liz Stanton dealing with the women's movement—and if they have enjoyed with their children ''Sesame Street,'' which is Big Bird and Elmo, then every person in the Senate should support my amendment.

We want to keep public broadcasting public and not commercial broadcasting. We do not want it, like most everything else in America, to be commercialized. Our children and the rest of America at least deserve this much from their Congress.

This amendment cries out for support. This is an education and labor bill, and I underline education. There is nothing more important as it relates to education than having a sound public broadcasting function of our Government.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is with reluctance, again, that I am compelled to oppose the Reid amendment. I like public broadcasting, but this bill has been crafted with some 300 programs. Public broadcasting is getting a $10 million increase. This is in the face of some very substantial problems which were raised with public broadcasting on the sale of lists to political organizations. Public broadcasting is very important, and with tight budget constraints, I think $350 million is an adequate allocation.

I must say, as the Senator from Nevada mentioned ''Sesame Street,'' again, it is a family matter. My three granddaughters are mad about ''Sesame Street.'' On goes the television, and their behavior is a model.

This budget can only stretch so far. It is crafted for more than 300 programs. The better course is to take the $10 million increase, and $350 million is sufficient.

Parliamentary inquiry: Is there a tabling motion pending?

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1820. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Rhodes Island (Mr. CHAFEE), the Senator from Ohio (Mr. DEWINE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The result was announced—yeas 51, nays 44, as follows:

{Rollcall Vote No. 301 Leg.}

YEAS—51

Abraham	Feingold	McConnell
Allard	Fitzgerald	Murkowski
Ashcroft	Frist	Nickles
Bennett	Gorton	Roberts
Bond	Gramm	Roth
Brownback	Grams	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Cleland	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—44

Akaka	Boxer	Daschle
Baucus	Breaux	Dodd
Bayh	Bryan	Dorgan
Biden	Byrd	Durbin
Bingaman	Conrad	Edwards

Feinstein	Kohl	Reed
Graham	Landrieu	Reid
Harkin	Lautenberg	Robb
Hollings	Leahy	Rockefeller
Inouye	Levin	Sarbanes
Jeffords	Lieberman	Schumer
Johnson	Lincoln	Torricelli
Kennedy	Mikulski	Wellstone
Kerrey	Moynihan	Wyden
Kerry	Murray	

NOT VOTING—5

Chafee	Mack	Thomas
DeWine	McCain	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Graham amendment.

Who seeks recognition?

The Senator from Alaska.

Mr. STEVENS. Mr. President, our staff tells me that we now have 62 amendments pending to this bill. That means we are going to be here an awful long time on this bill. I think I am going to request that the leader initiate a weekend session if we are going to get this bill passed.

We had this bill out of committee with the hopes that we could get it passed today at the end of the fiscal year so we could once again get back to the habit of passing all the bills in the Senate that come from the Appropriations Committee by the end of the fiscal year at least.

I hope Senators will tell us seriously how many of these amendments they intend to call up. There are 41 on that side of the aisle and 21 on this side of the aisle. Most of them are riders, and if you put them on the bill, we will drop them in conference anyway. Beyond that, those amendments that take money, you have to take money from some other Senator to get them passed.

Let's not play games with this bill. It is the last bill. It is the biggest bill. This is the largest bill. Two-thirds of this bill is not even subject to our control. Two-thirds of the bill is entitlements. I hope we will start watching those entitlement bills and understand it is a very hard bill to put together.

I congratulate the Senator from Pennsylvania and the Senator from Iowa for their handling of the bill. But I plead with you to tell us which of these amendments you really want to call up.

I see my good friend from Nevada. He doesn't have on the right tie today. But he is a man who believes, as I do, that bills should move forward as rapidly as we can move them. I hope I have his help in urging Senators to tell us which of these amendments you really want considered by the Senate and give us a time agreement on them so we know how long it will take before we finish this bill.

Does the Senator wish the floor?

Mr. REID. Mr. President, I say to my friend from Alaska that the managers of the bill on our side have suggested maybe we should drop your amendments and our amendments. Would the Senator be willing to do that?

Mr. STEVENS. I would be happy to move to table them all and go to conference tonight.

Mr. REID. That is something we were talking about over here.

I say to the chairman of the full committee that we have already looked at these amendments. A number of Members on this side are waiting to see what amendments are being offered on the other side. There are a couple of amendments that are going to cause this bill a really slow ride through these Halls. One is on ergonomics, which is a real problem; we have a dozen or so Senators who want to speak in relation to that amendment.

So I think a lot depends on what amendments are offered on the majority side to see how we can weed out some of these amendments over here.

Mr. STEVENS. Mr. President, I ask the Parliamentarian to look at all of the amendments and see which of them are subject to rule XVI. I intend to raise rule XVI against any amendment I can raise it against.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. GRAHAM. Mr. President, I suggest the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

The Senator from Florida.

AMENDMENT NO. 1821

Mr. GRAHAM. Mr. President, we are talking about one of those entitlement issues Senator STEVENS just described.

The Finance Committee of the Senate and the Ways and Means Committee of the House established the funding level for title XX of the SSBG of their bill at $2.38 billion. The appropriators have reduced that amount to $1.50 billion, a cut of over 50 percent. This violates a commitment the Congress made with the Governors in 1996 as part of the welfare-to-work legislation. Therefore, the Governors are opposing the position the committee has taken.

This is a backdoor violation of the commitment that 71 Senators made when we voted against having the Federal Government direct how the States' tobacco settlement was spent.

Why is this? Because the way in which the subcommittee recommends we make up this difference is to direct the States to use their tobacco money to fill this gap. Seventy-one Members of the Senate—48 Republicans and 23 Democrats—voted in March of this year to do exactly the opposite of what we are now being asked to do.

Mr. President, this is a matter of honor of the Senate and our commitment to our partners in the Federal system, the States.

I urge that this motion to table be defeated.

Mr. SPECTER. Mr. President, as much as I have always favored the social services block grant program, the funding level in this bill is established as a matter of priority.

If we want to add to education $2.3 billion, significant additions to the National Institutes of Health, and crafting some 300 programs, this is the level which is appropriate. The States can transfer up to 5 percent of their temporary assistance to needy families in this program through these block grants, which amounts to $16.5 billion. Mr. President, $825 million are available there.

At the close of the first quarter of fiscal year 1999 States had $4.22 billion, so it can be made up. People may not want to consider the tobacco funds, but the States have about $203 billion which has been given to them, where the argument was it should have come to the Federal Government to support these block grant programs.

If we are to pass this bill, if we are to get 51 votes, $91.7 billion, we can't add additional funds with this amendment.

The PRESIDING OFFICER (Mr. BENNETT). All time has expired. The question is on agreeing to table the amendment No. 1821. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—39

Allard	Feingold	McConnell
Ashcroft	Fitzgerald	Murkowski
Bond	Frist	Nickles
Brownback	Gorton	Roberts
Bunning	Gramm	Sessions
Burns	Grams	Shelby
Campbell	Gregg	Smith (NH)
Cochran	Hagel	Specter
Coverdell	Helms	Stevens
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—57

Abraham	DeWine	Johnson
Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerrey
Bayh	Durbin	Kerry
Bennett	Edwards	Kohl
Biden	Feinstein	Landrieu
Bingaman	Graham	Lautenberg
Boxer	Grassley	Leahy
Breaux	Harkin	Levin
Bryan	Hatch	Lieberman
Byrd	Hollings	Lincoln
Cleland	Hutchinson	Mikulski
Collins	Hutchison	Moynihan
Conrad	Inouye	Murray
Daschle	Jeffords	Reed

Reid	Santorum	Snowe
Robb	Sarbanes	Torricelli
Rockefeller	Schumer	Wellstone
Roth	Smith (OR)	Wyden

NOT VOTING—4

Chafee	McCain
Mack	Thomas

The motion was rejected.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Mr. President, I ask that the underlying amendment, as amended, be voice voted.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I object.

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAHAM. I would like to dispose of this matter now.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided on the Dodd amendment.

Mr. GRAHAM. Mr. President, I think I had asked for the yeas and nays on the underlying amendment, as amended.

The PRESIDING OFFICER. A sufficient second has not been obtained. Is there a sufficient second?

Mr. NICKLES. 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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. NICKLES. Mr. President, regular order.

AMENDMENT NO. 1813

The PRESIDING OFFICER. The regular order is there are now 2 minutes equally divided on the Dodd amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I make a point of order that this amendment violates the Budget Act in that it exceeds the 302(b) allocations of the subcommittee.

The PRESIDING OFFICER. The point of order is against the Dodd amendment?

Mr. STEVENS. The Dodd amendment would increase the amount under this child care development block grant. This bill is at its ceiling now. There is no additional money. I was told at first that it was written so it would apply to 2001. That is not the case.

The amendment is not subject to amendment, as I understand it, under the procedure we are under right now and cannot be cured, and I make the point of order that it violates the Budget Act.

The PRESIDING OFFICER. Under the rule, the point of order is not in order until the time is expired—the motion to table has been made—and been disposed of. The regular order calls for 2 minutes equally divided.

Mr. STEVENS. Parliamentary inquiry. When I came in, I understood one of the sponsors had urged the adoption of this amendment; isn't that so?

The PRESIDING OFFICER. The question is on the motion to table and that takes priority over the point of order. The point of order will be in order when the debate on the motion to table has expired and the vote has taken place.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, this is an amendment we have voted on—this is the fourth time in the last 7 months. I thank my colleagues for the bipartisan support that the Dodd-Jeffords-Snowe and others amendment has been given. Unfortunately, it has been dropped in conference in the past so it has not been adopted.

It was adopted unanimously by this body only a few weeks ago. Prior to that, it was a 66–33 vote. Unlike the previous votes, this is discretionary funding, not mandatory funding. It tries to deal with the issue of child care, something about which we all care.

We now know today that 1 in 10 families is struggling to make ends meet. They are the poorest families in America and are working every day and not on public assistance. Today, in 25 States, if you earn more than $20,000, you do not qualify for child care assistance.

I don't know how a family of four, earning $20,000 a year, with young children—where the parents are working, where they need to place these children in a safe place during the day—can afford that without some help.

For 10 years now, since Senator HATCH and I sponsored the child care development block grant that was adopted, this Congress has supported a child care program.

Today, we want to serve more than just the 1 in 10 that is being served. This amendment does that. My colleagues have voted for it in the past. I urge my colleagues to do so again.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in order to save time, I ask unanimous consent to withdraw the motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Would the Senator yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor, under the regular order, for 1 minute.

Mr. GRAMM. Would the Senator from Pennsylvania yield?

Mr. SPECTER. Yes.

Mr. GRAMM. We will be voting on the motion to table. At that point, the point of order will lie. All we are going to do is cost every Senator 15 or 20 minutes. It will not change anything.

Mr. DODD. I say to my colleague, there is obviously a different vote count on the tabling motion than there is on a point of order. I would argue the point of order, but I am hoping——

The PRESIDING OFFICER. The Senator from Pennsylvania has the time.

Mr. SPECTER. Mr. President, reluctantly, I am opposed to the amendment, which would add some $900 million to this bill. There have been substantial increases on child care and on child care entitlement. If we have $900 million added to this bill—which is now at $91.7 billion—it is the log that breaks the camel's back. I think it is a very good program, but in establishing priorities, we have already allocated very substantial funds to this line. Therefore, I am opposed to the amendment and I move to table.

The PRESIDING OFFICER. The question is on the motion to table. The yeas and nays have been ordered.

Mr. STEVENS. I ask unanimous consent that I be allowed just 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized for 30 seconds.

Mr. STEVENS. I wish to correct my statement. This does amend a section in this bill, which is advance funding, and it is, therefore, not subject to the point of order I would have made.

The PRESIDING OFFICER. The regular order is on agreeing to the motion to table amendment No. 1813. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Wyoming (Mr. THOMAS), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Missouri (Mr. BOND) are necessarily absent.

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—41

Allard	Crapo	Grassley
Ashcroft	Domenici	Gregg
Brownback	Enzi	Hagel
Bunning	Feingold	Helms
Burns	Fitzgerald	Hutchinson
Byrd	Frist	Hutchison
Cochran	Gorton	Inhofe
Coverdell	Gramm	Kyl
Craig	Grams	Lott

Lugar	Santorum	Stevens
McConnell	Sessions	Thompson
Murkowski	Shelby	Thurmond
Nickles	Smith (NH)	Voinovich
Roberts	Specter	

NAYS—54

Abraham	Durbin	Lieberman
Akaka	Edwards	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Bennett	Harkin	Murray
Biden	Hatch	Reed
Bingaman	Hollings	Reid
Boxer	Inouye	Robb
Breaux	Jeffords	Rockefeller
Bryan	Johnson	Roth
Campbell	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Collins	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Warner
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden

NOT VOTING—5

Bond	Mack	Thomas
Chafee	McCain	

The motion was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1886

Mr. GRAHAM. Mr. President, I ask unanimous consent to return to my second amendment for purposes of a voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAHAM. I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the second-degree Graham amendment.

The amendment (No. 1886) was agreed to.

Mr. DODD. Mr. President, point of order: Is the question now on the Dodd amendment?

AMENDMENT NO. 1821

The PRESIDING OFFICER. The question now is on agreeing to the first-degree Graham amendment, as amended.

The amendment (No. 1821), as amended, was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1813

Mr. DODD. Mr. President, may I inquire, do we move now to the Dodd amendment?

The PRESIDING OFFICER. The Dodd amendment has not been agreed to. The motion to table failed. The Dodd amendment has not been agreed to.

Mr. DODD. Regular order. I ask unanimous consent to have a voice vote on the Dodd amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Without objection, the amendment is agreed to.

The amendment (No. 1813) was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1885

The PRESIDING OFFICER. The Senate will be in order.

The regular order is now on the motion to table the Coverdell amendment. Two minutes are equally divided. The yeas and nays have been ordered.

Who yields time?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, may I inquire. I asked the Parliamentarian for a list of those amendments that violated rule XVI that have been offered by various tenders. May I inquire, when will it be in order for me to make my points of order against those amendments that violate rule XVI?

The PRESIDING OFFICER. The amendments would have to be pending before the point of order would be in order.

Mr. STEVENS. Mr. President, I will leave on the desk a list of the amendments that have been found to violate rule XVI.

May I make a further parliamentary inquiry. Under the new rule XVI, the Parliamentarian's rule cannot be waived; is that correct?

The PRESIDING OFFICER. There is no provision to waive rule XVI.

Mr. STEVENS. I would like to leave this on my desk and ask Members to see if their amendments are within this category. If they wish to withdraw them, of course, I will not make a motion to table them. I think that would be the easiest way to dispose of them—to have Members withdraw their amendments. But I do intend to make a point of order under rule XVI against some 23 amendments before the evening is over.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided.

Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, on this amendment on which we are about to vote, we have given an increase to OSHA for the work they do. What I am asking is that we continue to recognize there are parts of those that go in hand in hand. One of the parts is enforcement. The other is consultation.

There are 1,275 pages of OSHA that every business has to follow. They need the consultation to be able to wade through that. They need somebody they can ask to be able to get answers.

I have taken the increase in OSHA and given some recognition that consultation ought to be a part of that. Consultation will help. I don't know that they will spend it that way. We don't have any really good oversight to see that. But it is the trend we have to follow. Sixty-six percent of their money goes to enforcement and 30 percent goes to consultation. I am asking you to split this money in recognition between the two so that kind of an emphasis will continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think the bill in its present form has the appropriate balance between conciliation and enforcement. In the last 5 years, enforcement has declined $3 million, from $145 million to $142 million; conciliation has grown from $31.5 million to almost $41 million, an increase of 30 percent.

I think the bill as written is proper. I might add that it does not unduly prejudice the case on the merits, and if the Enzi amendment is not tabled under the unanimous consent agreement, Senator WELLSTONE has leave to file a second-degree amendment with 15 minutes to argue it, to be followed by another rollcall vote.

The PRESIDING OFFICER (Mr. SESSIONS). The question is on agreeing to the motion to table amendment No. 1885. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mr. MACK), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—44

Akaka	Edwards	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Reed
Boxer	Hollings	Reid
Bryan	Inouye	Robb
Byrd	Johnson	Rockefeller
Campbell	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Specter
Daschle	Lautenberg	Torricelli
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	

NAYS—51

Abraham	Craig	Hagel
Allard	Crapo	Hatch
Ashcroft	DeWine	Helms
Bennett	Domenici	Hutchinson
Bond	Enzi	Hutchison
Breaux	Fitzgerald	Inhofe
Brownback	Frist	Jeffords
Bunning	Gorton	Kyl
Burns	Gramm	Landrieu
Cochran	Grams	Lott
Collins	Grassley	Lugar
Coverdell	Gregg	McConnell

Murkowski	Sessions	Stevens
Nickles	Shelby	Thompson
Roberts	Smith (NH)	Thurmond
Roth	Smith (OR)	Voinovich
Santorum	Snowe	Warner

NOT VOTING—5

Chafee	Mack	Thomas
Kennedy	McCain	

The motion to table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, on the desk of the clerk and on the desk of the two managers of the bill is a list of the amendments that, in the opinion of the Parliamentarian, violate rule XVI.

I ask I be notified by the Chair at any time any one of those amendments is called up. I ask unanimous consent I be notified if any of those amendments on the list at the desk are called up.

Mr. REID. Reserving the right to object, Mr. President, would the chairman mind if somebody else initiated the point of order? He would not have to be here if somebody else did it.

Mr. STEVENS. I assure the distinguished whip that I will be here. But in the event I am not here, I have not asked that I be the one to have the exclusive right to make a point of order. I only asked I be notified if it is called up. In effect, I am serving notice if you call up that amendment, I will make the point of order.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, what is the unanimous consent request?

The PRESIDING OFFICER. The request is the Senator be notified if any of those amendments are called up that violate rule XVI.

Mr. HARKIN. I don't mind that.

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

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I move to reconsider the vote on the Enzi amendment.

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

The motion to lay on the table was agreed to.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 1885) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, for the information of my colleague, I was so overwhelmed with this past vote, I was so moved by this past vote to give me an opportunity to speak even more on the floor of the Senate, that I am now going to vitiate that part of the unanimous consent agreement to have a vote on this second-degree amendment so colleagues could leave.

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

THE PRESIDING OFFICER. The question is on agreeing to the first-degree amendment.

The amendment (No. 1846) was agreed to.

• Mr. McCAIN. Mr. President, I commend both Senator SPECTER and Senator HARKIN for their dedicated work on this legislation which provides federal funding for the Departments of Labor, Health and Human Services (HHS), and Education. This appropriations bill provides funding for many critical programs directly helping American families and providing important assistance to our most important resource, our children.

One of the most important components in this bill is its vital support for education. We owe it to each and every child to ensure that they have access to a high quality education. This is why I am pleased that this bill increases funding for Department of Education to almost $38 billion, including nearly $6 billion for educating children with special needs and $5.2 billion for the Head Start program.

I am also pleased to note that this bill prohibits federally funded national education standards. It continues to be my strong belief that our nation must have higher learning expectations for our children but academic standards must be controlled by state and local authorities, not the bureaucrats in Washington.

This bill contains important resources for helping make college and continuing education more affordable for all Americans. Under this bill, the maximum loan amount for post-secondary education would be the highest level in the program's history—$3,325 per student. In addition, this legislation provides $1.4 billion for higher education opportunities, including $180 million for GEAR UP which assists under-privileged children and $5 million to provide access to affordable child care for parents struggling to complete their college education while raising their children.

I am particularly pleased that this bill provides significant funding for medical research at the National Institutes of Health, NIH, $17.6 billion, which is an increase of $2 billion from last year. I am sure that my colleagues share my support for this 13 percent increase in funding for vital research which could lead to important scientific breakthroughs which will improve the health of our citizens. Finally, I am encouraged to note that this bill took an important step towards meeting the needs of over 7,000 children and families whose lives have been devastated by hemophilia-related AIDS, by beginning to fund the Ricky Ray Act as authorized by Congress last year.

Furthermore, I was pleased to learn that the sections allocating funding for Labor, HHS and Education were free of direct earmarks, set asides or unauthorized appropriations. However, my initial enthusiasm was dampened somewhat upon reviewing the report language. While the Committee made a concerted effort to not include any specific earmarking in those Departments' budgets, the report contains an exorbitant amount of directive language that is clearly intended to have the same effect as an earmark. By this, I mean the use of words like ''encourage'', ''urge'', and ''recommend'' in connection with references to particular institutions, projects, or proposals that the Committee would obviously like the relevant agencies to fund.

These are not direct earmarks, but I am sure the programs which the Committee ''encourages'' or ''urges'' the agencies to support will receive special consideration. While the Committee avoided providing a line item for funding specific projects, it stated its strong preference for the funding or continued funding of many specific projects which would clearly bypass the competitive funding process.

I will highlight a few examples of report language that contain a multitude of expressions of support, short of earmarks, for particular projects. These include:

The Committee urges the Department of Labor to give full and fair consideration to funding requests submitted by the Commonwealth of Pennsylvania to retrain incumbent workers.

The Committee encourages the Department of Labor to support agricultural training for dislocated sugarcane workers in Hawaii.

The Committee recommends continued support by the Department of Labor for the Alaska Federation of Natives Foundation to develop and train Alaska native workers for year-round employment within the petroleum industry.

The Committee encourages the agency to contribute technical assistance to the University of Nevada at Reno and Las Vegas toward the establishment of educational channels for a school of pharmacy.

The Committee stated its awareness of the San Bernardino County Medical Center proposal to create a ''hospital without walls.'' In addition, the Committee notes that the Santa Rosa Memorial Hospital is proposing the creation and implementation of a Northern California Telemedicine Network.

The Committee is aware of a proposal by the Montana State University-Billings to develop in collaboration with medical facilities in the area a telemedicine program to provide preventive medicine and support services to the large elderly population in Billings and eastern Montana.

The Committee continues to be supportive of the work being conducted by the Low Country Health Care Systems.

The Committee encourages priority be given to the University of Hawaii at Hilo Native Language College when allocating funds for native Hawaiian education.

The Committee is concerned about the absence of technology integration in the north central communities of Pennsylvania. The committee notes the efforts of the Lock Haven University of Pennsylvania for its development of two regional networks to link these rural communities.

Mr. President, I could continue listing the specific projects, which the report highlights and for which the Committee provides encouragement for continued or new funding, but I will not waste the Senate's valuable time. Due to its length, the list I compiled of objectionable provisions included in the Senate report cannot be printed in the RECORD. This list will be available on my Senate website.

It is simply inappropriate that the committee is attempting to influence the open, competitive funding process, thereby limiting the funds available to workers, schools, hospitals, and communities around the country which are not fortunate enough to live in a State with a Senator on the Appropriations Committee.●

Mr. ASHCROFT. Mr. President, I rise to speak on a very important subject. I am referring to teen smoking.

Currently, teen smoking rates are far too high and they continue to rise. Since I left the Missouri Governor's office, teen smoking in Missouri has increased from 32.6% to 40.3%—almost a 24% increase! In fact, today, Missouri ranks sixth in the nation in teen smoking.

While there is disagreement in this body on where teen smoking policies should be set—at the federal or state level—we all agree that it must be addressed.

Seven years ago, in an attempt to tackle this problem, the United States Congress passed what is now known as the Synar Amendment. This amendment required the states to meet specified targets in reducing teen access to cigarettes. It did not tell the States how to meet the targets but just that they had to meet them.

I believe, as I argued during the debate on the Federal tobacco tax legislation, that States are in the best position to tackle the serious problem of teen smoking. Governors, state legislatures, mayors, and city councils know how to target their programs. They know how to tailor educational programs for the local schools and communities. They have better access to convenience store owners and other retail establishments where teens buy cigarettes.

With that in mind, I am deeply troubled about our current situation.

Mr. President. Today, there are seven states and the District of Columbia who failed to meet their targets to reduce teen access to cigarettes. They have failed the state's teens and their parents. In addition, since their failure triggered a cut in federal block grant funds of 40%, they have failed those who need treatment for drug abuse and addiction under the Substance Abuse and Mental Health Services Administration (SAMHSA).

I guess we could be optimists and focus on the fact that 43 states did meet their targets. Forty-three states that made it a priority to cut teen smoking have succeeded. Forty-three states worked with local communities and found a way to reduce teen smoking. Therefore, 86% of the states met their goals—shouldn't we be pleased by that?

Unfortunately I cannot be an optimist today. For one of those seven states who failed to meet the target was the State of Missouri. This is an important issue to me. As Governor of the State of Missouri, I signed the law that now makes it illegal to sell minors tobacco.

Under the federal law, the State of Missouri had to make sure that no more than 28% of teens who attempted to purchase cigarettes were successful. That seems reasonable—however, the actual success rate was 33%. That means that in one out of every three minors attempting to buy cigarettes was successful. One out of Three!

Due to this failure, the State of Missouri is set to lose $9.6 million to be used for drug addiction treatment. That is $9.6 million to be used to help drug addicted pregnant women, to reduce teen drug use, and to provide treatment to those whose lives have been destroyed by a lifetime of drug use.

In this discussion, it is important to recognize that we have given the states the tools they need to fight teen smoking. We rejected the mammoth—bureaucracy and tax laden—tobacco bill. I led the fight against that bill. By defeating that bill, we made sure the tobacco money went to the states for tobacco prevention programs—and was not wasted on federal bureaucracy—on the 17 new boards, commissions, and agencies established in the bill.

By defeating that bill, the states got the money rather than Washington. In fact, by killing that bill the State of Missouri received $6.7 billion from the tobacco settlement. That money is more than a third more resources than they would have received under the federal legislation. In addition to money, the states won clear limits from the tobacco companies on marketing techniques aimed at young people.

With this Settlement in mind, it is even more disappointing that today we are left with this tough choice. We either respect the federal law and penalize those who are in need of drug treatment programs—or we bail out these states who have failed our nation's teens.

In trying to determine the best course of action, we listened to the experts. Barry McCaffrey, the President's Drug Czar, stated that by withholding these funds ''. . . some heroin addicts might be forced back on the streets to return to a criminal life.'' He says: ''[w]e agree that the carrot-and-stick approach of the law can serve a purpose of pushing compliance, but we must not throw the baby out with the bathwater by increasing drug addiction and crime.'' It is a tough choice, but we must protect Americans from the scourge of drug use.

In addition, I can't let those in the State of Missouri suffer due to the State's ineffective enforcement program. I am pleased to have worked with Senator BOND, the Senior Senator from Missouri, and other members whose states did not meet their targets in finding a solution to this problem.

There is no question that the agreement does not contain everything I believe it should—such as creating penalties for teens who purchase, use and possess cigarettes. I continue to believe that if we really want to reduce youth smoking, we must place some responsibility on teens.

However, I am relieved we have found a solution. These states will be forced to devote new money to anti-teen smoking programs. Based on that commitment, they will receive their SAMHSA money.

I hope we do not find ourselves in this same position next year. This should be a wake up call to these states to step up their enforcement and pass tough teen smoking laws. The increase in teen smoking rates is unacceptable.

Mr. LOTT. Mr. President, we will be doing wrapup momentarily.

The PRESIDING OFFICER. The majority leader will withhold.

The majority leader.

Mr. LOTT. I would like to notify the Members that there will be some more time taken on the bill itself, but that will be the final recorded vote for tonight, the last vote for tonight. There will be at least one vote tomorrow. I am still working on both sides to make a final determination on Monday. It is anticipated we will have at least one vote, maybe more, on Monday. But we have not locked that in yet. We will notify you of that officially tomorrow.

I ask unanimous consent Senator COLLINS be recognized at 9 a.m. on Friday to call up her amendment, No. 1824, there be 30 minutes of debate equally divided in the usual form, and a vote to occur immediately on conclusion or yielding back of time and no second-degree amendments in order. That would mean the vote tomorrow would be at 9:30.

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

Mr. LOTT. The next vote will occur at 9:30 in the morning.

UNANIMOUS-CONSENT AGREEMENT—S. 82

Mr. LOTT. Mr. President, I congratulate all who have been involved in this next unanimous consent. A lot of effort has gone into it. I will not name them individually, but I know several Senators have been following very closely.

I ask unanimous consent on Monday, October 14, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be recognized to modify the committee amendments, and further that only aviation-related amendments be in order to the bill, that relevant second-degree amendments will be in order.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WYDEN. Mr. President, I do not intend to object. But I have been trying now for almost 2 years on this very important legislation to deal with a very serious problem my constituents have brought to my attention dealing with the loophole-ridden Death On The High Seas Act.

We had families at home in Oregon lose loved ones in international waters as a result of a situation where a Korean freighter ran them over. I have been repeatedly assured in the Senate Commerce Committee that we would have an opportunity on the floor of the Senate to remedy this great injustice. In fact, Chairman MCCAIN had agreed with me previously to work to reform the Death On The High Seas Act to ensure that victims of maritime accidents would have the same rights as those provided to victims of aviation accidents under the FAA bill.

I have been extremely patient with respect to this matter. I have indicated on at least two occasions that I would not offer the amendment. I do not intend to do it now because the FAA legislation is of such extraordinary importance. But I want to make it clear to the Senate that at the next available opportunity, I am going to do everything I can to ensure that these victims of these maritime tragedies—tragedies in international waters where very often they are run over by foreign freighters and left at sea languishing for hours and hours—actually have a remedy. They do not today. It is a grave injustice.

We have discussed this at considerable length in the Senate Commerce Committee. In fact, we even made changes in the Death on the High Seas Act in the past without addressing this particular issue.

I do not intend to hold up the consideration of the FAA legislation because it is so important, but I want to make it very clear to the Senate that at the next available opportunity, we are going to debate this on the floor of the Senate. We are going to have an up-or-down vote on it. My colleagues are now aware of that.

Mr. President, I withdraw my reservation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I address the distinguished majority leader who has been very helpful to the interests of my State given that National Airport and Dulles Airport are undergoing extensive modernization. In the present form of the bill that the leader has designated, is that issue taken care of? If not, is the opportunity open for the Senator from Virginia and others to address that issue?

Mr. LOTT. Mr. President, if the Senator will yield under his reservation, first, I thank Senator WYDEN for his comments and for the record he has made and for not objecting. I know this is an important issue to him. He could object and bring additional pressure on the chairman and the committee. He is on the committee. I know he will continue to work on it. I know he and Senator MCCAIN will be talking about it on Monday. I thank him for not objecting.

With regard to the question of the Senator from Virginia, I believe the issue that is so important to him is addressed in the bill the way he understands it to be. But if it is not or if there is any problem, under this unanimous consent request, relevant amendments on aviation would be in order and any amendment that he or the other Senator from Virginia wishes to offer with regard to this matter would be in order and would be protected.

Mr. WARNER. Mr. President, I thank my distinguished leader. Likewise, the issue of the number of slots has been a moving target. May I inquire as to the current specification in the bill and whether or not that could be changed by the proponents of the bill under this UC between now and the date it is brought up?

Mr. LOTT. Mr. President, in answer to the Senator's question, I have in my mind the number of slots that are available based on the discussions he and I have had over about 2 years. I am assuming that is what is in the bill. I have to check and make sure of the exact number, but whatever it is, if the Senator is not satisfied with that, an amendment and a debate to change that number would certainly be in order.

Mr. WARNER. Mr. President, I thank our leader for the assistance he has given throughout the years to the Commonwealth of Virginia and other interested parties with regard to these two airports.

Mr. LOTT. Mr. President, I thank the Senator from Virginia.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, reserving the right to object and I shall not—I do not think I will—as I understand this unanimous consent agreement, this will be the FAA bill with relevant amendments. Does the majority leader intend to bring up the nuclear waste bill?

Mr. LOTT. I would like to bring up the nuclear waste bill. I think this is a major environmental issue. It is very important to a number of States, I believe, including the Senator's State of Minnesota.

There has been an indication there may be a desire for a filibuster and perhaps the Democrat leadership would not support cloture on this very important issue. If that is the case, then I would not be inclined to file cloture on it on Friday, giving us additional time to see if we can work out an agreement or accommodation as to how to bring up that very important issue.

I do not know how many States have nuclear waste sitting in open cooling pools or how many people have looked at the need to address this problem. I believe a large number of Senators probably as many as two-thirds or more, believe we need to move this legislation. I want to find a way to do that.

Mr. WELLSTONE. If I can do a quick followup, the reason I asked the majority leader was actually less because of the subject matter of that bill but the question whether or not he also plans on restricting it to relevant amendments. What I am asking is, when will I have an opportunity as a Senator from Minnesota to bring legislation to the floor of the Senate which will alleviate the economic pain and suffering of family farmers? That is what I want to know. Are we going to have an opportunity for debate on agriculture policy?

Mr. LOTT. We certainly know the Senator from Minnesota has views on that or amendments he wants to offer. One of the things we are planning on doing, I say to the Senator—and Senator DASCHLE may want to talk about it—is to bring up the sanctions bill. I do not know whether or not the Senator's amendments will be in order to that. It does relate to food and agriculture. He may have something to say or some amendment he wants to offer on that.

We have not agreed on a time. You may wind up objecting to it, but I

think it is high time we have some debate around here and some thought about how we deal with these unilateral sanctions of countries, how we use food and medicine in that area. We had a vote on it in Agriculture. It is still very controversial. I have indicated it is my intent and it is my hope, if we can find a way, to bring that bill to the floor.

Mr. WELLSTONE. With an opportunity for other amendments dealing with agriculture.

Mr. LOTT. I believe they probably could be offered to that bill. I do not particularly relish the idea, but I think they probably could be.

Mr. WELLSTONE. I thank the majority leader.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, will the majority leader yield? He made reference to a couple of matters which ought to be addressed briefly.

First, with regard to nuclear waste, I know of nobody on this side of the aisle who wishes to filibuster the bill, and I will be happy to clarify that with the majority leader. I think there is an interest, however, in amending the bill. We would love to have the bill come to the Senate floor under normal Senate order, regular order, and if the bill were brought up under regular order, we would be in support of moving the bill and voting in favor of the motion to proceed. I will be happy to work with the majority leader to schedule that, if we could accommodate Senators who wish to offer amendments.

With regard to the FAA debate, this was one of the more difficult agreements. I appreciate the ability of many of our colleagues to allow us the opportunity to have this debate on Monday. But I must say that, once again, this is a unanimous consent request to limit debate and limit amendments. We are agreeing to this only because we believe the FAA bill is a matter of great national security and of import not only for safety and health of aviation but because we believe we have already taken too long to reauthorize this legislation.

So because of the expiration of the authorizing legislation, because of the safety and health matters, we share the view that this legislation ought to come up and be debated and that we ought to limit ourselves to relevant amendments.

But again I say that we have not had a bill before the Senate under regular Senate order since last May. We have gone through June, July, August, and now September—4 months—and we are simply saying: Let's bring bills to the floor under regular order. Let's have a good debate, and let's have amendments offered. I am hopeful that we can work through the rest of the agenda with that in mind.

So we are not going to object to this bill being brought up, again, under abnormal Senate order and rule. But I think there is a growing concern that too many bills are coming to the floor without the opportunity for a full debate.

So whether it is nuclear waste or whether it is an array of other bills that could come to the floor, we are ready to debate them. We are ready to have a good amount of time dedicated to whatever piece of legislation ought to be considered. But we want the right to offer amendments. We will forego that right under FAA, but there are not many bills that fit into that category, if any, for the rest of the year.

I thank the majority leader for yielding.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Reserving the right to object, and I will not object, I want to take this moment to thank both the majority leader and the minority leader, the Senator from Arizona, and the Senator from South Carolina, for their patience because we did have a problem that affected my area that has been worked out.

I ask the majority leader one little question. I want to confirm that the language we have talked about seems to meet the agreement of all sides. I want to get the attention of the majority leader. I was thanking him and the minority leader and others, and I just want to clarify the language we have talked about seems to meet the agreement of all the major players in solving that problem.

Mr. LOTT. I have not had an opportunity to talk personally, directly, to the Senator from Arizona, but I am informed by his senior aide that he is committed to living with the language that the Senator from New York is familiar with, and that also the Senator from South Carolina, the ranking Democrat, has indicated he will comply with that. And based on the assurance I received, then I would work to make sure that understanding was lived up to. Whether you agree with the final result or not, I will make sure that what your understanding is on the part I have been involved in would be honored.

Mr. SCHUMER. I thank the Senator and thank again the Members of the body for their indulgence on this issue.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Earlier, the majority leader made inquiry about the position on the nuclear waste bill. I want to put the majority leader on notice the Senators from Nevada are not prepared to surrender any of the procedural rights on this issue. This, as you know, is an issue——

Mr. LOTT. Will the Senator yield?

Mr. BRYAN. I am happy to.

Mr. LOTT. You mean you are not ready to go to final passage on this bill at this point?

Mr. BRYAN. The Senator from Mississippi, with his characteristic insight, has hit the nail right on the head.

Mr. LOTT. Let me assure the Chair and my colleagues that we know the very passionate feelings of the Senator from Nevada. We know he is going to make them heard, and in every way he can. And he will be entitled to all the rules of the Senate in that effort. We understand that and appreciate it.

Mr. BRYAN. I thank the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. SPECTER. Mr. President, will the Senator from Nevada, Mr. REID, give me his attention? We have a sense-of-the-Senate resolution to be offered by Senator INHOFE; and then we have 10 minutes for an amendment to be offered and then withdrawn. We need consent to set aside your amendment. Or perhaps you are ready to withdraw that amendment?

AMENDMENT NO. 1807, WITHDRAWN

Mr. REID. I say to the manager of the bill, I have not received assurance yet that I will have a hearing. To expedite matters, I will agree to withdraw my amendment. But I want everyone to understand there is an amendment pending, a sense-of-the-Senate resolution, on the same issue. Rule XVI does not apply, of course, against my sense of the Senate. But in order to expedite matters, I withdraw my amendment. I will bring up, whenever we get back to this bill, my sense-of-the-Senate resolution on the exact same material.

Mr. SPECTER. I thank the Senator from Nevada.

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

Mr. SPECTER. Then in our sequence, we have an amendment by the Senator from Oklahoma.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1816

(Purpose: To express the sense of the Senate regarding payments under the prospective payment system for hospital outpatient department services under the medicare program)

Mr. INHOFE. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1816.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)); and

(2) eliminate the unintended 5.7 percent across the board reduction in payments under such system.

AMENDMENT NO. 1816, AS MODIFIED

Mr. INHOFE. Mr. President, I ask unanimous consent to modify the amendment in accordance with the modification at the desk.

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

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

Mr. INHOFE. Mr. President, when the Balanced Budget Act of 1997 was passed, there was a misinterpretation by the Health Care Financing Administration of this bill—while it should have been revenue neutral—to have regular reductions in the amount of reimbursement that goes to hospitals, specifically a 5.7-percent reduction to reimbursement that would take place in July of the year 2000. This was not the intent of the Members of the Senate.

I have a letter that has 77 signatures on it, including those of each Senator who is in the Chamber right now, stating that was not the intent. This is a sense-of-the-Senate resolution saying that was not the intent so we would not be having that 5.7-percent reduction in July of the year 2000.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend the Senator from Oklahoma for the sense-of-the-Senate resolution. I think it is meritorious. It has been cleared by the ranking member on the Democratic side.

Mr. REID. We have not had a chance to clear this with our leader. I apologize to the manager of the bill. We have not cleared this with the leader, so I can't agree to it.

Mr. INHOFE. Mr. President, if the Senator from Pennsylvania would yield?

Mr. SPECTER. I do.

Mr. INHOFE. I suggest to the Senator from Pennsylvania, both Senator DASCHLE and Senator REID have signed the letter asking for this same thing we have in the sense of the Senate.

Mr. REID. It is pretty persuasive.

Mr. SPECTER. Do you want to check?

Mr. REID. I withdraw our objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1816), as modified, was agreed to.

Mr. REID. If I could have the floor for a second.

I say to my friend from Oklahoma, that was one of the most persuasive arguments I have heard on the Senate floor.

Mr. SPECTER. Mr. President, the final order of business this evening on the pending bill is an amendment to be offered by the Senator from Kansas, Mr. BROWNBACK, for purposes of 10 minutes of discussion, and then it will be withdrawn. So I leave the floor in the hands of Senator BROWNBACK for that 10-minute presentation and withdrawal.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1833

(Purpose: To establish a task force of the Senate to address the societal crisis facing America)

Mr. BROWNBACK. I call up an amendment at the desk numbered 1833 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1833.

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

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

The amendment is as follows:

At the end of the bill insert the following:

TITLE ___—TASK FORCE ON THE STATE OF AMERICAN SOCIETY

SEC ___01. ESTABLISHMENT OF THE TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force of the Senate to be known as the Task Force on the State of American Society (hereafter in this title referred to as the ''task force'').

(b) PURPOSE.—The purpose of the task force is—

(1) to study the societal condition of America, particularly in regard to children, youth, and families;

(2) to make such findings as are warranted and appropriate, including the impact that trends and developments have on the broader society, particularly in regards to child well-being; and

(3) to study the causes and consequences of youth violence.

(c) TASK FORCE PROCEDURE.—

(1) IN GENERAL.—Paragraphs 1, 2, 7(a) (2), and 10(a) of rule XXVI of the Standing Rules of the Senate, and section 202 (i) of the Legislative Reorganization Act of 1946, shall apply to the task force, except for the provisions relating to the taking of depositions and the subpoena power.

(2) EQUAL FUNDING.—The majority and the minority staff of the task force shall receive equal funding.

(3) QUORUMS.—The task force is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum for the transaction of such business as may be considered by the task force. A majority of the task force will be required to issue a report to the relevant committees, with a minority of the task force afforded an opportunity to record its views in the report.

SEC. ___02. MEMBERSHIP AND ORGANIZATION OF THE TASK FORCE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The task force shall consist of 8 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 4 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the task force shall not affect the authority of the remaining members to execute the functions of the task force and shall be filled in the same manner as original appointments to it are made.

(b) CHAIRMAN.—The chairman of the task force shall be selected by the Majority Leader of the Senate and the vice chairman of the task force shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the task force or the chairman may assign.

SEC. ___03. AUTHORITY OF TASK FORCE.

(a) IN GENERAL.—For the purposes of this title, the task force is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OTHER COMMITTEE STAFF.—At the joint request of the chairman and vice-chairman of the task force, the chairman and the ranking member of any other Senate committee or subcommittee may jointly permit the task force to use, on a nonreimburseable basis, the facilities or services of any members of the staff of such other Senate committee or subcommittee whenever the task force or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the task force to make the investigation and study provided for in this title.

SEC. ___04. REPORT AND TERMINATION.

The task force shall report its findings, together with such recommendations as it deems advisable, to the relevant committees and the Senate prior to July 7, 2000.

SEC. ___05. FUNDING.

(a) IN GENERAL.—From the date this title is agreed to through July 7, 2000, the expenses of the task force incurred under this title—

(1) shall be paid out of the miscellaneous items account of the contingent fund of the Senate;

(2) shall not exceed $500,000, of which amount not to exceed $150,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) shall include sums in addition to expenses described under paragraph (2), as may be necessary for agency contributions related to compensation of employees of the task force.

(b) PAYMENT OF EXPENSES.—Payment of expenses of the task force shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for disbursements of salaries (and related agency contributions) paid at an annual rate.

Mr. BROWNBACK. Mr. President, I appreciate the Senator from Pennsylvania accommodating our desires tonight. The reason we offer this amendment is to discuss it briefly and then withdraw it as being subject to a point of order on this particular bill.

I rise to explain the amendment.

What this amendment regards is the establishment of a 1-year, actually less than 1-year, Senate task force to study the state of American society. There has been a lot of discussion going on about this. I want to spend a little bit of time discussing what this is and what it isn't because I think both are important.

We are proposing this task force, Senator LIEBERMAN, Senator MOYNIHAN, and myself, the Presiding Officer, a number of others, because we believe there is a deep and pressing need to examine in a manner that is bipartisan, intellectual, rigorous, dispassionate, and publicly accessible, the cultural and social health of our society.

It is a simple and undeniable fact that our families and children, schools, and communities have been subjected to seismic shifts over the last 30 years. These changes have had consequences—consequences which deeply impact the public, including the formation of public policy, which deserve a public forum in which to study and address them.

First, if we take a quick look at what is happening across America, in the last 2 years, we have seen one school shooting after another: Conyers, GA; Littleton, CO; Richmond, VA; Paducah, KY; Springfield, OR; Edinboro, PA; Pearl, MS; and Jonesboro, AR. Unfortunately, the list goes tragically on. We just wonder where next.

There are other warning signs. The number and percentages of the children who live in broken homes continues to increase, regrettably. Reports of domestic abuse and child abuse are at shocking levels.

One of our colleagues and cosponsors of this bill, Senator MOYNIHAN, once coined a memorable phrase. He talked about our society in terms of ''defining deviancy down.'' What he meant—and, Senator MOYNIHAN, correct me, if I am incorrect—is that when behavior that was once considered deviant or outrageous becomes more ordinary and commonplace, societies tend to redefine deviancy.

This is such a classic and clear example. For example, in 1929, four gangsters killed seven unarmed bootleggers. The slaughter was considered so horrific that the event was dubbed the ''St. Valentine's Day Massacre.'' Remember that one? It was 1929; seven unarmed bootleggers were slaughtered. It was so horrifying it got its own name, shows, everything, and made news around the world. It so shocked and horrified the Nation that it has become a well-known historical event. It is even in most encyclopedias—seven people, 1929.

In sharp contrast, let's look to just 2 weeks ago, when a gunman strode into a church in Fort Worth, TX, puffing a cigarette, and slaughtered six defenseless people, including several children, before turning the gun on himself—just as many people, one less, killed in that Fort Worth church as in the St. Valentine's Day Massacre. Yet that story, so far from making it into an encyclopedia, didn't even get a headline in the Washington Post. Why? Why is it that we no longer consider outrageous what is truly outrageous? Perhaps it has become too commonplace. It has become common on our streets and airwaves. It is both the reality in which many live, and it makes up the entertainment into which many escape.

Over the past 30 years, there are many ways we have made progress as a country and as a people. Our economy has grown tremendously. Technological advances have been unprecedented. New doors of opportunity have been opened to people previously denied access. The opportunities available to women and minorities have increased, and they need to increase even further. But in the midst of unprecedented prosperity, there is a widespread belief that we live in a mean society where families are breaking down, children are more prone to

crime, violence, alienation, drug use and suicide, and our civic fabric is fraying. In fact, not only does the United States lead the world in material wealth, it also leads the industrialized world in rates of murder, violent juvenile crime, abortion, divorce, cocaine consumption, pornography production, and consumption of pornography. These facts have not been lost on the American people—far from it. Poll after poll shows they recognize it.

I draw the attention of the body to some of the polls that have recently come out. Here is one: What poses the greatest threat to the United States? You can look through here: recession at 30-plus percent; decline of moral values, much higher; military, don't know. That was October 30 of last year.

Here is one from May 3 of this year: Where does the country face the most serious problems today? Moral values area, 56 percent; next closest, environment at 12 percent. Fifty-six percent of the public considering that. That was by a different research group than did the last one.

Here is one done by the Princeton Survey Research Group, July 22 of this year: What priority should be given to dealing with the moral breakdown of the United States? Fifty-five percent say top priority should be given.

My only point in showing these polls is that this is something the American public considers important, indeed, vital for us to be considering. We need to address it in this body. This is not to say that all societal changes have been negative. Far from it.

As I noted earlier, there are many causes for hope, even celebration. But there are causes for concern taking place as well. Even where our challenges remain stark, I am personally optimistic. I believe for every problem in America, there is a solution already in place, usually by an individual or family or community with the heart to make it happen.

I hope this task force will encourage the replication of those solutions, but first and foremost, my hope is that by working together we can begin to better understand where we are as a society and where we are headed.

Senator MOYNIHAN, again, made a point that I think is true: You can't change a problem until you can figure out how to measure it. You need to be able to measure to know when you are making progress on what is happening. That is the stage at which we find ourselves. We know something is happening in our society, but we don't know yet how to accurately measure it. We are still struggling with asking the right questions.

My hope and intention is that this task force would begin the important and necessary work of measuring these issues and asking the right questions.

I want to talk about some of the specifics of the task force, what it is and what it isn't.

There have been a lot of rumors spreading around about this. First, this task force will conduct the important business of investigating and analyzing and examining the state of our culture the causes and consequences of our societal difficulties, and possible solutions. It will hold hearings on such topics as civic participation, the state of the family structure, the impact of popular culture on young people, the causes of youth violence, and innovative and effective initiatives that have reduced various social problems that we have.

It will look at these issues in a holistic and a broad manner and—let me emphasize this—a bipartisan manner. It will not hold legislative jurisdiction. It will not report out or mark up legislation. It will not intrude on people's personal lives or seek to impose a set of values on anyone. It aims to achieve a better description of what is going on in our society, not a prescription of morals. It seeks to inform and investigate, rather than to legislate.

I know there were concerns among some of my colleagues about provisions regarding subpoena power. Let me assure all of them, those have been taken out. This endeavor will be a task force of concerned Members working together to get a better sense of the condition of our society. The task force is bipartisan in purpose, process, and structure, as bipartisan as possible. It is composed of eight members: four Republicans, four Democrats. You can't get much more bipartisan than that.

Together, I hope we can take a good look at what is going on in our society, at the state of the cultural environment in which we currently reside. While these are not legislative issues, they are important public issues with profound consequences, both in terms of public policy and in our daily lives.

This is an important task. I look forward to the counsel and support of my colleagues in getting to this important work. We have tried to bend over backwards to work in a bipartisan way to get this moving forward. We are still working to get this pulled together. I hope my colleagues will continue to talk with us about this, about how we can do this and how we can work together to address this very important problem.

AMENDMENT NO. 1833, WITHDRAWN

Mr. President, as I stated at the outset, as the Senator from Pennsylvania noted, I realize this will be subjected to a point of order. I wanted to bring it up and discuss it.

With this discussion, I withdraw my amendment at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 1833) was withdrawn.

Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 5 minutes.

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

MAJOR GENERAL BRUCE SCOTT, CHIEF OF ARMY LEGISLATIVE LIAISON

Mr. THURMOND. Mr. President, I rise today to pay tribute to Maj. Gen. Bruce Scott, who will soon depart his position as Chief of Army Legislative Liaison to assume command of the United States Army Security Assistance Command in Alexandria, VA.

I imagine that the impression most people have of someone who is a general is that of an officer who is in charge of troops, such as a person leading an Infantry division. Few realize that there are more generals who are administrators than troop leaders, and probably even fewer realize one of the most critical jobs any general in the United States Army could hold as far as preparing that service to protect the people, borders, and interests of the nation is the position which General Scott has held for the past two years. Though he might not have been wearing BDU's or eating MRE's for the past twenty-four months, General Scott has had the extremely important responsibility of serving as the head of liaison efforts between the Congress and the Army. In that role, he has led the efforts to make sure that our soldiers have the resources they require to accomplish their mission and dominate any battlefield, anytime, anywhere.

General Scott is well qualified to represent the Army to the Legislative Branch. Every position he has held since beginning his Army career in 1968 as a Cadet at the United States Military Academy at West Point has given him a unique insight into what it is like to be a soldier at every level of the service. Thanks to his assignments to Infantry and Armored divisions, he understands what is involved in serving in a combat arms unit; as a result of his service as a Commanding General and Division Engineer, he understands what general officers require to do their jobs; a veteran of the White House Fellows program, he was exposed at an early stage to the relationship between the legislative and executive branches of government, as well as to

the notion of civilian control of the military; and as a former Deputy Director of Strategy, Plans and Policy, Office of the Deputy Chief of Staff for Operations and plans, he has an appreciation of the strategic, or ''bigger'', picture. All in all, General Scott came to this job with the credentials and experience that was required of him

During his command as the Chief of Army Legislative Liaison, General Scott put his rich background to work for him and the Army, working hard to represent the interests of the service to the Senate and House of Representatives, as well as working to make sure that the Army was responsive to our requests and interests. Over the past two-years, General Scott helped to shepherd through the Congress major initiatives on Army modernization and digitization. He has been a forceful and effective advocate for the Army's ''Force XXI'' and its ''Force After Next''; and, during my tenure as Chairman of the Senate Armed Services Committee, we worked together to build even stronger ties between the Army and the Senate Armed Services Committee.

I have always believed that hard work will be rewarded, and after what I am certain at times was an agonizing, if not occasionally exasperating, experience of working with Congress, General Scott will soon take the reins of the United States Army Security Assistance Command. This is an important assignment, especially in this day and age when building or re-reinforcing coalitions and friendships with other nations is as important to the security of the United States as maintaining a well equipped, well trained fighting force. In his new job, General Scott will in many ways be carrying out the duties of an ambassador, he will certainly be making an important contribution to the diplomatic efforts of the United States as he will be required to work with approximately 120 different nations and multinational organizations in promoting international security by assuring our allies have access to modern and effective equipment and systems. I have every confidence that he will discharge the duties of his new job with the same ability, dedication, and professionalism as he has done throughout his career, and especially as he did as Chief of Army Legislative Liaison.

I am certain that my colleagues on the Senate Armed Services Committee and throughout the Senate join me in applauding the work of General Scott and in thanking him for his tireless efforts in working with us for the benefit of our Army and soldiers. I look forward to continuing to monitor the career of General Scott, and I predict that he will continue to achieve great things for many years to come.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 29, 1999, the Federal debt stood at $5,645,399,491,050.88 (Five trillion, six hundred forty-five billion, three hundred ninety-nine million, four hundred ninety-one thousand, fifty dollars and eighty-eight cents).

One year ago, September 29, 1998, the Federal debt stood at $5,523,786,000,000 (Five trillion, five hundred twenty-three billion, seven hundred eighty-six million).

Five years ago, September 29, 1994, the Federal debt stood at $4,669,823,000,000 (Four trillion, six hundred sixty-nine billion, eight hundred twenty-three million).

Ten years ago, September 29, 1989, the Federal debt stood at $2,857,431,000,000 (Two trillion, eight hundred fifty-seven billion, four hundred thirty-one million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,787,968,491,050.88 (Two trillion, seven hundred eighty-seven billion, nine hundred sixty-eight million, four hundred ninety-one thousand, fifty dollars and eighty-eight cents) during the past 10 years.

MESSAGE FROM THE HOUSE

At 11 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2506. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

At 6:18 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. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2506. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The Committee on Health, Education, Labor, and Pensions was discharge from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 1515. A bill to amend the Radiation Exposure Compensation Act, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 30, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 249. An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

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–5459. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a report entitled ''Plan for Health Care Services for Gulf War Veterans''; to the Committee on Veteran's Affairs.

EC–5460. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting a report relative to the proposed ''Air Transportation Improvement Act''; to the Committee on Commerce, Science, and Transportation.

EC–5461. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to the tar, nicotine, and carbon monoxide content of the smoke of domestic cigarettes sold in 1996 and 1997; to the Committee on Commerce, Science, and Transportation.

EC–5462. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Federal Enforcement in Group and Individual Health Insurance Markets (HCFA–2019–IFC)'' (RIN0938–AJ48), received September 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5463. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice—Labeling of Hard Cider; Treasury Decision—Hard Cider: Postponement of Labeling Compliance Date'' (RIN1512–AB71), received September 28, 1999; to the Committee on Finance.

EC–5464. A communication from the Assistant Secretary, Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled

''Coastal Zone Consistency Review of Exploration Plans and Development and Production Plans'' (RIN1010–AC42), received September 27, 1999; to the Committee on Energy and Natural Resources.

EC–5465. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Notice of EPA Policy Regarding Certain Grants to Intertribal Consortia'', received September 27, 1999; to the Committee on Environment and Public Works.

EC–5466. 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 ''Diflubezuron; Pesticide Tolerances for Emergency Exemptions'' (FRL #6382–1), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5467. 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 ''Pymetrozine; Pesticide Tolerance'' (FRL #6385–6), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5468. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebufenozide; Pesticide Tolerance'' (FRL #6383–6), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment and an amendment to the title:

H.R. 858. A bill to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia (Rept. No. 106–167).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1672. An original bill to amend the Agricultural Marketing Act of 1946 to establish a program of mandatory market reporting for certain meat packers regarding the prices, quantities, and terms of sale for the procurement of cattle, swine, lambs, and products of such livestock, to improve the collection of information regarding the marketing of cattle, swine, lambs, and products of such livestock, and for other purposes (Rept. No. 106–168).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Robert Raben, of Florida, to be an Assistant Attorney General, vice Andrew Fois, resigned.

Robert S. Mueller, III, of California, to be United States Attorney for the Northern District of California for a term of four years.

John Hollingsworth Sinclair, of Vermont to be United States Marshal for the District of Vermont for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. LOTT for Mr. MCCAIN, for the Committee on Commerce, Science, and Transportation:

Thomas B. Leary, of the District of Columbia, to be a Federal Trade Commissioner for the term of seven years from September 26, 1998.

Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation, vice Steven O. Palmer.

Gregory Rohde, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information.

Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2003.

(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.)

The following named officers for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) David S. Belz, 0000
Rear Adm. (lh) James S. Carmichael, 0000
Rear Adm. (lh) Roy J. Casto, 0000
Rear Adm. (lh) James A. Kinghorn, Jr., 0000
Rear Adm. (lh) Erroll M. Brown, 0000

The following named officers for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Ralph D. Utley, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicted under Title 10, United States Code, Section 12203:

To be rear admiral

Rear Adm. (lh) Carlton D. Moore, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicted under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mary P. O'Donnell, 0000

The following named officer of the United States Coast Guard to be a member of the Permanent Commissioned Teaching Staff of the Coast Guard Academy in the grade indicated under title 14, U.S.C., section 188:

To be lieutenant commander

Kurt A. Sebastian, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Vivien S. Crea, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Kenneth T. Venuto, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James W. Underwood, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James C. Olson, 0000

Mr. LOTT for Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS on the dates indicated at the end of the days Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

National Oceanic and Atmospheric Administration 83 nominations beginning Donald A. Dreves, and ending Kevin V. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999

Coast Guard 42 nominations beginning Ernest J. Fink, and ending William J. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CLELAND:

S. 1669. A bill to require country of origin labeling of peanuts and peanut products and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1670. A bill to revise the boundary of Fort Matanzas National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 1671. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

By Mr. LUGAR:

S. 1672. An original bill to amend the Agricultural Marketing Act of 1946 to establish a program of mandatory market reporting for certain meat packers regarding the prices, quantities, and terms of sale for the procurement of cattle, swine, lambs, and products of such livestock, to improve the collection of information regarding the marketing of cattle, swine, lambs, and products of such livestock, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DeWINE (for himself, Mr. HUTCHINSON, Mr. VOINOVICH, Mr. NICKLES, Mr. HELMS, and Mr. ENZI):

S. 1673. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1674. A bill to promote small schools and smaller learning communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. REID):

S. 1675. A bill to provide for school dropout prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1676. A bill to improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself and Mr. HAGEL):

S. 1677. A bill to establish a child centered program, and for other purposes; 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. CLELAND (for himself and Mr. COVERDELL):

S. Res. 192. A resolution extending birthday greetings and best wishes to Jimmy Carter in recognition of his 75th birthday; considered and agreed to.

By Mr. DODD:

S. Res. 193. A resolution to reauthorize the Jacob K. Javits Senate Fellowship Program; considered and agreed to.

By Mr. WYDEN (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. Con. Res. 58. A concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple and discriminatory taxation of electronic commerce; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND:

S. 1669. A bill to require country of origin labeling of peanuts and peanut products and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

THE PEANUT LABELING ACT OF 1999

Mr. CLELAND. Mr. President, I am coming to the floor today to introduce the Peanut Labeling Act of 1999. This bill will require country of origin labeling for all peanut and peanut products sold in the United States; specifically it will require that consumers be notified whether the peanuts are grown in the United States or in another country. The main purpose of this bill is to provide American consumers with information about where the peanuts they purchase are grown. This bill will allow consumers to make informed food choices and support American farmers. And, with the labeling requirement, should a health concern be raised about a specific country's products, such as the Mexican strawberry scare we witnessed a few year's back, consumers would have the information they need to make their own choices about the products they buy at the market.

Family farmers in America are facing dire circumstances. Farmers' ability to grow and sell their products have been severely affected by bad weather conditions, poor market prices, and trade restrictions. This bill allows consumers to help American farmers in the best way that they can—with their food dollar. Consumers are provided with information about the country of origin of a wide range of products, including clothes, appliances and automobiles. It only seems appropriate and fair that consumers should receive the same information about agricultural products, specifically peanuts. In fact, because consumers purchase agricultural products, including peanuts, based on the quality and safety of these items for their families, it seems even more important to provide them with this basic information.

By providing country of origin labels, consumers can determine if peanuts are from a country that has had pesticide or other problems which may be harmful to their health. This is true particularly during a period when food imports are increasing, and will continue to increase in the wake of new trade agreements such as the WTO and GATT. As I previously mentioned, recent outbreaks linked to strawberries in Mexico, and European beef related to ''mad cow disease'' have raised the public's awareness of imported foods and their potential health impacts. Consumers should not have to wait for the same thing to happen with peanuts before they have the information they need to make wise food choices. With the labeling requirement, should such an outbreak occur, consumers would have the information to not only avoid harmful products, but to continue to purchase unaffected ones.

The growth of biotechnology in the food arena necessitates more information in the marketplace. Research is being conducted today on new peanut varieties. These research efforts include seeds that might deter peanut allergies, tolerate more drought, and be more resistant to disease. As various countries use differing technologies, consumers need to be made aware of the source of the product they are purchasing. GAO recently pointed out that FDA only inspected 1.7 percent of 2.7 million shipments of fruit, vegetables, seafood and processed foods under its jurisdiction. Inspections for peanuts can be assumed to be in this range or less. This lack of inspection does not provide consumers of these products with a great deal of assurance.

Another purpose of this bill is to provide consumers with the ability to gain benefit from the investments of their hard earned taxes paid to the U.S. government. The federal government spends a large sum of money on peanut research infrastructure that is by far the most advanced in the world. This research not only increases the productivity of peanut growers, but provides growers with vital information about best management practices, including pesticide and water usage. It assists growers in their efforts to more effectively and efficiently grow a more superior and safer product for American consumers. Consumers should be able to receive a return on this investment by being able to purchase U.S. peanuts.

Polls have shown that consumers in America want to know the origin of the products they buy. And, contrary to the arguments given by opponents of labeling measures that such requirements would drive prices up, consumers have indicated that they would be willing to pay extra for easy access to such information. I believe that this is a pro-consumer bill that will have wide support.

I am also very pleased that peanut growers in America strongly support my proposal. I have endorsement letters for my bill from the Georgia Peanut Commission, the National Peanut Growers Group, the Southern Peanut Farmers Federation, the Alabama Peanut Producers Association, and the Florida Peanut Producers Association.

In conclusion, as my colleagues know, we live in a global economy which creates an international marketplace for our food products. I strongly believe that by providing country of origin labeling for agricultural products, such as peanuts, we not only provide consumers with information they need to make informed choices about the quality of food being served to their family but we also allow American farmers to showcase the time and effort they put into producing the safest and finest food products in the world. I believe this bill represents these principles and I ask my colleagues for their support.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 1669

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 ''Peanut Labeling Act of 1999''.

SEC. 2. INDICATION OF COUNTRY OF ORIGIN OF PEANUTS AND PEANUT PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) PEANUT PRODUCT.—The term ''peanut product'' means any product more than 3 percent of the retail value of which is derived from peanuts contained in the product.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—

(1) IN GENERAL.—Subject to paragraph (2), a retailer of peanuts or peanut products produced in, or imported into, the United States (including any peanut product that contains peanuts that are not produced in the United States) shall inform consumers, at the final point of sale to consumers, of the country of origin of the peanuts or peanut products.

(2) WAIVER.—The Secretary may waive the application of paragraph (1) to a retailer of peanuts or peanut products if the retailer demonstrates to the Secretary it is impracticable for the retailer to determine the country of origin of the peanuts or peanut products.

(c) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the peanuts or peanut products or on the package, display, holding unit, or bin containing the peanuts or peanut products at the final point of sale to consumers.

(2) EXISTING LABELING.—If the peanuts or peanut products are already labeled regarding country of origin by the packer, importer, or another person, the retailer shall not be required to provide any additional information in order to comply with this section.

(d) VIOLATIONS.—If a retailer fails to indicate the country of origin of peanuts or peanut products as required by subsection (b), the Secretary may impose a civil penalty on the retailer in an amount not to exceed—

(1) $1,000 for the first day on which the violation occurs; and

(2) $250 for each day on which the violation continues.

(e) DEPOSIT OF FUNDS.—Amounts collected under subsection (d) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(f) APPLICATION.—This section shall apply with respect to peanuts and peanut products produced in, or imported into, the United States after the date that is 180 days after the date of enactment of this Act.

GEORGIA AGRICULTURAL COMMODITY COMMISSION FOR PEANUTS,
Tifton, GA, September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR CLELAND: On behalf of the Georgia Peanut Commission, I strongly support your efforts to introduce the ''Peanut Labeling Act of 1999.'' Origin labeling of peanuts and peanut products is extremely important to our peanut industry in Georgia. It will not only benefit our Georgia growers, but it will be an asset for growers across our nation.

Requiring an origin of label allows our consumers the choice to buy American products. Because our quality and safety standards are among the best, our peanuts and peanut products should be labeled in order to differentiate from other foreign products. The consumer should have information that allows them to discern which peanut and peanut product is best for them.

We support and appreciate your efforts.

Sincerely,

BILLY GRIGGS,
Chairman, Georgia Peanut Commission.

NATIONAL PEANUT GROWERS GROUP,
Gorman, TX, September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Building, Washington, DC.

DEAR SENATOR CLELAND: The National Peanut Growers Group endorses the ''Peanut Labeling Act of 1999.'' Our group, which consists of grower representation from our peanut producing regions across the nation, fully supports your efforts to introduce this legislation. We believe origin labeling of peanuts and peanut products is vital to our industry's survival. Because our quality and safety standards are the best in the world, our peanuts and peanut products should be labeled in order to differentiate from other foreign products. The consumer should have information that allows them to discern which peanut and peanut product is best for them.

Thank you for your support. We appreciate your efforts to strengthen our peanut industry.

Sincerely,

WILBUR GAMBLE,
Chairman.

SOUTHERN PEANUT FARMERS FEDERATION,
September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Building, Washington, DC.

DEAR SENATOR CLELAND: The Southern Peanut Farmers Federation, an alliance of Alabama Peanut Producers Association, Georgia Peanut Commission, and Florida Peanut Producers Association, strongly supports the ''Peanut Labeling Act of 1999.'' We appreciate the opportunity to review the bill, and we believe its enactment will strengthen our peanut industry.

This bill is very important to us for several reasons. First, we believe that like most products made in America, peanuts and peanut products should have a label of origin. Secondly, we believe that by giving American consumers this information, it allows them to buy American products. The numbers of imported peanuts and peanut products continue to rise each year. We believe that by labeling our products, our growers will have a tool that keeps them at a level playing field with the competition. The American consumer will want to purchase products of high quality and that meets stringent safety standards.

The labeling of peanuts and peanut products would alleviate the numbers of peanuts and peanut products coming into the country illegally. Many products are imported into our country without trade restrictions, due to NAFTA, and sold to our American consumer. Yet, some of those peanut products originated from our domestic growers. With a labeling requirement, we would be able to identify whether our exported products are returned to our domestic market. Alleviating this problem would keep our peanut market from being saturated.

The ''Peanut Labeling Act'' is a tremendous step in the right direction for our industry. It is a vital tool that will allow our industry to compete in the future as our country's trade policy is expanded.

Sincerely,

BILLY GRIGGS,
Georgia Peanut Commission.

CARL SANDERS,
Florida Peanut Producers Association.

GREGG HALL,
Alabama Peanut Producers Association.

FLORIDA PEANUT PRODUCERS ASSOCIATION,
Marianna, FL, September 21, 1999.

Hon. MAX CLELAND,
U.S. Senate, Washington, DC.

DEAR SENATOR CLELAND: The Florida Peanut Producers Association Board of Directors, representing 1,100 peanut farmers in Florida, without reservations, endorse your ''Peanut Labeling Act of 1999''. Mr. Bob Redding of the Redding Firm in Washington has kept our board informed on the language and movement of this bill. We feel strongly that a Peanut Labeling Bill will once again give the American peanut farmer the edge to compete with imported competition. We are convinced the safety and quality of American grown will always be the choice of our consumers, if given a choice by origin labeling.

We appreciate your efforts concerning this issue, as well as your over-all interest in Southern agriculture.

Sincerely,

GREG HALL,
President.

JEFF CRAWFORD, Jr.,
Executive Director.

ALABAMA PEANUT PRODUCERS ASSOCIATION,
Dothan, AL, September 22, 1999.

To: Senator Max Cleland.

From: H. Randall Griggs.

On behalf of the peanut producers in Alabama, we appreciate your efforts to introduce labeling legislation pertaining to peanuts and peanut products. As the marketplace becomes more globalized, the U.S. industry should be allowed to differentiate itself from other origins. Also, consumers should have the information necessary to choose and know where their food products originate.

Again, we support and appreciate your efforts.

By Mr. ALLARD:

S. 1671. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

CAMPAIGN FINANCE INTEGRITY ACT OF 1999

• Mr. ALLARD. Mr. President, the Senate is again considering campaign finance reform. The problem is that almost every Senator has a different definition of—and goal for—reform. Today I am introducing the ''Campaign Finance Integrity Act.'' I believe this bill can actually be agreed upon by a majority of this body that would want to ensure that we improve the campaign finance system (a nearly universally acknowledged goal) without being unconstitutional and attempting measures that fly in the face of the First Amendment.

Some in Congress have stated that freedom of speech and the desire for healthy campaigns in a healthy democracy are in direct conflict, and that you can't have both. But fortunately for those of us who believe in the First Amendment rights of all American citizens, the founding fathers and the Supreme Court are on our side. They believe, and I believe, that we can have both.

I would hope that celebrating the value of the First Amendment on the floor of the United States Senate is preaching to the choir, as the expression goes, but let me go ahead and do it anyway. Thomas Jefferson repeatedly stated the importance of the First Amendment and how it allows the people and the press the right to speak their minds freely. Jefferson clearly described its significance back in 1798 with, ''One of the amendments to the Constitution * * * expressly declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press,' thereby guarding in the same sentence and under the same words, the freedom of religion, speech, and of the press; insomuch that whatever violates either throws down the sanctuary which covers the others.'' Again in 1808, he stated that ''The liberty of speaking and writing guards our other liberties.'' And in 1823, Jefferson stated, ''The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to.'' Jefferson knew and believed that if we begin restricting what people say, how they say it, and how much they can say, then we deny the first and fundamental freedom given to all Citizens.

The Supreme Court has also been very clear in its rulings concerning campaign finance and the First Amendment. Since the post-Watergate changes to the campaign finance system began, 24 Congressional actions have been declared unconstitutional, with 9 rejections based on the First Amendment. Out of those nine, 4 dealt directly with campaign finance reform laws. In each case, the Supreme Court has ruled that political spending is equal to political speech.

In the now famous decision, or infamous to some, Buckley vs. Valeo, the Court states that, ''The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''

Simply stated, the government cannot ration or regulate political speech of an American through campaign spending limits any more than it can tell the local newspaper how many papers it can print or what it can print. This reinforces Jefferson's statement that to impede one of these rights is to impede all First Amendment rights.

Also, supporters of some of the campaign finance reform bills believe that if we stop the growth of campaign spending and force giveaways of public and private resources then all will be fine with the campaign finance system. The Supreme Court agrees and is again very clear in its intent on campaign spending. The Buckley decision says, ''. . . the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending. . . .''

Campaigns are about ideas and expressing those ideas, no matter how great or small the means. The ''distribution of the humblest handbill'' to the ''expensive modes of communication'' are both indispensable instruments of effective political speech. We should not force one sector to freely distribute our political ideas just because it is more expensive than all the other sectors. So no matter how objectionable the cost of campaigns are, the Supreme Court has stated that this is not reason enough to restrict the speech of candidates or any other groups involved in political speech.

We need a campaign finance bill that does not violate the First Amendment, while providing important provisions to open the campaign finances of candidates up to the scrutiny of the American people. I believe the Campaign Finance Integrity Act does that.

My bill would:

Require candidates to raise at least 50 percent of their contributions from individuals in the state or district in which they are running.

Equalize contributions from individuals and political action committees (PACs) by raising the individual limit from $1000 to $2500 and reducing the PAC limit from $5000 to $2500.

Index individual and PAC contribution limits for inflation.

Reduce the influence of a candidate's personal wealth by allowing political party committees to match dollar for dollar the personal contribution of a candidate above $5000.

Require corporations and labor organizations to seek separate, voluntary authorization of the use of any dues, initiative fees or payment as a condition of employment for political activity, and requires annual full disclosure of those activities to members and shareholders.

Prohibit depositing an individual contribution by a campaign unless the individual's profession and employer are reported.

Encourage the Federal Election Commission to allow filing of reports by computers and other emerging technologies and to make that information accessible to the public on the Internet less than 24 hours of receipt.

Ban the use of taxpayer financed mass mailings.

This is common sense campaign finance reform. It drives the candidate back into his district or state to raise money from individual contributions. It has some of the most open, full and timely disclosure requirements of any other campaign finance bill in either the Senate or the House of Representatives. I strongly believe that sunshine is the best disinfectant.

The right of political parties, groups and individuals to say what they want in a political campaign is preserved by the right of the public to know how much they are spending and what they are saying is also recognized. I have great faith that the public can make its own decisions about campaign discourse if it is given full and timely information.

Many of the proponents of other campaign finance bills try to reduce the influence of interests by suppressing their speech. I believe the best ways to reduce the special interests influence is to suppress and reduce the size of government. If the government rids itself of special interest funding and corporate subsidies, then there would be less reason for influence-buying donations.

Objecting to the popular quest of the moment is very difficult for any politician, but turning your back on the First Amendment is more difficult for me. I want campaign finance reform but not at the expense of the First Amendment. My legislation does this. Not everyone will agree with the Campaign Finance Integrity Act, and many of us still disagree on this issue, but the First Amendment is the reason we can disagree and it must be honored here rather than just the Courts.●

By Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. VOINOVICH, Mr. NICKLES, Mr. HELMS, and Mr. ENZI):

S. 1673. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

● Mr. DEWINE. Mr. President, today I rise to speak on behalf of unborn children who are the victims of violence. I am here to be their voice; I am here to fight for their rights.

We live in a violent world, Mr. President. Sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. I'll give you some disturbing examples.

In 1996, Airman, Gregory Robbins, and his family were stationed in my home state of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt (to reduce the chance that he would inflict visible injuries) and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured

during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute the Airman for Jasmine's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act which results in the death or injury of an unborn child. The only available federal offense was for the assault on the mother. This was a case in which the only available federal penalty did not fit the crime. So prosecutors bootstrapped the Ohio fetal homicide law to convict Mr. Robbins of Jasmine's death. This case currently is pending appeal, and we do hope that justice will prevail.

Mr. President, if it weren't for the Ohio law that is already in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. We need a federal remedy to avoid having to bootstrap state laws and to provide recourse when a violent act occurs during the commission of a federal crime—especially in cases when the state in which the crime occurs does not have a fetal protection law in place. A federal remedy will ensure that crimes against unborn victims are punished.

There are other sickening examples of violence against innocent unborn children, Mr. President. An incident occurred in Arkansas just a few short weeks ago. Nearly nine months pregnant, Shawana Pace of Little Rock was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric Bullock wanted the baby to die. So, he hired three thugs to beat Shawana so badly that she would lose the unborn baby.

During the vicious assault against mother and child, one of the hired hitmen allegedly said: ''Your baby is going to die tonight.'' Shawana's baby did die that night. She named the baby Heaven. Mr. President, I am saddened and sickened by the sheer inhumanity and brutality of this act of violence.

Fortunately, the State of Arkansas, like Ohio, passed a fetal protection law, which allows Arkansas prosecutors to charge defendants with murder for the death of a fetus. Under previous law, such attackers could be charged only with crimes against the pregnant woman. As in the case of Baby Jasmine's death in Ohio, but for the Arkansas state law, there would be no remedy—no punishment—for Baby Heaven's brutal murder. The only charge would be assault against the mother.

In the Oklahoma City and World Trade Center bombings—here too—federal prosecutors were able to charge the defendants with the murders of or injuries to the mothers—but not to their unborn babies. Again, federal law currently only criminalizes crimes against born humans. There are no federal provisions for the unborn.

This is wrong.

It is wrong that our federal government does absolutely nothing to criminalize violent acts against unborn children. We must correct this loophole in our law, for it allows criminals to get away with violent acts—and sometimes even murder.

We, as a civilized society, should not—with good conscience—stand for that.

So, today, I am introducing legislation, along with my distinguished colleagues, Senator TIM HUTCHINSON and Senator ABRAHAM, to provide justice for America's unborn victims of violence. Our bill, the Unborn Victims of Violence Act, would hold criminals liable for conduct that harms or kills an unborn child. It would make it a separate crime under the Federal code and the Uniform Code of Military Justice to kill or injure an unborn child during the commission of certain existing federal crimes.

The Unborn Victims of Violence Act would create a separate offense for unborn children—it would acknowledge them as individual victims. Our bill would no longer allow violent acts against unborn babies to be considered victimless crimes. At least twenty-four (24) states already have criminalized harm to unborn victims, and another seven (7) states criminalize the termination of pregnancy.

Mr. President, in November of 1996, a baby, just three months from full-term, was killed in Ohio as a result of road rage. An angry driver forced a pregnant mother's car to crash into a flatbed truck. Because the Ohio Revised Code imposes criminal liability for any violent conduct which terminates a pregnancy of a child in utero, prosecutors successfully tried and convicted the driver for recklessly causing the baby's death. Our bill would make an act of violence like this a federal crime. It would be a simple step, but one with a dramatic effect.

Mr. President, we purposely have drafted this legislation very narrowly. For example, it would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action (legal or illegal) in regard to her unborn child. This legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And, the bill would not allow for the imposition of the death penalty under this Act.

Mr. President, it is time that we wrap the arms of justice around unborn children and protect them against criminal assailants. Those who violently attack unborn babies are criminals. The federal penalty should fit the crime. I strongly urge my colleagues to join me in support of this legislation. We have an obligation to our unborn children.●

By Mr. BINGAMAN:

S 1674. A bill to promote small schools and smaller learning communities; to the Committee on Health, Education, Labor, and Pensions.

SMALL, SAFE SCHOOLS ACT

By Mr. BINGAMAN (for himself and Mr. REID):

S. 1675. A bill to provide for school drop out prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL DROPOUT PREVENTION ACT OF 1999

By Mr. BINGAMAN:

S. 1676. A bill to improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SCHOOL IMPROVEMENT ACCOUNTABILITY ACT

● Mr. BINGAMAN. Mr. President, last week I introduced two education bills related to raising standards and ensuring accountability for the teachers in our schools. Today, I am pleased to introduce three bills that relate to raising standards and ensuring accountability for the performance of our schools—the Small, Safe Schools Act, the National Dropout Prevention Act and the School Improvement Accountability Act. Next week, I will introduce two bills which relate to raising standards and ensuring accountability for student achievement. All of these bills, which I hope to incorporate into the reauthorization of the Elementary and Secondary Education Act, form the foundation for a comprehensive plan to improve the quality of our public education system. The three bills that I am introducing today focus on improving school performance.

The Small, Safe Schools Act would help to ensure that children have a sense of belonging in their school by providing incentives for the construction of smaller schools and providing resources to create smaller learning communities in existing larger schools. In this way, we can create school environments that keep our children safe and make it easier for them to meet high standards for achievement. Research demonstrates that small schools outperform large schools on every measure of school success.

In the wake of the tragedy at Columbine High School, one of the most important concerns regarding school quality is school safety. Issues of school safety can be effectively addressed by creating smaller schools or smaller learning communities within larger schools. Behavorial problems,

including truancy, classroom disruption, vandalism, aggressive behavior, theft, substance abuse and gang participation are all more common in larger schools. Teachers in small schools learn of disagreements between students and can resolve problems before problems become severe. Based on studies of high school violence, researchers have concluded that the first step in ending school violence must be to break through the impersonal atmosphere of large high schools by creating smaller communities of learning within larger structures, where teachers and students can come to know each other well.

School size also can have a critical impact on learning. Small school size improves students grades and test scores. This impact is even greater for ethnic minority and low income students. Small institutional size has been found to be one of the most important factors in creating positive educational outcomes. Studies on school dropout rates show a decrease in the rates as schools get smaller. Students and staff at smaller schools have a stronger sense of personal efficacy, and students take more of the responsibility for their own learning, which includes more individualized and experimental learning relevant to the world outside of school.

Small schools can be created cost effectively. Larger schools can be more expensive because their sheer size requires more administrative support. More importantly, additional bureaucracy translates into less flexibility and innovation. In addition, because small schools have higher graduation rates, costs per graduate are lower than costs per graduate in large schools.

The Small, Safe Schools Act would establish three programs designed to promote and support smaller schools and smaller learning communities within large schools. Schools or LEAs could apply for funds to help develop smaller learning communities within larger schools. The bill also authorizes the Secretary to provide technical assistance to LEAs and schools seeking to create smaller learning communities. In addition, the bill would provide funding for construction and renovation of schools designed to accommodate no more than 350 students in an elementary school, 400 students in a middle school, and 800 students in a high school.

On behalf of myself and Senator REID, I also offer the National Dropout Prevention Act, which is a bill designed to reduce the dropout rate in our nation's schools. While much progress has been made in encouraging more students to complete high school, the nation remains far from its goal of a 90 percent graduation rate for students by 2000. In fact, none of the states with large and diverse student populations have yet come close to this goal, and dropout rates approaching 50 percent are commonplace in some of the most disadvantaged communities during the period from ninth grade to senior year. The bill is based on many of the findings of the National Hispanic Dropout Project, a group of nationally recognized experts assembled during 1996–97 to help find solutions to the high dropout rate among Hispanic and other at-risk students. In addition to widespread misconceptions about why so many students drop out of school and lack of familiarity with proven dropout prevention programs, one of the main factors contributing to the lack of progress in this area is that there is currently no concerted federal effort to provide or coordinate effective and proven dropout prevention programs for at-risk children. In fact, there is currently no federal agency or office that is responsible for the multitude of programs that include dropout prevention as a component.

The Act makes lowering the dropout rate a national priority. Efforts to prevent students from dropping out would be coordinated on the nation level by an Office of Dropout Prevention and Program Completion in the Department of Education. The Office would disseminate best practices and models for effective dropout programs through a national clearinghouse and provide support and recognition to schools engaged in dropout prevention efforts. In addition, this bill provides funds to pay the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs. Funds could be used to implement comprehensive school-wide reforms, create alternative school programs or smaller learning communities. Grant recipients could contract with community-based organizations to assist in implementing necessary services.

The School Improvement Accountability Act, the third bill I am introducing today, sets more rigorous standards for States and LEAs receiving Title I funds by strengthening the accountability provisions in Title I. The Title I program provides supplemental services to disadvantaged students and schools with high concentrations of disadvantaged students. These students and these schools are often short-changed by our educational system. The bill seeks to ensure that all schools are often short-changed by our educational system. The bill seeks to ensure that all schools receiving Title I funding achieve realistic goals for student achievement and that all students reach those goals, narrowing existing achievement gaps. Recipients will be required to set goals for student achievement which will result in all students (in Title I schools) passing state tests at a ''proficiency'' standard within 10 years of reauthorization. The bill also requires States, LEAs and schools to focus on elimination of the achievement gap between LEP, disabled & low-income students and other students and to ensure inclusion of all students in state assessments.

The bill also modifies the corrective action section of the bill, which is the section that is triggered when schools identified as being in need of improvement, have not made sufficient gains towards the goals set out in the schools Title I plan. The School Improvement Accountability act would require schools failing to meet standards must take one of three actions affecting personnel and/or management of the schools: (1) decreasing decision-making authority at the school level; (2) reconstituting the school staff; or (3) eliminating the use of noncredentialed staff. Students in failing schools also would have a right to transfer to a school which is not failing.

In order to ensure equal educational opportunities for all our children, we must ensure that schools are safe, welcoming places. We also must ensure that students in danger of dropping out of school are not lost, but instead graduate high school with the skills that they need to be productive members of our society. We must provide special support to students with greater obstacles to learning, such as disadvantaged students, students whose first language is not English, and disabled students. We must ensure that schools serving these students can provide high quality educational programs and that those schools are held accountable for the success of all students. The bills I offer today will do much to achieve these goals. I hope that my colleagues will support these efforts.●

By Mr. GREGG (for himself and Mr. HAGEL):

S. 1677. A bill to establish a child centered program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

CHILD CENTERED PROGRAM ESTABLISHMENT LEGISLATION

● Mr. GREGG. Mr. President, today I am joined with Senator HAGEL in introducing a bill to allow States and schools districts to switch Title I of the Elementary and Secondary Education from a school-based to a child-based program.

We will soon take up the reauthorization of the Elementary and Secondary Education Act. The centerpiece of which is Title I which was created in 1965 to provide extra educational assistance to low-income students. Since its inception, Title I has grown into the largest federal education program for elementary and secondary school students with funding, in this year alone, at $7.7 billion.

Unfortunately, after more than 30 years and expenditures of $118 billion, national evaluations indicate that Title I has failed to achieve its primary

aim of reducing the achievement gap between advantaged and disadvantaged students.

Reading scores in 1998 showed that only 6 States made progress in narrowing the gap between White and African American students and just 3 made progress narrowing the gap between White and Hispanic students. While the gap actually grew in 16 States. In math, nine year olds in high poverty schools remain 2 grade levels behind students in low-poverty schools.

In reading, nine year old students in high poverty schools remain 3 to 4 grade levels behind students in low poverty schools. Seventy percent of children in high poverty schools score below even the most basic level of reading. Two out of every three African American and Hispanic 4th graders can barely read.

It is time to take a fresh look at this important program to ensure that our neediest students are receiving the services they need. We must provide enough flexibility in Title I for students to receive high quality supplemental educational services, wherever those services are offered.

In order to enable needy students to access high quality supplemental services, States and school districts should be given the opportunity to transform Title I from a school-based program to a child-centered program. Which is exactly what my bill does. Let me explain.

Currently, Title I dollars are sent to States, then distributed to school districts, and ultimately to schools—this is known as a school-based program. Aid goes to the school, rather than directly to the eligible child.

This process of sending dollars to districts and schools rather than students has a serious unintended consequence—millions of eligible children never receive the educational services promised to them by this program.

To make matters worse, even schools which have been identified by their States and communities as chronic poor performers continue to receive Title I dollars, despite that fact that well over one-third of eligible children (about 4 million children) receive no services.

Today, 4 million children generate Title I revenue for their school district, but never receive Title I services; despite the fact that the school district received federal funds to provide supplemental educational services to those very children.

We should not continue the practice of sustaining failed schools at the expense of our nation's children.

The very serious problem of under serving our neediest students can be alleviated by giving States and school districts the ability to focus their efforts by directly serving Title I eligible students through a child-centered program.

This bill permits interested States and school districts to use Title I dollars to create a child-centered program.

Here is how it would work. Interested states and school districts could use their Title I dollars to establish a per pupil amount for each eligible child—any child between the ages of 5–17 from a family at or below the poverty line. The per pupil amount would then follow the child to the school they attend. The per pupil amount would be used to provide supplemental educational (''add-on'' or ''extra'') services to meet the individual educational needs of children participating in the program.

Since some schools continue to fail to provide high quality educational services to their neediest students, students could use their per-pupil amount to receive supplemental educational (''add-on'') services from either their school or a tutorial assistance provider, be that a Sylvan learning center, a charter school or a private school. The idea behind this provision is to allow parents to use their per-pupil amount to purchase extra tutorial assistance for before or after school.

There are numerous benefits to turning Title I into a child-centered program. It increases the number of disadvantaged children served by Title I. It ensures that federal dollars generated by a particular student actually benefit that student. It rewards good schools and penalizes failing schools, as children would have the option to go the schools that best meet their needs and take their Title I money with them. A child-centered program decreases the practice of financially rewarding schools that consistently fail to provide a high quality education to their students. And, it ensures that students who are stuck in a bad school have access to educational services outside the school, by permitting parents to use their child's per-pupil allotment for tutorial assistance.

In short, this bill creates a much-needed market for change in that it gives families the ability to take their federal dollars out of a school that is not using them effectively and purchase services somewhere else. Families are empowered and schools are compelled to improve in order to keep their students.

I urge my colleagues to cosponsor this bill. Turning Title I into a child-centered program puts Title I back on the right track, focusing on what is best for the child first and foremost.

I ask that it be printed in the RECORD.

The bill follows:

S. 1677

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

SECTION 1. ESTABLISHMENT OF THE CHILD CENTERED PROGRAM.

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"Subpart 3—Child Centered Program

"SEC. 1131. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

''(A) is eligible to be counted under section 1124(c); or

''(B)(i) the State or participating local educational agency elects to serve under this subpart; and

''(ii) is a child eligible to be served under this part pursuant to section 1115(b).

''(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1133(b) to carry out a child centered program under this subpart.

''(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

''(4) SUPPLEMENTAL EDUCATION SERVICES.—The term 'supplemental education services' means educational services intended—

''(A) to meet the individual educational needs of eligible children; and

''(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

''(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

''(A) has a record of effectiveness in providing tutorial assistance to school children; or

''(B) uses instructional practices based on scientific research.

"SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

''(a) FUNDING.—Notwithstanding any other provision of law, each State or participating local educational agency may use the funds made available under subparts 1 and 2, and shall use the funds made available under subsection (c), to carry out a child centered program under this subpart.

''(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—

''(1) IN GENERAL.—If a State does not carry out a child centered program under this subpart or does not have an application approved under section 1134 for a fiscal year, a local educational agency in the State may elect to carry out a child centered program under this subpart, and the Secretary shall provide the funds that the local educational agency (with an application approved under section 1134) is eligible to receive under subparts 1 and 2, and subsection (c), directly to the local educational agency to enable the local educational agency to carry out the child centered program.

''(2) SUBMISSION APPROVAL.—In order to be eligible to carry out a child centered program under this subpart a participating local educational agency shall obtain from the State approval of the submission, but not the contents, of the application submitted under section 1134.

''(c) INCENTIVE GRANTS.—

''(1) IN GENERAL.—From amounts appropriated under paragraph (3) for a fiscal year the Secretary shall award grants to each State, or participating local educational agency described in subsection (b), that elects to carry out a child centered program under this subpart and has an application approved under section 1134, to enable the State or participating local educational

agency to carry out the child centered program.

''(2) AMOUNT.—Each State or participating local educational agency that elects to carry out a child centered program under this subpart and has an application approved under section 1134 for a fiscal year shall receive a grant in an amount that bears the same relation to the amount appropriated under paragraph (3) for the fiscal year as the amount the State or participating local educational agency received under subparts 1 and 2 for the fiscal year bears to the amount all States and participating local educational agencies carrying out a child centered program under this subpart received under subparts 1 and 2 for the fiscal year.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection for fiscal year 2000 and each of the 4 succeeding fiscal years.

''SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

''(a) USES.—Each State or participating local educational agency with an application approved under section 1134 shall use funds made available under subparts 1 and 2, and subsection (c), to carry out a child centered program under which—

''(1) the State or participating local educational agency establishes a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

''(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

''(A) variations in the cost of providing supplemental education services in different parts of the State or the school district served by the participating local educational agency;

''(B) the cost of providing services to pupils with different educational needs; or

''(C) the desirability of placing priority on selected grades; and

''(3) in the case of a child centered program for eligible children at a public school, the State or the participating local educational agency makes available, not later than 3 months after the beginning of the school year, the per pupil amount determined under paragraphs (1) and (2) to the school in which an eligible child is enrolled, which per pupil amount shall be used for supplemental education services for the eligible child that are—

''(A) subject to subparagraph (B), provided by the school directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

''(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, another public school, or a private school, selected by the parent or guardian.

''(b) SCHOOLWIDE PROGRAMS.—

''(1) IN GENERAL.—In the case of a public school in which 50 percent of the students enrolled in the school are eligible children, the public school may use funds provided under this subpart, in combination with other Federal, State, and local funds, to carry out a schoolwide program to upgrade the entire educational program in the school.

''(2) PLAN.—If the public school elects to use funds provided under this part in accordance with paragraph (1), and does not have a plan approved by the Secretary under section 1114(b)(2), the public school shall develop and adopt a comprehensive plan for reforming the entire educational program of the public school that—

''(A) incorporates—

''(i) strategies for improving achievement for all children to meet the State's proficient and advanced levels of performance described in section 1111(b);

''(ii) instruction by highly qualified staff;

''(iii) professional development for teachers and aides in content areas in which the teachers or aides provide instruction and, where appropriate, professional development for pupil services personnel, parents, and principals, and other staff to enable all children in the school to meet the State's student performance standards; and

''(iv) activities to ensure that eligible children who experience difficulty mastering any of the standards described in section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance;

''(B) describes the school's use of funds provided under this subpart and from other sources to implement the activities described in subparagraph (A);

''(C) includes a list of State and local educational agency programs and other Federal programs that will be included in the schoolwide program;

''(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of an eligible child who participates in the assessment; and

''(E) describes how and where the school will obtain technical assistance services and a description of such services.

''(3) SPECIAL RULE.—In the case of a public school operating a schoolwide program under this subsection, the Secretary may, through publication of a notice in the Federal Register, exempt child centered programs under this section from statutory or regulatory requirements of any other noncompetitive formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support the schoolwide program, if the intent and purposes of such other noncompetitive or discretionary programs are met.

''(c) PRIVATE SCHOOL CHILDREN.—A State or participating local educational agency carrying out a child centered program under this subpart for eligible children at a private school shall ensure that eligible children who are enrolled in the private school receive supplemental education services that are comparable to services for eligible children enrolled in public schools provided under this subpart. The supplemental education services, including materials and equipment, shall be secular, neutral, and nonideological.

''(d) OPEN ENROLLMENT.—

''(1) IN GENERAL.—In order to be eligible to carry out a child centered program under this subpart a State or participating local educational agency shall operate a statewide or school district wide, respectively, open enrollment program that permits parents to enroll their child in any public school in the State or school district, respectively, if space is available in the public school and the child meets the qualifications for attendance at the public school.

''(2) WAIVER.—The Secretary may waive paragraph (1) for a State or participating local educational agency if the State or agency, respectively, demonstrates that parents served by the State or agency, respectively—

''(A) have sufficient options to enroll their child in multiple public schools; or

''(B) will have sufficient options to use the per pupil amount made available under this subpart to purchase supplemental education services from multiple tutorial assistance providers or schools.

''(e) PARENT INVOLVEMENT.—

''(1) IN GENERAL.—Any public school receiving funds under this subpart shall convene an annual meeting at a convenient time. All parents of eligible children shall be invited and encouraged to attend the meeting, in order to explain to the parents the activities assisted under this subpart and the requirements of this subpart. At the meeting, the public school shall explain to parents how the school will use funds provided under this subpart to enable eligible children enrolled at the school to meet challenging State curriculum, content, and student performance standards. In addition, the public school shall inform parents of their right to choose to use the per pupil amount described in subsection (a) to purchase supplemental education services from a tutorial assistance provider, another public school or a private school.

''(2) INFORMATION.—Any public school receiving funds under this subpart shall provide to parents a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet.

''SEC. 1134. APPLICATION.

''(a) IN GENERAL.—Each State or participating local educational agency desiring to carry out a child centered program under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a detailed description of the program to be assisted, including an assurance that—

''(A) the per pupil amount established under section 1133(a) will follow each eligible child described in that section to the school or tutorial assistance provider of the parent or guardian's choice;

''(B) funds made available under this subpart will be spent in accordance with the requirements of this subpart; and

''(C) parents have the option to use the per pupil amount to purchase supplemental education services for their children from a wide variety of tutorial assistance providers and schools;

''(2) an assurance that the State or participating local educational agency will publish in a widely read or distributed medium an annual report card that contains—

''(A) information regarding the academic progress of all students served by the State or participating local educational agency in meeting State standards, including students assisted under this subpart, with results disaggregated by race, family income, limited English proficiency, and gender, if such disaggregation can be performed in a statistically sound manner; and

''(B) such other information as the State or participating local educational agency may require;

''(3) a description of how the State or participating local educational agency will make available, to parents of children participating in the child centered program, annual school report cards, with results

disaggregated by race, family income, limited English proficiency, and gender, for schools in the State or in the school district of the participating local educational agency;

''(4) in the case of an application from a participating local educational agency, an assurance that the participating local educational agency has notified the State regarding the submission of the application;

''(5) a description of specific measurable objectives for improving the student performance of students served under this subpart;

''(6) a description of the process by which the State or participating local educational agency will measure progress in meeting the objectives;

''(7)(A) in the case of an application from a State, an assurance that the State meets the requirements of subsections (a), (b) and (e) of section 1111 as applied to activities assisted under this subpart; and

''(B) in the case of an application from a participating local educational agency, an assurance that the State's application under section 1111 met the requirements of subsections (a), (b) and (e) of such section; and

''(8) an assurance that each local educational agency serving a school that receives funds under this subpart will meet the requirements of subsections (a) and (c) of section 1116 as applied to activities assisted under this subpart.

''SEC. 1135. ADMINISTRATIVE PROVISIONS.

''(a) PROGRAM DURATION.—A State or participating local educational agency shall carry out a child centered program under this subpart for a period of 5 years.

''(b) ADMINISTRATIVE COSTS.—A State may reserve 2 percent of the funds made available to the State under this subpart, and a participating local educational agency may reserve 5 percent of the funds made available to the participating local educational agency under this subpart, to pay the costs of administrative expenses of the child centered program. The costs may include costs of providing technical assistance to schools receiving funds under this subpart, in order to increase the opportunity for all students in the schools to meet the State's content standards and student performance standards. The technical assistance may be provided directly by the State educational agency, local educational agency, or, with a local educational agency's approval, by an institution of higher education, by a private nonprofit organization, by an educational service agency, by a comprehensive regional assistance center under part A of title XIII, or by another entity with experience in helping schools improve student achievement.

''(c) REPORTS.—

''(1) ANNUAL REPORTS.—

''(A) IN GENERAL.—The State educational agency serving each State, and each participating local educational agency, carrying out a child centered program under this subpart shall submit to the Secretary an annual report, that is consistent with data provided under section 1134(a)(2)(A), regarding the performance of eligible children receiving supplemental education services under this subpart.

''(B) DATA.—Not later than 2 years after establishing a child centered program under this subpart and each year thereafter, each State or participating local educational agency shall include in the annual report data on student achievement for eligible children served under this subpart with results disaggregated by race, family income, limited English proficiency, and gender, demonstrating the degree to which measurable progress has been made toward meeting the objectives described in section 1134(a)(5).

''(C) DATA ASSURANCES.—Each annual report shall include—

''(i) an assurance from the managers of the child centered program that data used to measure student achievement under subparagraph (B) is reliable, complete, and accurate, as determined by the State or participating local educational agency; or

''(ii) a description of a plan for improving the reliability, completeness, and accuracy of such data as determined by the State or participating local educational agency.

''(2) SECRETARY'S REPORT.—The Secretary shall make each annual report available to Congress, the public, and the Comptroller General of the United States (for purposes of the evaluation described in section 1136).

''(d) TERMINATION.—Three years after the date a State or participating local educational agency establishes a child centered program under this subpart the Secretary shall review the performance of the State or participating local educational agency in meeting the objectives described in section 1134(a)(5). The Secretary, after providing notice and an opportunity for a hearing, may terminate the authority of the State or participating local educational agency to operate a child centered program under this subpart if the State or participating local educational agency submitted data that indicated the State or participating local educational agency has not made any progress in meeting the objectives.

''(e) TREATMENT OF AMOUNTS RECEIVED.—The per pupil amount provided under this subpart for an eligible child shall not be treated as income of the eligible child or the parent of the eligible child for purposes of Federal tax laws, or for determining the eligibility for or amount of any other Federal assistance.

''SEC. 1136. EVALUATION.

''(a) ANNUAL EVALUATION.—

''(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating entity that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of child centered programs under this subpart.

''(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to annually evaluate each child centered program under this subpart in accordance with the evaluation criteria described in subsection (b).

''(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

''(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the child centered programs under this subpart. Such criteria shall provide for a description of—

''(1) the implementation of each child centered program under this subpart;

''(2) the effects of the programs on the level of parental participation and satisfaction with the programs; and

''(3) the effects of the programs on the educational achievement of eligible children participating in the programs.

''SEC. 1137. REPORTS.

''(a) REPORTS BY COMPTROLLER GENERAL.—

''(1) INTERIM REPORTS.—Three years after the date of enactment of this subpart the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1136(a)(2) for each child centered program assisted under this subpart. The report shall contain a copy of the annual evaluation under section 1136(a)(2) of each child centered program under this subpart.

''(2) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than March 1, 2006, that summarizes the findings of the annual evaluations under section 1136(a)(2).''.

''SEC. 1138. LIMITATION ON CONDITIONS; PREEMPTION.

Nothing in this subpart shall be construed—

''(1) to authorize or permit an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this subpart; and

''(2) to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.''.●

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 381, a bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines.

S. 386

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mr. GORTON), the Senator from Missouri (Mr. ASHCROFT), the Senator from Nevada (Mr. REID), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1211

At the request of Mr. BENNETT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1235

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1235, a bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1310

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1453

At the request of Mr. FRIST, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DEWINE), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1453, a bill to facilitate relief efforts and a comprehensive solution to the war in Sudan.

S. 1473

At the request of Mr. ROBB, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1520

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1520, a bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

S. 1606

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1606, a bill to reenact chapter 12 of title 11, United States Code, and for other purposes.

S. 1608

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1661

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1661, a bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Concurrent Resolution 24, a bill to express the sense of the Congress on the need for United States to defend the American agricultural and food supply system from industrial sabotage and terrorist threats.

AMENDMENT NO. 1812

At the request of Mr. HUTCHINSON the names of the Senator from Ohio (Mr. DEWINE), the Senator from Colorado (Mr. ALLARD), the Senator from Wyoming (Mr. THOMAS), the Senator from Idaho (Mr. CRAPO), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of amendment No. 1812 proposed to S. 1650, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

SENATE CONCURRENT RESOLUTION 58—URGING THE UNITED STATES TO SEEK A GLOBAL CONSENSUS SUPPORTING A MORATORIUM ON TARIFFS AND ON SPECIAL, MULTIPLE, AND DISCRIMINATORY TAXATION OF ELECTRONIC COMMERCE

Mr. WYDEN (for himself, Mr. LEAHY, and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 58

Whereas electronic commerce is not bound by geography and its borders are not easily discernible;

Whereas transmissions over the Internet are made through packet-switching, making it impossible to determine with any degree of certainty the precise geographic route or endpoints of specific Internet transmissions and infeasible to separate interstate from

interstate, and domestic from foreign, Internet transmissions;

Whereas inconsistent and inadministrable taxes imposed on Internet activity by subnational and national governments threaten not only to subject consumers, businesses and other users engaged in interstate and foreign commerce to multiple, confusing and burdensome taxation, but also to restrict the growth and continued technological maturation of the Internet itself;

Whereas the complexity of the issue of domestic taxation of electronic commerce is compounded when considered at the global level of almost 200 separate national governments;

Whereas the First Annual Report of the United States Government Working Group on Electronic Commerce found that fewer than 10 million people worldwide were using the Internet in 1995, that more than 140 million people worldwide were using the Internet in 1998 and that more than one billion people worldwide will be using the Internet in the first decade of the next Century;

Whereas information technology industries have accounted for more than one-third of real growth in United States Gross Domestic Product over the past 3 years;

Whereas information technology industries employ more than seven million people in the United States, and by 2006, more than one-half of the United States workforce is expected to be employed in industries that are either major producers or intensive users of information technology products and services;

Whereas electronic commerce among businesses worldwide is expected to grow from $43 billion in 1998 to more than $1.3 trillion by 2003, and electronic retail sales to consumers worldwide are expected to grow from $8 billion in 1998 to more than $108 billion by 2003;

Whereas the Internet Tax Freedom Act of 1998 enacted a policy of technological neutrality and non-discrimination toward taxation of electronic commerce, and stated that United States policy should be to seek bilateral, regional and multilateral agreements to remove barriers to global electronic commerce;

Whereas the World Trade Organization, at its May 1998 Ministerial Conference, adopted a declaration that all 132 member countries ''will continue their current practice of not imposing customs duties on electronic transmissions'';

Whereas the Organization for Economic Cooperation and Development and industry groups issued a joint declaration at its October 1998 Ministerial meeting on Global Electronic Commerce supporting the principles of technological neutrality and non-discrimination and opposing discriminatory taxation imposed on the Internet and electronic commerce;

Whereas the Committee on Fiscal Affairs of the Organization for Economic Cooperation and Development has stated that neutrality, efficiency, certainty and simplicity, effectiveness and fairness, and flexibility are the broad taxation principles that should be applied to electronic commerce;

Whereas the United States has issued joint statements on electronic commerce with Australia, the European Union, France, Ireland, Japan, and Korea providing that any taxation of electronic commerce should be neutral and nondiscriminatory; and

Whereas a July 1999 United Nations Report on Human Development urged world governments to impose ''bit taxes'' on electronic transmissions; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) urges the President to seek a global consensus supporting—

(A) a permanent international moratorium on tariffs on electronic commerce; and

(B) an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet;

(2) urges the President to instruct the United States delegation to the November 1999 World Trade Organization ministerial in Seattle to seek to make permanent and binding the moratorium on tariffs on electronic transmissions adopted by the World Trade Organization in May 1998;

(3) urges the President to seek adoption by the Organization for Economic Cooperation and Development and implementation by the group's 29 member countries of an international ban on special, multiple, or discriminatory taxation of electronic commerce and the Internet; and

(4) urges the President to oppose any proposal by any country, the United Nations, or any other multilateral organization to establish a bit tax on electronic transmissions.

• Mr. WYDEN. Mr. President, I am pleased to be joined by Senators LEAHY and BAUCUS to introduce today a resolution calling for an international ban on tariffs and on special, multiple and discriminatory taxes on electronic commerce and the Internet. Representative COX, with whom I have collaborated in the past on Internet-related matters, is introducing a companion resolution in the House of Representatives.

The resolution urges the President to seek a global consensus supporting a permanent international moratorium on tariffs on electronic commerce, and an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet. The resolution urges the President to pursue the ban on tariffs through the World Trade Organization—particularly at the WTO Ministerial meeting that will be held in Seattle this November, and to pursue the moratorium on discriminatory, special, and multiple taxes on global e-commerce through the Organization for Economic Cooperation and Development. These positions reinforce the efforts of the U.S. Trade Representative at the WTO and of the U.S. negotiators at the OECD.

In the Internet Tax Freedom Act, enacted during the last Congress, we challenged the concept of 30,000 U.S. tax jurisdictions swamping online consumers and entrepreneurs with a crazy quilt of discriminatory taxes. But this problem is small potatoes compared to the prospect of thousands of additional discriminatory tax regimes Americans might face in nearly 200 countries around the world.

We are not going to sit by while the booming, global e-market becomes a tasty feast for overly hungry tax collectors from Bonn to Beijing and Manila to Milan.

The same questions we dealt with in the United States become vastly more complex at the international level. For example, during the course of the debate about the Internet Tax Freedom Act last year, I asked what happens when Aunt Millie in Iowa uses America Online in Virginia to order Harry and David's pears from Medford, Oregon, pays for them with a bankcard in California and ships them to her old friend in Florida?

In the global arena, we have to ask what happens when a tax collector in Germany tries to collect a Value Added Tax on a U.S. e-entrepreneur from Coos Bay, Oregon with no physical presence in Europe? This is a very real threat because not long ago, the tax chief of a key European nation called trade over the Internet ''a threat to all government tax revenue—a very serious threat.''

In addition, we have heard about the possibility of discriminatory bit taxes, which are taxes levied on the volume of e-mail that passes over the Net. And we have recently learned that the European Union is discussing something known as ''blocking and takedown.'' This is not a rugby term, but if established, it would allow the EU to bar the use of an American entrepreneur's website in Europe if he or she was unwilling to participate in an EU tax registration scheme.

Moreover, some countries are blurring the line between services and products in an effort to impose still more special, targeted tariffs and taxes on global e-commerce. At present, some digital delivery—for example, downloading a CD or software program—is not taxed, but there's considerable support for turning this service into a product that could be the subject of discriminatory taxes.

Developing fair ground rules for the global digital economy is not a job for the faint hearted. That is why strong U.S. leadership is imperative in key multinational groups that are beginning to consider how to update old laws and regulations to apply in the global electronic marketplace.

That is the point of the resolution we are introducing today. Again, the resolution does two things: it urges the President to seek a global consensus supporting a global moratorium on tariffs on electronic commerce at the upcoming WTO ministerial meeting in Seattle, and second, it urges the President to seek through the OECD a global moratorium on discriminatory, multiple and special taxes on electronic commerce and the Internet.

This resolution builds upon the good work we accomplished in the 1998 Internet Tax Freedom Act. It is time to take the effort to stop discriminatory taxes on electronic commerce to the international level. I urge my colleagues to join us in supporting the resolution.•

• Mr. LEAHY. Mr. President, I am pleased to join Senator WYDEN in support of this resolution to urge the

United States to seek a global consensus supporting a moratorium on tariffs and discriminatory taxation of electronic commerce. I thank Senator WYDEN and Congressman COX for their leadership in keeping the Internet free of discriminatory taxes in the United States and around the world.

The Internet allows businesses to sell their goods all over the world in the blink of an eye. This unique power also presents a unique challenge. That challenge facing the United States and the world is developing tax policies to nurture this exciting new market. That is why I am pleased to cosponsor this resolution to urge the President to seek a global moratorium on discriminatory taxes and tariffs on electronic commerce.

The growth of electronic commerce is everywhere, including my home state of Vermont. Today hundreds of Vermont businesses are doing business on the Internet, ranging from the Vermont Teddy Bear Company to Al's Snowmobile Parts Warehouse to Ben & Jerry's Homemade Ice Cream. These Vermont businesses are of all sizes and customer bases, from Main Street merchants to boutique entrepreneurs to a couple of ex-hippies who sell great ice cream. But what Vermont online sellers do have in common is the fact that Internet commerce lets them erase the geographic barriers that historically have limited our access to markets where our products can thrive. Cyberselling is paying off for Vermont and the rest of the United States.

As electronic commerce continues to grow, the United States must take the lead in fostering sound international tax policies. The United States was the incubator of the Internet, and the world closely watches the Internet policies that we debate and propose. Our leadership is critical to the continued growth of commerce on the Internet. Our resolution advances the leadership role of the United States by urging the administration to secure a global moratorium on discriminatory e-commerce taxes.

With more than 190 nations around the world able to levy discriminatory taxes on electronic commerce, we need this resolution to contribute to the stability necessary for electronic commerce to flourish. We are not asking for a tax-free zone on the Internet; if sales taxes and other taxes would apply to traditional sales and services, then those taxes would also apply to Internet sales under our resolution. But our resolution would urge a global ban on any taxes applied only to Internet sales in a discriminatory manner. Let's not allow the future of electronic commerce—with its great potential to expand the markets of Main Street businesses—to be crushed by the weight of multiple international taxation.

Today, there are more than 700,000 businesses selling their sales and services on the World Wide Web around the world. Estimates predict that the number of e-business Web sites will top 1 million by 2003. This explosion in Web growth has led to thousands of new and exciting opportunities for businesses from Main Street to Wall Street.

The International Internet Tax Freedom Resolution will help ensure that these businesses and many others will continue to reap the rewards of electronic commerce.●

SENATE RESOLUTION 192—EXTENDING BIRTHDAY GREETINGS AND BEST WISHES TO JIMMY CARTER IN RECOGNITION OF HIS 75TH BIRTHDAY

Mr. CLELAND (for himself and Mr. COVERDELL) submitted the following resolution; which was considered and agreed to:

S. RES. 192

Whereas October 1, 1999, is the 75th birthday of James Earl (Jimmy) Carter;

Whereas Jimmy Carter has served his country with distinction in the United States Navy, and as a Georgia State Senator, the Governor of Georgia, and the President of the United States;

Whereas Jimmy Carter has continued his service to the people of the United States and the world since leaving the Presidency by resolutely championing adequate housing, democratic elections, human rights, and international peace;

Whereas in all of these endeavors, Jimmy Carter has been fully and ably assisted by his wife, Rosalynn; and

Whereas Jimmy Carter serves as a living international symbol of American integrity and compassion: Now, therefore, be it

Resolved, That the Senate—

(1) extends its birthday greetings and best wishes to Jimmy Carter; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Jimmy Carter.

SENATE RESOLUTION 193—TO REAUTHORIZE THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. DODD submitted the following resolution; which was considered and agreed to:

S. RES. 193

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Jacob K. Javits Senate Fellowship Program Resolution".

SEC. 2. FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS.

(a) REAUTHORIZATION.—In order to encourage increased participation by outstanding students in a public service career, the Jacob K. Javits Senate Fellowship Program (in this resolution referred to as the "program") is extended for 5 years.

(b) ELIGIBLE PARTICIPANTS.—The Jacob K. Javits Foundation, Incorporated, New York, New York, (referred to in this resolution as the "Foundation") shall select Senate fellowship participants in the program. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Foundation.

SEC. 3. SENATE COMPONENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of the Senate (in this resolution referred to as the "Secretary") is authorized from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed 1 year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the program.

(b) NUMBER OF FELLOWSHIPS.—For any fiscal year not more than 10 fellowship participants shall be employed.

(c) PLACEMENT.—The Secretary, after consultation with the Majority Leader and the Minority Leader, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs.

SEC. 4. ADMINISTRATIVE SUPPORT.

The Secretary of Education may enter into an agreement with the Foundation for the purpose of providing administrative support services to the Foundation in conducting the program.

SEC. 5. FUNDS.

An amount not to exceed $250,000 shall be available to the Secretary from the contingent fund of the Senate for each of the 5 year periods beginning on October 1, 1999 to compensate participants in the program.

SEC. 6. PROGRAM EXTENSION.

This program shall terminate September 30, 2004. Not later than 3 months prior to September 30, 2004, the Secretary shall submit a report evaluating the program to the Majority Leader and the Senate along with recommendations concerning the program's extension and continued funding level.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

DODD (AND OTHERS) AMENDMENT NO. 1813

Mr. DODD (for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. LEVIN, Mrs. MURRAY, and Mr. JOHNSON) proposed an amendment to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

In the matter under the heading "PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT" in the matter under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" in title II, strike "$1,182,672,000" and insert "$2,000,000,000".

HUTCHISON (AND BINGAMAN) AMENDMENT NO. 1814

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

"SEC. 2. APPOINTMENT OF MEMBERS OF BORDER HEALTH COMMISSION.

''Not later than 30 days after the date of enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.''; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting ''; and'';

(B) in paragraph (2)(B), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3).

ASHCROFT AMENDMENT NO. 1815

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

To amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

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 ''Social Security and Medicare Safe Deposit Box Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(A) FINDINGS.—The Congress finds that—

(1) the Congress and the President joined together to enact the Balanced Budget Act of 1997 to end decades of deficit spending.

(2) strong economic growth and fiscal discipline have resulted in strong revenue growth into the Treasury;

(3) the combination of these factors is expected to enable the Government to balance its budget without the Social Security surpluses;

(4) the Congress has chosen to allocate in this Act all Social Security surpluses toward saving Social Security and Medicare;

(5) amounts so allocated are even greater than those reserved for Social Security and Medicare in the President's budget, will not require an increase in the statutory debt limit, and will reduce debt held by the public until Social Security and Medicare reform is enacted; and

(6) this strict enforcement is needed to lock away the amounts necessary for legislation to save Social Security and Medicare.

(b) PURPOSE.—It is the purpose of this Act to prohibit the use of Social Security surpluses for any purpose other than reforming Social Security and Medicare.

SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

''(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

''(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

''(A) the enactment of that bill or resolution as reported;

''(B) the adoption and enactment of that amendment; or

''(C) the enactment of that bill or resolution in the form recommended in that conference report, would cause or increase an on-budget deficit for any fiscal year.

''(3) EXCEPTION.—The point of order set forth in paragraph (2) shall not apply to Social Security reform legislation or Medicare reform legislation as defined by section 5(c) of the Social Security and Medicare Safe Deposit Box Act of 1999.

''(4) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.''.

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance trust Fund, combined, established by title II of the Social Security Act;''.

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

SEC. 4. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surpluses or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply only to fiscal year 2000 and subsequent fiscal years.

(4) EXPIRATION.—Sections 301(a)(6) and 312(g) shall expire upon the enactment of the Social Security reform legislation and Medicare reform legislation.

(c) DEFINITION—

(1) SOCIAL SECURITY REFORM LEGISLATION.—The term ''Social Security reform legislation'' means a bill or a joint resolution that is enacted into law and includes a provision stating the following: ''For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes Social Security reform legislation.''.

(2) The term ''Medicare reform legislation'' means a bill or a joint resolution that is enacted into law and includes a provision stating the following: ''For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes Medicare reform legislation.''.

INHOFE AMENDMENT NO. 1816

Mr. INHOFE proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 13951(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

DURBIN (AND DEWINE) AMENDMENT NO. 1817

(Ordered to lie on the table.)

Mr. DURBIN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

CHILDHOOD ASTHMA

SEC. . In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $50,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001, and be utilized to provide grants to local communities for screening, treatment and education relating to childhood asthma.

HUTCHISON AMENDMENT NO. 1818

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

Insert at the appropriate place the following new section.

SEC. . The Secretary of Education shall recompute the fiscal year 1996 cohort default rate under section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085) for purposes of determining the eligibility for program participation during academic year 1999–2000 under title IV of such Act of Jacksonville College of Jacksonville, Texas, on the basis of the most recent data provided to the Department of Education by such College.

KENNEDY (AND OTHERS) AMENDMENT NO. 1819

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Ms. MIKULSKI, Mr. DURBIN, Mr. LAUTENBERG, and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

On page 60, line 10, before the period, insert the following ": *Provided further*, That in addition to any other amounts appropriated under this heading an additional $223,000,000 is appropriated to carry out title II of the Higher Education Act of 1965, and a total of $300,000,000 shall be available to carry out such title, of which $300,000,000 shall become available on October 1, 2000".

REID AMENDMENT NO. 1820

Mr. REID proposed an amendment to the bill, S. 1650, supra; as follows:

On page 66, line 16, strike $350 million and replace with $475 million.

GRAHAM (AND OTHERS) AMENDMENT NO. 1821

Mr. GRAHAM (for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, Mr. KENNEDY, and Mr. CLELAND) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

INOUYE AMENDMENT NO. 1822

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF ARLEN SPECTER NATIONAL LIBRARY OF MEDICINE.

(a) IN GENERAL.—The National Library of Medicine building (building 38) at 8600 Rockville Pike, in Bethesda, Maryland, shall be known and designated as the "Arlen Specter National Library of Medicine".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Arlen Specter National Library of Medicine.

KENNEDY AMENDMENT NO. 1823

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

On page 59, line 25, strike "$1,404,631,000," and insert "$1,464,631,000, of which $60,000,000 shall be available on October 1, 2000, and".

On page 60, line 10, before the period, insert the following: ": *Provided further*, That from amounts appropriated under this heading $240,000,000 shall be made available to carry out the Gear up program under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965".

COLLINS (AND OTHERS) AMENDMENT NO. 1824

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. BREAUX, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place in title II, insert the following:

SEC. ——. EXPRESSING THE SENSE OF THE SENATE TO RAISE THE AWARENESS OF THE DEVASTATING IMPACT OF DIABETES AND TO SUPPORT INCREASED FUNDS FOR DIABETES RESEARCH.

(a) FINDINGS.—Congress makes the following findings:

(1) Diabetes is a devastating, lifelong condition that affects people of every age, race, income level, and nationality.

(2) Sixteen million Americans suffer from diabetes, and millions more are at risk of developing the disease.

(3) The number of Americans with diabetes has increased nearly 700 percent in the last 40 years, leading the Centers for Disease Control and Prevention to call it the "epidemic of our time".

(4) In 1999, approximately 800,000 people will be diagnosed with diabetes, and diabetes will contribute to almost 200,000 deaths, making diabetes the sixth leading cause of death due to disease in the United States.

(5) Diabetes costs our nation an estimated $105,000,000,000 each year.

(6) More than 1 out of every 10 United States health care dollars, and about 1 out of every 4 Medicare dollars, is spent on the care of people with diabetes.

(7) More than $40,000,000,000 a year in tax dollars are spent treating people with diabetes through Medicare, Medicaid, veterans benefits, Federal employee health benefits, and other Federal health programs.

(8) Diabetes frequently goes undiagnosed, and an estimated 5,400,000 Americans have the disease but do not know it.

(9) Diabetes is the leading cause of kidney failure, blindness in adults, and amputations.

(10) Diabetes is a major risk factor for heart disease, stroke, and birth defects, and shortens average life expectancy by up to 15 years.

(11) An estimated 1,000,000 Americans have Type 1 diabetes, formerly known as juvenile diabetes, and 15,200,000 Americans have Type 2 diabetes, formerly known as adult-onset diabetes.

(12) Of Americans aged 65 years or older, 18.4 percent have diabetes.

(13) Of Americans aged 20 years or older, 8.2 percent have diabetes.

(14) Hispanic, African, Asian, and Native Americans suffer from diabetes at rates much higher than the general population, including children as young as 8 years-old, who are now being diagnosed with Type 2 diabetes, formerly known as adult-onset diabetes.

(15) In 1999, there is no method to prevent or cure diabetes, and available treatments have only limited success in controlling diabetes devastating consequences.

(16) Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depend on identifying the factors responsible for the disease and developing new methods for treatment and prevention.

(17) Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advances that might lead to better treatments, prevention, and ultimately a cure.

(18) After extensive review and deliberations, the congressionally established and National Institutes of Health-selected Diabetes Research Working Group has found that "many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms, and a shortage of trained researchers".

(19) The Diabetes Research Working Group has developed a comprehensive plan for National Institutes of Health-funded diabetes research, and has recommended a funding level of $827,000,000 for diabetes research at the National Institutes of Health in fiscal year 2000.

(20) The Senate as an institution, and Members of Congress as individuals, are in unique positions to support the fight against diabetes and to raise awareness about the need for increased funding for research and for early diagnosis and treatment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection, and proper treatment of, diabetes; and

(B) continue to consider ways to improve access to, and the quality of, health care services for screening and treating diabetes;

(2) the National Institutes of Health, within their existing funding levels, should increase research funding, as recommended by the congressionally established and National Institutes of Health-selected Diabetes Research Working Group, so that the causes of, and improved treatments and cure for, diabetes may be discovered;

(3) all Americans should take an active role to fight diabetes by using all the means available to them, including watching for the symptoms of diabetes, which include frequent urination, unusual thirst, extreme hunger, unusual weight loss, extreme fatigue, and irritability; and

(4) national organizations, community organizations, and health care providers should endeavor to promote awareness of diabetes and its complications, and should encourage early detection of diabetes through regular screenings, education, and by providing information, support, and access to services.

BOND AMENDMENT NO. 1825

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FINDINGS.—Congress makes the following findings:

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this section as ''OSHA'') plans to propose regulations during 1999 to regulate ergonomics in the workplace. A draft of OSHA's ergonomics regulation became available on February 19, 1999.

(2) A July 1997 report by the National Institute for Occupational Safety and Health that reviewed epidemiological studies that have been conducted of ''work related musculoskeletal disorders of the neck, upper extremity, and low back'' showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions. Such evidence would be necessary to write an efficient and effective regulation.

(3) An August 1998 workshop on ''work related musculoskeletal injuries'' held by the National Academy of Sciences reviewed existing research on musculoskeletal disorders. The workshop showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) In October 1998, Congress and the President agreed that the National Academy of Sciences should conduct a comprehensive study of the medical and scientific evidence regarding musculoskeletal disorders. The study is intended to evaluate the basic questions about diagnosis and causes of such disorders.

(5) To complete that study, Public Law 105-277 appropriated $890,000 for the National Academy of Sciences to complete a peer-reviewed scientific study of the available evidence examining a cause and effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries.

(6) The National Academy of Sciences currently estimates that this study will be completed late in 2000 or early in 2001.

(7) Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(b) PROHIBITION.—None of the funds made available in this Act may be used by the Secretary of Labor or the Occupational Safety and Health Administration to promulgate or issue, or to continue the rulemaking process of promulgating or issuing, any standard or regulation regarding ergonomics prior to September 29, 2000.

LEVIN AMENDMENT NO. 1826

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. CONSIDERATION OF AN APPLICATION BY A CERTAIN ENTITY FOR MEDICARE CERTIFICATION AS AN APPLICATION BY A NEW PROVIDER.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall consider an application (or a reapplication) for certification of a long-term care facility under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that is, or was, submitted after January 1, 1994, by a subsidiary of a not-for-profit, municipally-owned, and medicare-certified hospital, where such long-term care facility has had a change of management from the previous owner prior to acquisition by such subsidiary, as an application by a prospective provider.

MURRAY AMENDMENT NO. 1827

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 714. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Access to obstetrical and gynecological care.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

"SEC. 2707. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(2) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

"SEC. 2753. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Access to obstetrical and gynecological care.''; and

(2) by inserting after section 9812 the following:

"SEC. 9813. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(d) OFFSET.—Notwithstanding any other provision of this Act, amounts made available for salaries, expenses, and program management to agencies funded under this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by this section.

COVERDELL (AND OTHERS) AMENDMENT NO. 1828

Mr. COVERDELL (for himself, Mr. ABRAHAM, Mr. GRASSLEY, and Mr. ASHCROFT) proposed an amendment to the bill, supra; as follows:

On page 80, strike lines 1 through 8, and insert the following:

SEC. ____. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

COVERDELL AMENDMENTS NOS. 1829–1830

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1829

At the end of title III, insert the following:

SEC. ____. PROHIBITION REGARDING DAVIS-BACON ACT REQUIREMENTS.

None of the funds appropriated under this title for construction shall be expended in accordance with the Act of March 3, 1931 (40 U.S.C. 276a et seq.; commonly known as the Davis-Bacon Act), or any other law requiring the payment of wages in accordance with or based on determinations under such Act.

AMENDMENT NO. 1830

At the end, add the following:

SEC. ____. PROHIBITION.

None of the funds made available under this Act may be used to enter into a contract with a person or entity that is the subject of a criminal, civil, or administrative proceeding commenced by the Federal Government and alleging fraud.

ABRAHAM AMENDMENT NO. 1831

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end of the bill add the following:

TITLE XX—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act''.

SEC. ___02. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,859,500,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. ___03. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of the Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

''(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

''(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

''(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

''(B) the deficit for a fiscal year results solely from the enactment of—

''(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ''305(b)(2),'' and inserting ''301(k), 301(l), 305(b)(2),''.

SEC. XX04. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following—

''(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

''(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(i) the original issue price of the obligation; plus

''(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

''(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.'';

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

''(6) the debt held by the public; and''; and

(3) in section 310(a) by—

(A) striking ''or'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

''(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or''.

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF

1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

''(b) GENERAL STATEMENT OF PURPOSE: This part provides for the enforcement of—

''(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

''(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.'';

(2) in section 250(c)(1), by inserting '' 'debt held by the public,' 'social security surplus' after 'outlays',''; and

(3) by inserting after section 253 the following:

''SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

''(a) LIMIT.—The debt held by the public shall not exceed—

''(1) for the period beginning May 1, 2000 through April 30, 2001, $3,618,000,000,000;

''(2) for the period beginning May 1, 2001 through April 30, 2002, $3,488,000,000,000;

''(3) for the period beginning May 1, 2002 through April 30, 2004, $3,349,000,000,000;

''(4) for the period beginning May 1, 2004 through April 30, 2006, $3,045,000,000,000;

''(5) for the period beginning May 1, 2006 through April 30, 2008, $2,698,000,000,000;

''(6) for the period beginning May 1, 2008 through April 30, 2010, $2,301,000,000,000;

''(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

''(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

''(A) for fiscal year 1999, $125,000,000,000;

''(B) for fiscal year 2000, $147,000,000,000;

''(C) for fiscal year 2001, $155,000,000,000;

''(D) for fiscal year 2002, $163,000,000,000;

''(E) for fiscal year 2003, $172,000,000,000;

''(F) for fiscal year 2004, $181,000,000,000;

''(G) for fiscal year 2005, $195,000,000,000;

''(H) for fiscal year 2006, $205,000,000,000;

''(I) for fiscal year 2007, $217,000,000,000;

''(J) for fiscal year 2008, $228,000,000,000; and

''(K) for fiscal year 2009, $235,000,000,000.

''(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

''(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

''(B) ADJUSTMENT.—

''(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

''(II) each subsequent limit.

''(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

''(II) each subsequent limit.

''(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

''(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

''(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

''(ii) each subsequent limit; and

''(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

''(ii) each subsequent limit.

''(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

''(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

''(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

''(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

''(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

''(B) ADJUSTMENT.—

''(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

''(ii) ADJUSTMENT: The Secretary shall add the amount calculated under clause (i) to—

''(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

''(II) each subsequent limit.

''(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluded the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year though fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

''(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

''(f) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means legislation that—

''(A) implements structural social security reform and significantly extends the solvency of the Social Security Trust Fund; and

''(B) includes a provision stating the following: 'For purposes of the Social Security Surplus Preservation and Debt Reduction Act of 1999, this Act constitutes social security reform legislation'.

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.''.

SEC. ____05. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking ''in a manner consistent'' and inserting ''in compliance''.

SEC. ____06. SENSE OF THE SENATE ON MEDICARE RESERVE FUND.

(A) FINDINGS: The Senate finds that—

(1) the Congressional budget plan has $505,000,000,000 over ten years in unallocated budget surpluses that could be used for long-term medicare reform, other priorities, or debt reduction;

(2) the Congressional budget resolution for fiscal year 2000 already has set aside $90,000,000,000 over ten years through a reserve fund for long-term medicare reform including prescription drug coverage;

(3) the President estimates that his medicare proposal will cost $46,000,000,000 over 10 years; and

(4) thus the Congressional budget resolution provides more than adequate resources for medicare reform, including prescription drugs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget resolution for fiscal year 2000 provides a sound framework for allocating resources to medicare to modernize medicare benefits, improve the solvency of the program, and improve coverage of prescription drugs.

SEC. ___07. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

MURRAY AMENDMENT NO. 1832

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 714. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Access to obstetrical and gynecological care.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

"SEC. 2707. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(2) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

"SEC. 2753. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Access to obstetrical and gynecological care.''; and

(2) by inserting after section 9812 the following:

"SEC. 9813. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(d) OFFSET.—Notwithstanding any other provision of this Act, amounts made available for salaries, expenses, and program management to agencies funded under this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by this section.

BROWNBACK AMENDMENT NO. 1833

Mr. BROWNBACK proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of the bill insert the following:

TITLE ___—TASK FORCE ON THE STATE OF AMERICAN SOCIETY

SEC ___01. ESTABLISHMENT OF THE TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force of the Senate to be known as the Task Force on the State of American Society (hereafter in this title referred to as the ''task force'').

(b) PURPOSE.—The purpose of the task force is—

(1) to study the societal condition of America, particularly in regard to children, youth, and families;

(2) to make such findings as are warranted and appropriate, including the impact that trends and developments have on the broader society, particularly in regards to child well-being; and

(3) to study the causes and consequences of youth violence.

(c) TASK FORCE PROCEDURE.—

(1) IN GENERAL.—Paragraphs 1, 2, 7(a) (2), and 10(a) of rule XXVI of the Standing Rules of the Senate, and section 202 (i) of the Legislative Reorganization Act of 1946, shall apply to the task force, except for the provisions relating to the taking of depositions and the subpoena power.

(2) EQUAL FUNDING.—The majority and the minority staff of the task force shall receive equal funding.

(3) QUORUMS.—The task force is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum for the transaction of such business as may be considered by the task force. A majority of the task force will be required to issue a report to the relevant committees, with a minority of the task force afforded an opportunity to record its views in the report.

SEC. ___02. MEMBERSHIP AND ORGANIZATION OF THE TASK FORCE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The task force shall consist of 8 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 4 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the task force shall not affect the authority of the remaining members to execute the functions of the task force and shall be filled in the same manner as original appointments to it are made.

(b) CHAIRMAN.—The chairman of the task force shall be selected by the Majority Leader of the Senate and the vice chairman of the

task force shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the task force or the chairman may assign.

SEC. ___03. AUTHORITY OF TASK FORCE.

(a) IN GENERAL.—For the purposes of this title, the task force is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OTHER COMMITTEE STAFF.—At the joint request of the chairman and vice-chairman of the task force, the chairman and the ranking member of any other Senate committee or subcommittee may jointly permit the task force to use, on a nonreimburseable basis, the facilities or services of any members of the staff of such other Senate committee or subcommittee whenever the task force or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the task force to make the investigation and study provided for in this title.

SEC. ___04. REPORT AND TERMINATION.

The task force shall report its findings, together with such recommendations as it deems advisable, to the relevant committees and the Senate prior to July 7, 2000.

SEC. ___05. FUNDING.

(a) IN GENERAL.—From the date this title is agreed to through July 7, 2000, the expenses of the task force incurred under this title—

(1) shall be paid out of the miscellaneous items account of the contingent fund of the Senate;

(2) shall not exceed $500,000, of which amount not to exceed $150,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) shall include sums in addition to expenses described under paragraph (2), as may be necessary for agency contributions related to compensation of employees of the task force.

(b) PAYMENT OF EXPENSES.—Payment of expenses of the task force shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for disbursements of salaries (and related agency contributions) paid at an annual rate.

HUTCHINSON AMENDMENT NO. 1834

Mr. HUTCHINSON proposed an amendment to amendment No. 1812 proposed by him to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following:

''OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. ____. Notwithstanding any other provision of this Act, $25,471,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

HUTCHISON AMENDMENT NO. 1835

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the end, add the following:

SEC. ___. SINGLE SEX EDUCATION.

Subsection (b) of section 6301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(10) education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.''.

BOND (AND OTHERS) AMENDMENT NO. 1836

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. HARKIN, Mr. ASHCROFT, Mr. GRASSLEY, Mr. CHAFEE, Mr. BIDEN, Mr. WELLSTONE, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

WITHHOLDING OF SUBSTANCE ABUSE FUNDS

SEC. ____. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to one percent of such State's substance above block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act, except that the Secretary may agree to a smaller commitment of additional funds by the State.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts expended by a State pursuant to a certification under subsection (a) shall be used to supplement and not supplant State funds used for tobacco prevention programs and for compliance activities described in such subsection in the fiscal year preceding the fiscal year to which this section applies.

(D) The Secretary shall exercise discretion in enforcing the timing of the State expenditure required by the certification described in subsection (A) as late as July 31, 2000.

COVERDELL AMENDMENT NO. 1837

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

On page 54, line 19, strike ''$1,151,550,000'' and insert ''$1,126,550,000''.

On page 55, line 8, strike ''$65,000,000'' and insert ''$90,000,000''.

At the end, insert the following:

SEC. ___. FUNDING.

Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part A of title X of the Elementary and Secondary Education Act of 1965 shall be $39,500,000;

(2) the total amount made available under this Act to carry out part C of title X of the Elementary and Secondary Education Act of 1965 shall be $150,000,000; and

(3) the total amount made available under this Act to carry out subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 shall be $451,000,000, of which $111,275,000 shall be available on July 1, 2000.

WELLSTONE AMENDMENTS NOS. 1838–1842

(Ordered to lie on the table.)

Mr. WELLSTONE submitted five amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1838

At the appropriate place, insert the following:

SEC. ___. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(i) IN GENERAL.—Not later'';

(2) by inserting ''The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv).'' after the period; and

(3) by adding at the end the following:

''(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

''(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

''(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—For a sample of recipients of assistance under the State program funded under this title, longitudinal measures of annual changes in income (or measures of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

''(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food

stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

''(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

''(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

''(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

''(VII) DEFINITIONS.—In this clause:

''(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)((C)(iii).

''(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2))).

''(cc) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

''(dd) WORKING POOR FAMILIES.—The term 'working poor families' means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

''(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

''(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

''(v) LIMITATION ON APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

''(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

''(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

''(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

''(i) employment status;

''(ii) job retention;

''(iii) changes in income or resources;

''(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

''(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

''(vi) accessibility of child care and child care cost;

''(vii) the percentage of families in poverty receiving child care subsidies;

''(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

''(ix) the availability of the option under the State plan in section 402(a)(7)(relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

''(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

''(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

''(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

''(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.''.

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria described in section 403(a)(4)(C)(ii)(II) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)(II)) shall not apply to grants awarded under section 403(a)(4) of that Act (42 U.S.C. 603(a)(4)) for fiscal year 2001.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1839

In the matter under the heading ''CHILDREN AND FAMILIES SERVICES PROGRAMS'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' in title II, strike ''$6,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $5,267,000,000 shall be for making payments under the Head Start Act,'' and insert ''$9,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $8,267,000,000 shall be for making payments under the Head Start Act,''.

AMENDMENT NO. 1840

At the end of title III, insert the following:

SEC. ___. ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

AMENDMENT NO. 1841

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. ____. Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

AMENDMENT NO. 1842

At the appropriate place add the following:

SEC. ____. It is the sense of the Senate that it is important that Congress determine the economic status of former recipients of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

SMITH AMENDMENTS NOS. 1843–1844

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1843

At the appropriate place, insert the following:

DISABLED VETERANS' OUTREACH PROGRAMS

SEC. . Notwithstanding any other provision of this Act, $10,000,000 of the amounts appropriated in this Act for the Corporation for Public Broadcasting shall be transferred and utilized to carry out disabled veterans' outreach programs under section 4103A of title 38, United States Code.

AMENDMENT NO. 1844

At the appropriate place, insert the following:

SEC. . No funds appropriated under this Act may be used to enforce the provisions of the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a et seq.)) in any area that has been declared a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

HARKIN (AND ROBB) AMENDMENT NO. 1845

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING SCHOOL INFRASTRUCTURE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States.

(2) The General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life threatening safety code violations, and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct affect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

(6) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools.

(7) The General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(8) Schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, ''Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology,

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(10) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(11) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities.

ENZI AMENDMENT NO. 1846

Mr. ENZI proposed an amendment to the bill, S. 1650, supra; as follows:

On page 13, line 14, insert after ''1970;'' the following: ''*Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,500 shall be used to carry out the activities described in paragraph (1) and $16,883,500 shall be used to carry out paragraphs (2) through (6);''.

DEWINE AMENDMENT NO. 1847

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end, insert the following:

SEC. . FUNDING.

Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part C of title VIII of the Higher Education Amendments of 1998 shall be $2,000,000;

(2) the total amount made available under this Act to carry out section 428K of the Higher Education Act of 1965 shall be $2,000,000;

(3) the total amount made available under the heading ''SALARIES AND EXPENSES'', under the heading ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION'', under title I, for salaries and expenses for the Occupational Safety and Health Administration shall be $96,755,000; and

(4) the total amount made available under the heading ''SALARIES AND EXPENSES'', under the heading ''DEPARTMENTAL MANAGEMENT'', under title I, for salaries and expenses at the Department of Labor shall be $245,001,000.

GREGG AMENDMENTS NOS. 1848–1849

(Ordered to lie on the table.)

Mr. GREGG submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1848

In the matter under the heading ''COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS'', in the matter under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION'', in title I, insert before the period at the end of the first sentence the following: '': *Provided*, That funds appropriated for activities carried out under title V of such Act if allocated to private nonprofit organizations, shall only be allocated to such private nonprofit organizations (for use by such organizations, affiliates of such organizations, or successors in interest of such organizations), if such organizations administer not more than 10 percent of the projects carried out by such organizations with such funds through subcontracts with entities that are not directly associated or affiliated with such organizations.''

AMENDMENT NO. 1849

In the matter under the heading ''COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS'', in the matter under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION'', in

title I, insert before the period at the end of the first sentence the following: '': *Provided*, That funds appropriated to carry out title V of such Act shall not be allocated to a public agency or a public or private nonprofit organization, affiliate of such an agency or organization, or successors in interest of such an agency or organization, if it has been determined that there has been fraud or criminal activity within such agency or organization, or that there are substantial and persistent administrative deficiencies involving such agency or organization, or that such agency or organization, for the period of 1993 through 1996, had disallowed costs in excess of 3 percent of funds that were awarded over such period to carry out title V of such Act, as found in independent audits conducted by the Office of Inspector General or by final determinations by the Secretary''.

NICKLES AMENDMENTS NOS. 1850–1851

(Ordered to lie on the table.)

Mr. NICKLES submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1850

At the appropriate place, insert the following:

"SEC. . PROTECTION OF THE SOCIAL SECURITY TRUST FUND.

''(a) Section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

'' '(b) EXCESS DEFICIT.—The excess deficit is, if greater than zero, the estimated on-budget deficit for the budget year, excluding any surplus in the old-age, survivors, and disability insurance program established under title II of the Social Security Act.'.

''(b) Section 253(g) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.''.

AMENDMENT NO. 1851

At the appropriate place, insert the following:

"SEC. . PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that conferees on the fiscal year 2000 appropriations measures should ensure that total discretionary spending does not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit.

REID AMENDMENT NO. 1852

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. ____. (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report more than 800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

SARBANES AMENDMENT NO. 1853

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, add the following:

SEC. ____. (a) Section 1905(u)(2)(B) of the Social Security Act (42 U.S.C. 1395d(u)(2)(B)) is amended—

(1) by inserting ''(i)'' after ''(B)''; and

(2) by adding at the end the following:

''(ii) for purposes of clause (i), a child is not considered to qualify for medical assistance under the State plan if the child qualified for such assistance only under a demonstration that—

''(I) was approved under section 1115(a);

''(II) was implemented on or before March 31, 1997; and

''(III) did not include hospital services as a covered benefit.''.

(b) Notwithstanding any other provision of this Act, amounts made available for salaries, expenses, and program management to agencies funded under title II of this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by subsection (a).

WELLSTONE AMENDMENTS NOS. 1854–1859

(Ordered to lie on the table.)

Mr. WELLSTONE submitted six amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1854

At the end of title III, insert the following:

SEC. ___. ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

AMENDMENT NO. 1855

In the matter under the heading ''CHILDREN AND FAMILIES SERVICES PROGRAMS'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' in title II, strike ''$6,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $5,267,000,000 shall be for making payments under the Head Start Act,'' and insert ''$9,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $8,267,000,000 shall be for making payments under the Head Start Act,''.

AMENDMENT NO. 1856

At the appropriate place add the following:

SEC. ____. It is the sense of the Senate that it is important that Congress determine the economic status of former recipients of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

AMENDMENT NO. 1857

At the appropriate place, insert the following:

SEC. ___. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(i) IN GENERAL.—Not later'';

(2) by inserting ''The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv).'' after the period; and

(3) by adding at the end the following:

''(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

''(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

''(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—For a sample of recipients of assistance under the State program funded under this title, longitudinal measures of annual changes in income (or measures of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

''(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

''(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

''(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are

equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

''(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

''(VII) DEFINITIONS.—In this clause:

''(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)((C)(iii).

''(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2))).

''(cc) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

''(dd) WORKING POOR FAMILIES.—The term 'working poor families' means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

''(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

''(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

''(v) LIMITATION ON APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

''(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

''(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

''(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

''(i) employment status;

''(ii) job retention;

''(iii) changes in income or resources;

''(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

''(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

''(vi) accessibility of child care and child care cost;

''(vii) the percentage of families in poverty receiving child care subsidies;

''(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

''(ix) the availability of the option under the State plan in section 402(a)(7)(relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

''(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

''(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

''(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

''(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.''.

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria described in section 403(a)(4)(C)(ii)(II) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)(II)) shall not apply to grants awarded under section 403(a)(4) of that Act (42 U.S.C. 603(a)(4)) for fiscal year 2001.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1858

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. ____. Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided,* That notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

AMENDMENT NO. 1859

At the end of title III, insert the following:

SEC. ____. ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

COCHRAN AMENDMENT NO. 1860

(Ordered to lie on the table.)

Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place in the bill, insert the following: ''*Provided further,* That $2,000,000 shall be available from the Office on Women's Health to support biological, chemical and botanical studies to assist in the development of the clinical evaluation of phytomedicines in women's health.''

BINGAMAN (AND OTHERS) AMENDMENT NO. 1861

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On pages 52, line 8, after ''section 1124A'', insert the following: ''*Provided further,* That $200 million of funds available under section 1124 and 1124A shall be available to carry out the purposes of section 1116(c) of the Elementary and Secondary Education Act of 1965.''

REED AMENDMENTS NOS. 1862–1863

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1862

In title I, under the heading ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES'', strike the second proviso.

AMENDMENT NO. 1863

At the appropriate place, insert the following:

SEC. ____. INVESTIGATIONS AND REPORTS CONCERNING EMPLOYEE DEATHS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee described in subsection (b) and to issue a report concerning the causes of such an accident, so long as the Occupational and Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report.

(b) EMPLOYEE.—An employee described in this section is an employee who is under 18 years of age and who is employed by a person engaged in a farming operation that does not maintain a temporary labor camp and that employs 10 or fewer employees.

REED (AND OTHERS) AMENDMENT NO. 1864

(Ordered to lie on the table.)

Mr. REED (for himself, Ms. COLLINS, Mr. SMITH of Oregon, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

At the end of title III, add the following:

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

SEC. ____. (a) IN GENERAL.—Notwithstanding any other provision of this title, amounts appropriated in this title to carry out the leveraging educational assistance partnership program under section 407E of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) shall be increased by $50,000,000.

(b) REDUCTION.—The total discretionary amount appropriated by this Act shall be reduced by $50,000,000. Such reduction shall be made through a uniform percentage reduction in the amounts made available for expenses and program management to agencies funded under titles I through IV of this Act.

REED (AND OTHERS) AMENDMENT NO. 1865

(Ordered to lie on the table.)

Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

OFFICE OF POSTSECONDARY EDUCATION

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $9,548,000, which shall remain available through September 30, 2001.

REED AMENDMENTS NOS. 1866–1868

(Ordered to lie on the table.)

Mr. REED submitted three amendments intended to be proposed by him to the bill, S 1650, supra; as follows:

AMENDMENT NO. 1866

In title I, under the heading ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES'', insert before the colon at the end of the second proviso the following: '', except that amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee (who is under 18 years of age and who is employed by a person engaged in a farming operation that does not maintain a temporary labor camp and that employs 10 or fewer employees) and to issue a report concerning the causes of such an accident, so long as the Occupational and Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report''.

AMENDMENT NO. 1867

At the end of title I, add the following:

SEC. ____. None of the funds appropriated in this title may be expended for expenses of the Office of Workers' Compensation Programs until the day after there is enacted a law that states the following:

''(a) Notwithstanding any provision of section 8122 of title 5, United States Code, a claim for compensation under subchapter I of chapter 81 of such title shall be treated as timely filed for the purposes of that subchapter if—

''(1) the individual who filed the claim is eligible to do so under subsection (b) or is a person who filed the claim on behalf of such an individual;

''(2) the claim is for compensation for a disability or death resulting from a disease or condition described in subsection (c); and

''(3) the claim—

''(A) was filed under section 8121 of title 5, United States Code, on or before the date of the enactment of this Act; or

''(B) is filed under such section within one year after that date.

''(b) An individual is eligible under this section to file a claim for compensation under section 8121 of title 5, United States Code, without regard to paragraph (1) of that section, if the individual—

''(1) while serving as an employee of the War Department or the Navy Department during World War II, was exposed to a nitrogen or sulfur mustard agent in the performance of official duties as an employee; and

''(2) developed a disease specified in subsection (c) after the exposure.

''(c) A claim for compensation under subchapter I of chapter 81 of title 5, United States Code, that is filed under this section shall be granted if warranted under the provisions of that subchapter for a disability or death resulting from any of the following diseases or conditions:

''(1) In the case of an individual who was exposed to a sulfur mustard agent:

''(A) Chronic conjunctivitis.

''(B) Chronic keratitis.

''(C) Chronic corneal opacities.

''(D) Formation of scars.

''(E) Nasopharyngeal cancer.

''(F) Laryngeal cancer.

''(G) Lung cancer, other than mesothelioma.

''(H) Squamous cell carcinoma of the skin.

''(I) Chronic laryngitis.

''(J) Chronic bronchitis.

''(K) Chronic emphysema.

''(L) Chronic asthma.

''(M) Chronic obstructive pulmonary disease.

''(2) In the case of an individual who was exposed to a nitrogen mustard agent:

''(A) Any disease or condition specified in paragraph (1).

''(B) Acute nonlymphocytic leukemia.

''(d) Section 8119 of title 5, United States Code, does not apply with respect to a claim filed under this section.

''(e) In this section, the term 'World War II' has the meaning given the term in section 101(8) of title 38, United States Code.''.

AMENDMENT NO. 1868

At the end of title I, add the following:

SEC. ____. None of the funds appropriated in this title may be expended for expenses of the Office of Workers' Compensation Programs until the day after there is enacted a law that states the following:

''(a) Notwithstanding any provision of section 8122 of title 5, United States Code, a claim for compensation under subchapter I of chapter 81 of such title shall be treated as timely filed for the purposes of that subchapter if—

''(1) the individual who filed the claim was eligible to do so under subsection (b) or was a person who filed the claim on behalf of such an individual;

''(2) the claim is for compensation for a disability or death resulting from a disease or condition described in subsection (c); and

''(3) the claim was filed under section 8121 of title 5, United States Code, not later than March 10, 1994.

''(b) An individual is eligible under this section to file a claim for compensation under section 8121 of title 5, United States Code, without regard to paragraph (1) of that section, if the individual—

''(1) while serving as an employee of the War Department or the Navy Department during World War II, was exposed to a nitrogen or sulfur mustard agent in the performance of official duties as an employee; and

''(2) developed a disease specified in subsection (c) after the exposure.

''(c) A claim for compensation under subchapter I of chapter 81 of title 5, United States Code, that is filed under this section shall be granted if warranted under the provisions of that subchapter for a disability or death resulting from any of the following diseases or conditions:

''(1) In the case of an individual who was exposed to a sulfur mustard agent:

''(A) Chronic conjunctivitis.

''(B) Chronic keratitis.

''(C) Chronic corneal opacities.

''(D) Formation of scars.

''(E) Nasopharyngeal cancer.

''(F) Laryngeal cancer.

''(G) Lung cancer, other than mesothelioma.

''(H) Squamous cell carcinoma of the skin.

''(I) Chronic laryngitis.

''(J) Chronic bronchitis.

''(K) Chronic emphysema.

''(L) Chronic asthma.

''(M) Chronic obstructive pulmonary disease.

''(2) In the case of an individual who was exposed to a nitrogen mustard agent:

''(A) Any disease or condition specified in paragraph (1).

''(B) Acute nonlymphocytic leukemia.

''(d) Section 8119 of title 5, United States Code, does not apply with respect to a claim filed under this section.

''(e) In this section, the term 'World War II' has the meaning given the term in section 101(8) of title 38, United States Code.''.

REED (AND OTHERS) AMENDMENT NO. 1869

(Ordered to the lie on the table.)

Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

At the end of title III, add the following:

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

SEC. . (a) IN GENERAL.—Notwithstanding any other provision of this title, amounts appropriated in this title to carry out the leveraging educational assistance partnership program under section 407 of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) shall be increased by $50,000,000, and these additional funds shall become available on October 1, 2000.

WYDEN (AND OTHERS) AMENDMENT NO. 1870

(Ordered to the lie on the table.)

Mr. WYDEN (for himself, Mr. GRAHAM, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On page 19, line 8, insert before the period the following: '': *Provided further*, That funds made available under this heading shall be used to report to Congress, pursuant to Public Law 85–67 (29 U.S.C. 5630 with options that will ensure a legal domestic work force in the agricultural sector, and provide for improved compensation, longer and more consistent work periods, improved benefits, improved living conditions and better housing quality, and transportation assistance between agricultural jobs for agricultural workers, and address other issues related to agricultural labor that the Secretary of Labor determines to be necessary''.

DOMENICI AMENDMENTS NOS. 1871–1872

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1871

At the end, add the following:

SEC. . LAWTON CHILES FOUNDATION.

From amounts made available to the Secretary of Health and Human Services under this Act, the Secretary shall award a grant, in the amount of $10,000,000, to the Lawton Chiles Foundation to support a facility for the foundation.

AMENDMENT NO. 1872

At the end, add the following:

SEC. . LAWTON CHILES FOUNDATION.

From amounts made available to the Secretary of Health and Human Services under this Act, the Secretary shall award a grant, in the amount of $10,000,000, to the Lawton Chiles Foundation to support a facility for the foundation.

BINGAMAN AMENDMENTS NOS. 1873–1874

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1873

At the appropriate place in the bill add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic backgrounds, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1874

At the appropriate place in the bill add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic backgrounds, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

BINGAMAN (AND OTHERS) AMENDMENT NO. 1875

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On page 52, line 8, after ''section 1124A'', insert the following: ''*Provided further*, That $200 million of funds available under section 1124 and 1124A shall be available to carry out the purposes of section 1116(c) of the Elementary and Secondary Education Act of 1965.''

BINGAMAN AMENDMENTS NOS. 1876–1878

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1876

At the end of title II, add the following:

SEC. 216. STUDY AND REPORT ON THE GEOGRAPHIC ADJUSTMENT FACTORS UNDER THE MEDICARE PROGRAM.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on—

(1) the reasons why, and the appropriateness of the fact that, the geographic adjustment factor (determined under paragraph (2) of section 1848(e) (42 U.S.C. 1395w–4(e)) used in determining the amount of payment for physicians' services under the medicare program is less for physicians' services provided in New Mexico than for physicians' services provided in Arizona, Colorado, and Texas; and

(2) the effect that the level of the geographic cost-of-practice adjustment factor (determined under paragraph (3) of such section) has on the recruitment and retention of physicians in small rural states, including New Mexico, Iowa, Louisiana, and Arkansas.

(b) REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

AMENDMENT NO. 1877

At the end of title II, add the following:

DENTAL SEALANT DEMONSTRATION PROGRAM

SEC. ____. From amounts appropriated under this title for the Health Resources and Services Administration, $1,000,000 shall be made available to the Maternal Child Health Bureau for the establishment of a multi-State preventive dentistry demonstration program to improve the oral health of low-income children and increase the access of children to dental sealants through community- and school-based activities.

AMENDMENT NO. 1878

At the end of title II, add the following:

SEC. 216. REVISION OF GEOGRAPHIC ADJUSTMENT FACTOR USED IN MAKING MEDICARE PAYMENTS FOR PHYSICIANS' SERVICES IN NEW MEXICO.

(a) IN GENERAL.—Notwithstanding section 1848 of the Social Security Act (42 U.S.C. 1395w–4), in the case of physicians' services

provided in New Mexico, the geographic adjustment factor (determined under subsection (e)(2) of such section) used in determining the amount of payment for such services shall be equal to the national average of such factors.

(b) EFFECTIVE DATE.—This section shall apply to services provided on or after January 1, 2000.

BINGAMAN (AND MURRAY) AMENDMENT NO. 1879

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title III add the following:

ADVANCED PLACEMENT INCENTIVE PROGRAM

SEC. ____. Notwithstanding any other provision of this title, the amount appropriated under this title to carry out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act of 1965 programs shall be increased to $2,888,634,000: *Provided*, That $2,000,000 of which shall become available on October 1, 2000, shall remain available through September 30, 2001, and shall be made available for grants to States to enable the States to establish pilot programs for Internet-based advanced placement courses in rural parts of the United States where students would not have access to advanced placement instruction without the assistance provided under this section.

WELLSTONE AMENDMENTS NOS. 1880–1881

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1880

On page 31, line 9, strike ''2,750,700,000'' and insert ''$2,799,516,000, of which $70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and''.

AMENDMENT NO. 1881

On page 31, line 9, strike ''$2,750,700,000'' and insert ''$2,799,516,000, of which $70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and''.

KERRY (AND SMITH) AMENDMENT NO. 1882

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) Recent scientific evidence demonstrates that enhancing children's physical, social, emotional, and intellectual development before the age of six results in tremendous benefits throughout life.

(2) Successful schools are led by well-trained, highly qualified principals, but many principals do not get the training that the principals need in management skills to ensure their school provides an excellent education for every child.

(3) Good teachers are a crucial catalyst to quality education, but one in four new teachers do not meet state certification requirements; each year more than 50,000 under-prepared teachers enter the classroom; and 12 percent of new teachers have had no teacher training at all.

(4) Public school choice is a driving force behind reform and is vital to increasing accountability and improving low-performing schools.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the federal government should support state and local educational agencies engaged in comprehensive reform of their public education system and that any education reform should include at least the following principals:

(A) that every child should begin school ready to learn by providing the resources to expand existing programs, such as Even Start and Head Start;

(B) that training and development for principals and teachers should be a priority;

(C) that public school choice should be encouraged to increase options for students; and

(D) that support should be given to communities to develop additional counseling opportunities for at-risk students.

(E) School boards, administrators, principals, parents, teachers, and students must be accountable for the success of the public education system and corrective action in underachieving schools must be taken.

BINGAMAN (AND HUTCHISON) AMENDMENT NO. 1883

(Ordfered to lie on the table.)

Mr. BINGAMAN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

''SEC. 2. ESTABLISHMENT OF BORDER HEALTH COMMISSION.

''Not later than 30 days after the date of enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.''; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting ''; and'';

(B) in paragraph (2)(B), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3).

BROWNBACK AMENDMENT NO. 1884

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place insert the following:

The Senate finds the following:

Earlier this year, the House of Representatives passed a Social Security lockbox designed to protect the Social Security surplus by an overwhelming vote of 416 to 12;

Bipartisan efforts over the past few years have eliminated the budget deficit and created a projected combined Social Security and non-Social Security surplus of $2,896,000,000,000 over the next ten years;

This surplus is largely due to the collection of the Social Security taxes and interest on already collected receipts in the trust fund;

The President and the Congress have not reached an agreement to use any of the non-Social Security surplus on providing tax relief; and

Any unspent portion of the projected surplus will have the effect of reducing the debt held by the public; Now, therefore,

It is the sense of the Senate that the Senate—

(1) Should not consider legislation that would spend any of the Social Security surplus; and

(2) Should continue to pursue efforts to continue to reduce the $3,618,000,000,000 in debt held by the public.

COVERDELL AMENDMENT NO. 1885

Mr. COVERDELL proposed an amendment to amendment No. 1846 proposed by Mr. ENZI to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following: ''That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6);''.

GRAHAM (AND OTHERS) AMENDMENT NO. 1886

Mr. GRAHAM (for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, Mr. KENNEDY) proposed an amendment to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following: Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2001 shall be $3,030,000,000.

CAMPAIGN FINANCE INTEGRITY ACT OF 1999

ALLARD AMENDMENT NO. 1887

(Ordered referred to the Committee on Rules and Administration.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (S. 1671) to reform the financing of Federal elections; as follows:

At the end of the bill, add the following:

SEC. ___. DEDUCTION FOR POLITICAL CONTRIBUTIONS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 222 as section 223 and inserting after section 221 the following new section:

"SEC. 222. POLITICAL CONTRIBUTIONS.

''(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

''(1) the aggregate amount of contributions made to any candidate during the taxable year, or

''(2) $100 ($200 in the case of a joint return).

''(b) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

''(c) DEFINITIONS.—For purposes of this section, the terms 'candidate' and 'contribution' have the meaning given those terms in section 301 of the Federal Election Campaign Act of 1971.''

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

''(18) POLITICAL CONTRIBUTION.—The deduction allowed by section 222.''

(c) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

''Sec. 222. Political contribution.

''Sec. 223. Cross reference.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

LEGISLATION TO REENACT CHAPTER 12 OF TITLE 11, UNITED STATES CODE

GRASSLEY AMENDMENT NO. 1888

Mr. SESSIONS (for Mr. GRASSLEY) proposed an amendment to the bill (S. 1606) to reenact chapter 12 of title 11, United States Code, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking ''October 1, 1999'' each place it appears and inserting ''July 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''March 31, 1999'' and inserting ''September 30, 1999''; and

(B) by striking ''April 1, 1999'' and inserting ''October 1, 1999''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

Amend the title so as to read: ''To extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Energy and Natural Resources Committee.

The purpose of the hearing is to receive testimony on S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

The hearing will take place on Tuesday, October 26, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Kristin Phillips, Staff Assistant or Colleen Deegan, Counsel.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, September 30, 1999. The purpose of this meeting will be to discuss the administration's Agriculture agenda for the upcoming World Trade Organization meeting in Seattle.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 30, 1999, at 10:30 to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, September 30, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 30, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 30, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Consumer Affairs Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 30, 1999, at 9:30 a.m. on the Motor Vehicle Rental Fairness Act of 1999.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 30, for purposes of conducting a Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to receive testimony on S. 1457, the Forest Resources for the Environment and the Economy Act.

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

ADDITIONAL STATEMENTS

TRIBUTE TO ADMIRAL CHAMBERLIN

• Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Rear Admiral Bob Chamberlin, on his retirement from the United States Navy after 33 years of distinguished and dedicated service to the nation.

Rear Admiral Chamberlin is a native of Massachusetts. He graduated from high school in Westwood and went on to earn his bachelor's degree at the University of Wisconsin, where he distinguished himself as a first-tier ROTC graduate. Shortly after receiving his commission in 1966, he was assigned to the U.S.S. *Hisseem* in Pearl Harbor. From there he went on to serve in Vietnam, gaining the respect of all who shared duty with him and earning numerous decorations and awards, including the Navy Commendation Medal with Combat V, the Vietnamese Medal

of Honor First Class, and the Combat Action Ribbon.

Following his Vietnam tour, he came home to Massachusetts and earned an MBA degree from Harvard. He went on to serve in a variety of supply and financial management assignments, ashore and afloat. He was soon regarded by his superiors as a tireless and innovative logistician. Ten years after attending the Naval Supply Corps School in Athens, Georgia, he returned to the school as an instructor and course developer.

In 1987, after serving as director of stock control at the Aviation Supply Office in Philadelphia and as supply officer on the U.S.S. *Nimetz*, he was promoted to captain and was assigned to the Naval Supply Systems Command in Washington, D.C., where he served as the project officer on a major supply-system modernization initiative. Later, he was appointed to be the Command's vice commander.

In July 1993, he was promoted to rear admiral, and for the past two years, he has served as the principal deputy director of the Defense Logistics Agency—America's combat support agency. His vision and leadership have been vital to the agency's award-winning business-process initiatives to ensure that the nation's armed forces receive the supplies and equipment they need, and in a way that offers the best possible return to the American taxpayer.

Admiral Chamberlin has been in the forefront of the ongoing advances in military logistics. His exemplary military career comes to a close this month, but his contributions and achievements will continue to be felt throughout the Navy and the Department of Defense.

Bob Chamberlin has served his country with great ability, valor, loyalty, and integrity. On the occasion of his retirement from the United States Navy, I commend him for his outstanding service. He is Massachusetts' finest, and I wish him well in the years ahead.●

VIRGINIA ANNE HOLSFORD

● Mr. COCHRAN. Mr. President, tomorrow a good friend of mine is retiring after 24 years of faithful and exemplary service as primary assistant for two federal judges in my state. Virginia Anne Holtsford served first as secretary and primary assistant to Judge Orma Smith, who was United States District Judge for the Northern District of Mississippi. Upon his death she became the secretary and primary assistant to United States Fifth Circuit Appeals Court Judge E. Grady Jolly of Jackson, Mississippi. She has been with Judge Jolly from his first day on the bench, more than seventeen year ago. She is retiring to move back to her hometown of Iuka, Mississippi, to be with her mother.

This is how Judge Jolly described Ms. Holtsford to me: ''Anne Holtsford has a very special way of dealing with folks that has endeared her to hundreds of people who transact business with the federal courts in Mississippi and, indeed, throughout the Fifth Circuit. I believe there is no more popular and better-liked secretary in the Fifth Circuit.''

All of us who have had the good fortune to know Anne Holtsford appreciate her dedicated, friendly and professional service. We will miss her very much, but certainly she deserves a wonderful retirement.

I join all of her many friends in commending her for a job well done and wishing her much happiness in the years ahead.●

AMBASSADOR VANDEN HEUVEL'S TRIBUTE TO SENATOR KENNEDY

● Mr. FEINGOLD. Mr. President, I rise today to congratulate the Honorable EDWARD KENNEDY, who received the Franklin Delano Roosevelt Freedom Medal in early May of this year. I ask that Ambassador William J. vanden Heuvel's remarks honoring Senator KENNEDY be printed in the RECORD following this statement.

The remarks follow.

THE FOUR FREEDOMS: A GATEWAY TO THE NEW MILLENNIUM

An Address by William J. vanden Heuvel, President of the Franklin & Eleanor Roosevelt Institute—Hyde Park, New York—May 7, 1999

Today, midst the renewal of life that Spring represents, we come to the valley of the Hudson River that Franklin Delano Roosevelt loved so very much. The President parents and four children of Franklin and Eleanor Roosevelt are buried in this country churchyard. We remember that three sovereigns of the Netherlands—Wilhelmina, Juliana and Beatrix came to this church to worship accompanied by it Senior Warden who was also the President of the United States. We welcome the Queen's High Commissioner. Wim van Gelder, and the delegation from Zeeland where the Roosevelt Study Center has established itself as a preeminent place of study of the American presidency.

Winston Churchill described Franklin Roosevelt as the greatest man he had ever known. President Roosevelt's life, Churchill said, ''must be regarded as one of the commanding events in human destiny.'' We listen once more to the words the President spoke to the Congress on January 6, 1941, as he defined the fundamental charter of democracy: [The voice of President Roosevelt as he spoke to the Congress of the United States on January 6, 1941]

''In the future days, which we seek to make secure we look forward to a world founded upon four essential freedoms. The first is Freedom of Speech and Expression—everywhere in the world. The second is Freedom of every person to worship God in his own way—everywhere in the world. The third is Freedom from Want—which, translated into world terms, means economic understanding which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world. The fourth is Freedom from Fear—which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.''

Freedom of Speech and Expression
Freedom of Worship
Freedom from Want
Freedom from Fear

For ourselves, for our nations, for our world. Those are the reasons why we fought the most terrible war in human history—to secure those freedoms for our children and generations to come, to make possible for them the well-ordered society that only Democracy can assure, a community established by the consent of the governed, where the rule of law prevails, where freedom means respect for each other, and where fairness and decency and tolerance are the cherished values, where government protects the powerless while encouraging everyone to nourish the spirit and substance of our land.

Franklin Roosevelt was the voice of the people of the United States during the most difficult crises of the century. He led America out of the despair of the Great Depression. He led us to victory in the Great War. Four times he was elected President of the United States. By temperament and talent, by energy and instinct, Franklin Roosevelt came to the presidency, ready for the challenges that confronted him. He was a breath of fresh air in our political life—so vital, so confident and optimistic, so warm and good humored. He was a man of incomparable personal courage. At the age of 39, he was stricken with infantile paralysis. He would never walk or stand again unassisted. We can feel the pain of his struggle—learning to move again, to stand, to rely upon the physical support of others—never giving into despair, to self-pity, to discouragement. Just twelve years after he was stricken, he was elected President of a country itself paralyzed by the most fearful economic depression of its history. He lifted America from its knees and led us to our fateful rendezvous with history. The majesty of that triumph can never be dimmed.

He transformed our government into an active instrument of social justice. He made America the arsenal of democracy. He was Commander-in-Chief of the greatest military force in history. He crafted the victorious alliance that won the war. He was the father of the nuclear age. He inspired and guided the blueprint for the world that was to follow. The vision of the United Nations, the commitment to collective security, the determination to end colonialism, the opportunity of peace and prosperity for all people—everywhere in the world. Such was the legacy of Franklin Roosevelt.

President Roosevelt spoke in simple terms that everyone understood. Civilization needs a police force, he said, just as every one of our communities look to their local police for security and protection against the lawless. Adolf Hitler and his Nazi hoodlums brought the world to the precipice of destruction. Franklin Roosevelt was the first among the world's leaders to denounce and confront the savagery of the Nazis. The tin horn dictators who trample democratic values today when they carry out ethnic cleansing and murder innocent people, destroying their children and their hopes, are in the same gangster tradition. It is Franklin Roosevelt's legacy to nullify their power by collective action. If the freedoms, which are the

essence of civilization, are only rhetoric unworthy of defense and sacrifice, they will not prosper. They will perish.

The America that President Roosevelt left us was prepared for the challenge of the New Frontier. Despite the trouble and turbulence of the 20th century, there is much of which we can be proud. We have a nation based upon the consent of the governed. We must cause it once again to be respectful of the opinions of Mankind. We have amassed wealth that has never been equaled. We have brought together all of the world's races and creeds and shown that we can live together in peace and common purpose. We have spent our treasure and spilled our blood to prevent tyrants from destroying the possibilities of freedom and liberty.

Neither President Roosevelt nor we who share his vision are projecting a Utopia, a place liberated of all human trouble, where no one shall want for anything. No, the Four Freedoms are not a vision of a distant millennium, but rather the basis of a world attainable in our own time and generation.

It is the purpose of this day to honor five laureates whose lives and achievements give us hope that our cherished freedoms will endure as our Republic will endure.

It is my privilege and honor to bestow the Franklin Delano Roosevelt Four Freedoms Medals.

AWARD OF THE FRANKLIN DELANO ROOSEVELT FREEDOM MEDAL TO EDWARD MOORE KENNEDY

''We look forward,'' President Roosevelt told Congress and an embattled world on January 6, 1941, ''to a world founded upon four essential freedoms''—Freedom of Speech and Expression, Freedom of Worship, Freedom from Want, Freedom from Fear.

On this 7th day of May, 1999, the Franklin Delano Roosevelt Freedom Medal is awarded to Edward Moore Kennedy whose commitment to peace and social justice and whose brilliant command of the parliamentary process have made him the most influential Senator of his era, esteemed by his colleagues, and respected and admired throughout the world.

Six times the voters of Massachusetts have elected you to the Senate of the United States. Like the great leaders of this century, you have been the target of doubt, derision, ridicule and hatred, but to your enemies' everlasting disappointment, you have endured and prevailed, fortified by an inner strength that caused each fateful assault to leave you stronger, more determined, and more effective.

You have been much more than the heir to a great political dynasty. You have been the executor of its legacy, a pioneer forever advancing the new frontiers of equal opportunity and American purpose. Born into a family of wealth and influence, you created an independent career that has profoundly enriched the Kennedy saga and given voice and power precisely to those who, lacking wealth and influence, have been denied the opportunity of the American dream.

In the struggle for civil rights, your eloquence has been the trumpet of our leadership. You are the inexhaustible champion of racial justice and minority rights, of better schools, of the protection of the environment, of care and concern for the casualties of a market society—of those left out of America's historic prosperity. No one has done more to provide healthcare for all Americans. You have built extraordinary coalitions—and when necessary you have stood alone—in extending insurance coverage, in controlling costs, in protecting the vulnerable, in advancing medical research. You have fought for a social security system that truly assures security. You have led the fight for the minimum wage and the rights of labor, for equal opportunity for women, for the protection of children and for all those caught in the web of poverty. What the New Deal established, you advanced. You are the defender of past social gains and the designer of new social opportunities. Your capacity for friendship, your graciousness and good humor, your willingness to do the tedious homework that makes you a master of legislative detail has enabled you to overcome partisan divisions. You have achieved extraordinary results without compromising principle.

In world affairs, you are a champion of peace and international understanding. Northern Ireland has the hope of peace today in large part because of your outspoken opposition to violence and terrorism and your untiring support of those on the front line working for justice and reconciliation. The developing nations of the world know you as their friend, and the United Nations esteems you as an American leader who is determined to see our country fulfill its responsibilities of leadership.

Your life has not been absent adversity and pain but that has not lessened your determination to strive, to seek, to find and never yield in the quest for a better world. In 1980 bringing your campaign to an end, you said: ''. . . But for all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die.'' You have been faithful to that promise. Those words define our purpose with this award. You have understood and enhanced the great message of the Four freedoms as Franklin Delano Roosevelt meant them. Therefore, in his name, we honor—and we thank you.●

CLOSING OF FORT McCLELLAN

Mr. SESSIONS. Mr. President, this is an important day for the United States and for Alabama in the community of Anniston, Calhoun County.

Fort McClellan closed today. It was a casualty of the 1995 BRAC process. There was a great institution and a great installation. Thousands and hundreds of thousands of Americans served in that community. It was given to the military in the early 1900s by the people of that area in order to found this base.

I would like to read part of an article by Rose Livingston, writing for the Birmingham News, captioned ''Taps for Fort McClellan as final door closes.''

The barracks are boarded up, and barricades block their driveways. Flags have been furled and stored as mementos. Soldiers have packed up and shipped out.

Fort McClellan is no more.

The 82-year-old Army training base in Anniston finally shut its gates Thursday. It was given birth in 1917 by a community that chipped in to buy the land and donated it to their government. Its demise came at the hands of federal bean-counters, who decided in 1995 that Fort McClellan was surplus.

No bugle sounded, no cannon fired for the final shutdown. Those symbols were quieted after a closing ceremony in August, when soldiers were still around to march in it. Most are long gone. All that remains now is a skeleton crew to manage the base's transition from a bustling military post to a profit-generating private enterprise.

Indeed, we will be looking for reuse of that facility. The community has a joint power reuse authority: The Chamber of Commerce, the city of Anniston are all working to do what they can to create the kind of activity in a different way than what existed there.

I am pleased we had the support of this Senate to create the Center for Domestic Preparedness at Fort McClellan because Fort McClellan was a chemical training school, among other things, and we have to be able to be prepared in this Nation for the use of weapons of mass destruction.

So this base at least will be a small part of some of the chemical testing facilities, some of the training facilities, and training of teachers. They will be able to teach firemen and police how to respond if they are faced with a chemical or biological weapons attack in their towns and cities.

The people of Anniston, the people of Fort McClellan, and the people of Calhoun County are patriotic Americans. They gave the land that became Ft. McClellan, and now they will receive the land back. But they will lose a great deal of income and support.

The people of Anniston fought for their fort, but took the loss gracefully. They believed that chemical weapons would remain a major threat and that we ought not to close this base. I think they made a lot of good arguments. But the Commission decided otherwise, and with good grace, fortitude, and determination, they accepted it and made a determination to move to the future. I believe they will be successful in that.

I know time is late. We need to move on to other matters. But I did not want this day to pass before we had an opportunity to pause and recognize the extraordinary contribution of over 2,000 men and women soldiers and over 2,000 civilians who have served at that base.

STATE OF SOCIETY

Mr. SESSIONS. Mr. President, I thank the Senator from Kansas for the remarks he made earlier and his commitment to revitalizing the moral fiber of this Nation.

I think the polls he showed that the American people consider the threat of decline in values as the greatest threat facing our country are correct. If we lose our commitment to honesty, truth, discipline, hard work, and faith, if we lose those values, our Nation could be jeopardized. I thank the Senator from Kansas for raising those points because in many ways they transcend all the other issues we are facing.

I know Senator BROWNBACK, the Presiding Officer tonight, was watching

closely Sunday night when we had the ''Touched By An Angel'' show. They talked about a Senator who was given a challenge to go out to Sudan and see for themselves what it was like. The show could have been done about the Presiding Officer tonight because Senator BROWNBACK did that months ago. He personally went to Sudan and observed the terrible conditions there. He observed men being abused and killed. He observed women being taken into slavery and abused sexually—being bought and sold nearly into the 21st century. He was appalled by it. He has come back here and done something about that.

I know Dr. BILL FRIST, another Member of this body, had been there himself, to this poor, dangerous country, and helped serve with medical skills he possesses.

I just want to say congratulations to you, and thank you for that. I think that film could well have been written about either of you. You felt a calling to respond to the less fortunate and have done so. I believe something good is going to come out of that.

Thank you, Mr. President.

TO REENACT CHAPTER 12 OF TITLE 11, UNITED STATES CODE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 281, S. 1606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1888

(Purpose: To extend for 9 additional months the period for which chapter 12 of title XI, United States Code, is reenacted)

Mr. SESSIONS. Mr. President, Senator GRASSLEY has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS), for Mr. GRASSLEY, proposes an amendment numbered 1888.

Mr. SESSIONS. 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:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking ''October 1, 1999'' each place it appears and inserting ''July 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''March 31, 1999'' and inserting ''September 30, 1999''; and

(B) by striking ''April 1, 1999'' and inserting ''October 1, 1999''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

Amend the title so as to read: ''To extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.''.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

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

The amendment (No. 1888) was agreed to.

The bill (S. 1606), as amended, was passed, as follows:

S. 1606

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking ''October 1, 1999'' each place it appears and inserting ''July 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''March 31, 1999'' and inserting ''September 30, 1999''; and

(B) by striking ''April 1, 1999'' and inserting ''October 1, 1999''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

REAUTHORIZING THE JOHN HEINZ SENATE FELLOWSHIP PROGRAM

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. Res. 180 be discharged from the Rules Committee and, further that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 180) reauthorizing the John Heinz Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statement relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 180) was agreed to.

The resolution is as follows:

S. RES. 180

Resolved,

SECTION 1. JOHN HEINZ SENATE FELLOWSHIP PROGRAM.

Senate Resolution 356, 102d Congress, agreed to October 7, 1992, is amended by striking sections 2 through 6 and inserting the following:

''SEC. 2. FINDINGS.

''The Senate makes the following findings:

''(1) Senator John Heinz believed that Congress has a special responsibility to serve as a guardian for those persons who cannot protect themselves.

''(2) Senator Heinz dedicated much of his career in Congress to improving the lives of senior citizens.

''(3) It is especially appropriate to honor the memory of Senator Heinz through the creation of a Senate fellowship program to encourage the identification and training of new leadership in aging policy and to bring experts with firsthand experience of aging issues to the assistance of Congress in order to advance the development of public policy in issues that affect senior citizens.

''SEC. 3. FELLOWSHIP PROGRAM.

''(a) IN GENERAL.—In order to encourage the identification and training of new leadership in issues affecting senior citizens and to advance the development of public policy with respect to such issues, there is established a John Heinz Senate Fellowship Program.

''(b) SENATE FELLOWSHIPS.—The Heinz Family Foundation, in consultation with the Secretary of the Senate, is authorized to select Senate fellowship participants.

''(c) SELECTION PROCESS.—The Heinz Family Foundation shall—

''(1) publicize the availability of the fellowship program;

''(2) develop and administer an application process for Senate fellowships;

''(3) conduct a screening of applicants for the fellowship program; and

''(4) select participants without regard to race, color, religion, sex, national origin, age, or disability.

''SEC. 4. COMPENSATION; NUMBER OF FELLOWSHIPS; PLACEMENT.

''(a) COMPENSATION.—The Secretary of the Senate is authorized, from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under this resolution for a period determined by the Secretary.

''(b) NUMBER OF FELLOWSHIPS.—No more than 2 fellowship participants shall be so employed. Any individual appointed pursuant to this resolution shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate.

''(c) PLACEMENT.—The Secretary of the Senate, after consultation with the Majority Leader and Minority Leader of the Senate, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' areas of expertise.

''SEC. 5. FUNDS.

''The funds necessary to compensate eligible participants under this resolution for fiscal year 1999 shall be paid from the contingent fund of the Senate. Such funds shall not exceed, for fiscal year 1999, $71,000. There are authorized to be appropriated $71,000 for each of the fiscal years 2000 through 2004 to carry out the provisions of this resolution.''.

REREFERRAL OF S. 1515

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. 1515 be discharged from the Committee on Health, Education, Labor, and Pensions and referred to the Committee on the Judiciary.

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

REAUTHORIZING THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 193 introduced earlier today by Senator DODD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) to reauthorize the Jacob K. Javits Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, today I am introducing a Senate resolution to reauthorize the Jacob K. Javits Senate Fellowship Program. This program was created in 1985 to honor the life work of our former colleague, Senator Jacob K. Javits, who served the people of New York with distinction and legislative acumen for many years. The Senate expanded this program and reauthorized it for 5 years in 1988 and reauthorized the program again in 1993 for another 5 years. The resolution I am introducing today will reauthorize this outstanding program for another 5 years through September 30, 2004.

The Javits Fellowship Program authorizes up to 10 fellowship participants each year to be placed by the Secretary of the Senate, in consultation with the Majority Leader and Minority Leader, in positions in the Senate. To the extent practical, such positions should be supportive of the fellowship participants' academic programs. My office has been the beneficiary of this program and found the Javits fellows to be talented, energetic, and of great assistance to the work of the Senate.

I thank my colleague, the chairman of the Rules Committee, Senator MCCONNELL, for his assistance in moving this resolution. I urge its adoption.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution and preamble be considered and agreed to, en bloc, the motion to reconsider be laid upon the table without any intervening action, and that any statement be printed in the RECORD.

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

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 193

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Jacob K. Javits Senate Fellowship Program Resolution''.

SEC. 2. FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS.

(a) REAUTHORIZATION.—In order to encourage increased participation by outstanding students in a public service career, the Jacob K. Javits Senate Fellowship Program (in this resolution referred to as the ''program'') is extended for 5 years.

(b) ELIGIBLE PARTICIPANTS.—The Jacob K. Javits Foundation, Incorporated, New York, New York, (referred to in this resolution as the ''Foundation'') shall select Senate fellowship participants in the program. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Foundation.

SEC. 3. SENATE COMPONENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of the Senate (in this resolution referred to as the ''Secretary'') is authorized from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed 1 year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the program.

(b) NUMBER OF FELLOWSHIPS.—For any fiscal year not more than 10 fellowship participants shall be employed.

(c) PLACEMENT.—The Secretary, after consultation with the Majority Leader and the Minority Leader, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs.

SEC. 4. ADMINISTRATIVE SUPPORT.

The Secretary of Education may enter into an agreement with the Foundation for the purpose of providing administrative support services to the Foundation in conducting the program.

SEC. 5. FUNDS.

An amount not to exceed $250,000 shall be available to the Secretary from the contingent fund of the Senate for each of the 5 year periods beginning on October 1, 1999 to compensate participants in the program.

SEC. 6. PROGRAM EXTENSION.

This program shall terminate September 30, 2004. Not later than 3 months prior to September 30, 2004, the Secretary shall submit a report evaluating the program to the Majority Leader and the Senate along with recommendations concerning the program's extension and continued funding level.

EXTENDING THE ENERGY POLICY AND CONSERVATION ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2981, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2981) to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

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

The bill (H.R. 2981) was read a third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations to the Executive Calendar: 169, 229, 230, and 234.

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

Mr. SESSIONS. 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 that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Arthur L. Money, of Virginia, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Daniel James III, 0000.

The following named officer for appointment as Deputy Judge Advocate General of the United States Air Force and for appointment to the grade indicated under title 10, U.S.C., section 8037:

To be major general

Brig. Gen. Thomas J. Fiscus, 0000.

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bernard J. Pieczynski, 0000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR FRIDAY, OCTOBER 1, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Friday, October 1. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Labor-HHS appropriations bill.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene at 9 a.m. tomorrow and immediately begin 30 minutes of debate on the Collins amendment regarding diabetes. At the expiration of that debate, the Senate will proceed to a vote on the amendment. Therefore, Senators may expect the first vote at approximately 9:30 a.m. Further consideration of the Labor-HHS bill is expected during tomorrow's session of the Senate, to be followed by a period of morning business.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:51 p.m., adjourned until Friday, October 1, 1999, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 1999:

DEPARTMENT OF DEFENSE

ARTHUR L. MONEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DANIEL JAMES, III, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general

BRIG. GEN. THOMAS J. FISCUS, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BERNARD J. PIECZYNSKI, 0000.

HOUSE OF REPRESENTATIVES—*Thursday, September 30, 1999*

The House met at 10 a.m.

The Reverend Darrell Darling, United Methodist Church, Santa Cruz, California, offered the following prayer:

I offer this prayer in the Spirit of God, that spirit which was in our son, brother and colleague, Adam.

Gracious God, Father Creator, Mother Sustainer, as my universe grows infinitely larger, may my loyalty to beloved friends grow dearer. As the world becomes exponentially complex, may my passion for the truth fathom its extremities. As the pursuit of peace grows costly and elusive, steel my resolve.

Temper my candor with kindness, my directness with humor. Guard me from the temptation to substitute personal devotion for the simple truth and save me from sacrificing the life or character of one friend or foe for abstract principle or selfish ambition. Make me at home with prime ministers and farm workers alike in order that power may be less arrogant and the humble may know the power of their true worth.

May I take no notice of another's deliberate smallness, nor make one decision from fear, nor withhold my resources in stinginess. In defeat liberate me in expansive faithfulness, and in victory deliver me from devaluing large principles by personal meanness.

Let me spurn public accolades that I may be truly honorable. And, in the end, may I be swept away in the infinite, fierce tenderness of Your true love. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. FRANK of Massachusetts 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 Ms. McDevitt, one of its clerks, announced a bill of the following title in which concurrence of the House is requested:

S. 1051. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize the gentleman from California (Mr. FARR), who wishes to introduce the guest Chaplain, and then the Chair will entertain 15 one minutes on each side.

WELCOMING REVEREND DARRELL DARLING, UNITED METHODIST CHURCH, SANTA CRUZ, CALIFORNIA

Mr. FARR of California. Mr. Speaker, I have known the Reverend Darling for many years. He is a friend, he is a counselor, he is a confidante. His family is not new to this Chamber. Reverend Darling and his wife, Karen, are the parents of Adam Darling, who we all know died in the ill-fated crash with Secretary Ron Brown on a mountain in Croatia.

Reverend Darling is a long-time resident of Santa Cruz, California. Known locally as Darrell Darling, he is a man known for his spirit, for pursuit of civil rights, peace, and justice.

In his ministry, Reverend Darling has taken seriously the admonition and invitation to feed the hungry, shelter the strange, forgive the enemy, and visit the prisoner. He is someone who lives what he preaches, and the community is made stronger for it.

Mr. Speaker, I am proud to host Reverend Darling. He brings with him today a message of peace, a message of tolerance, a message of hope. I commend him to my colleagues and hope that you will hear his words, read his words, and take them to heart.

EMPLOYER LIABILITY IN HEALTH CARE

(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, Congress will soon consider the issue of employer liability in the concern with healthcare. As a small business owner myself with 200 employees, the decision is simple. If faced with the slimmest possibility of being sued for voluntarily providing health care to my employees, I will stop providing such benefits and give them the cash equivalent.

I will not be alone. Recently a poll of small business owners found that 57 percent of small businesses would drop health care coverage for employees if employer liability was increased. This potentially could lead to the end of employer-based health care and leave tens of millions of people without health care coverage.

H.R. 2926, the CARE Act, would ensure patients' rights without exposing employers to lawsuits for voluntarily providing health care and benefits to their employees. The CARE Act also allows small employers to band together to provide health care benefits for their employees by pooling their purchasing power in a new association health plan. This provision would create affordable access to health care for millions.

Let small business and employers continue to provide health care benefits to the American workforce. Vote for 2926.

A STARK CONTRAST BETWEEN RHETORIC AND REALITY

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

Mr. FRANK of Massachusetts. Mr. Speaker, the House has turned the Edmond Morris Ronald Reagan biography controversy on its head. Mr. Morris has been criticized for claiming to be present when he was not.

The pattern here in the House is the opposite. Members are essentially claiming not to have been present

when they were. Indeed, they are trying to disclaim responsibility for things they themselves did.

Most frequently that has happened with the 1997 Budget Act, which cut Medicare and imposed unrealistic caps, and which a lot of Members are now acting as if they stumbled across this somewhere in a room and have no idea how it got here.

But now we have a new version of this, the Republican pledge that we will not spend any of the Social Security surplus, which they vigorously express while they are simultaneously bringing out appropriations bills which spend the Social Security surplus. That reached a new height the other day when we passed a resolution which was a memorandum from the House to the House pledging not to do what we were in fact in the process of doing.

Claiming that we will never spend the Social Security surplus this year, while we are, according to the Congressional Budget Office in fact doing exactly that, is about the starkest contrast between rhetoric and reality in recent times.

AMERICA'S CHOICE ON SOCIAL SECURITY

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

Mr. GIBBONS. Mr. Speaker, the American public and the American people deserve to hear the truth about who will better protect Social Security and America's future. Under the Democratic-controlled Congress, Congress raided the Social Security trust fund in every year, in every budget, for nearly three decades. Why? So they could pay for bigger, more wasteful government bureaucracy.

Now this Congress, for the first time, has a chance to stop this incredulous thief of big-government spending, the one who steals from the future of Social Security.

Since the Republicans have taken control of Congress, we have slowed the runaway government spending of our colleagues over here on the left and begun balancing the budget for the first time in nearly 40 years and will do this without dipping into Social Security surpluses.

The American public needs to tell the tax-and-spend Democrats and the President to quit raiding Social Security and work with the Republicans to better protect Social Security and America's future.

Americans have a clear choice, support a strong Republican principle of saving Social Security and securing America's future, or support the Democrat's expanding, expensive new government and their tax-and-spend bureaucracy.

Mr. Speaker, it is America's choice.

BE HONEST WITH THE AMERICAN PEOPLE REGARDING SOCIAL SECURITY

(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, Social Security is in trouble, and I am not going to blame either party. There is enough blame to go around on everybody. Congress has tried Gramm–Rudman, budget caps, lockboxes, and now some in Congress even want to create a zodiac ploy of a 13th month. Beam me up, Mr. Speaker.

Let us be honest. As long as Social Security money is there, available to be spent, it will be spent, by both parties. I say it is time for a constitutional amendment that says Social Security money can only be used for Social Security and Medicare. Let us be honest with the American people.

I yield back all the good intentions of Congress that have not worked and will not work about Social Security.

CBO STATES REPUBLICAN SPENDING PLAN WILL NOT USE PROJECTED SOCIAL SECURITY SURPLUS

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

Mr. DELAY. Mr. Speaker, during August the ranking member on the Committee on the Budget tried to write a Republican budget, and he made certain assumptions that the Republicans are not going to do. He sent a letter to the Congressional Budget Office asking if we would spend the Social Security surplus under his Democrat-written Republican budget.

Well, of course the CBO wrote back that under that budget, the Social Security surplus would be spent. They cannot even write a Republican budget.

The budget that we sent to the CBO that we are actually going to pass in this House and send to the President was sent to the CBO yesterday, and here is the letter back to the Speaker, Mr. Speaker, that says, ''CBO estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000.''

So, media, listen up. Why do you not get it right? At least comment on the plan that the Republicans are putting before the House and the Senate and the CBO numbers that reflect that plan.

□ 1015

THE EARNED INCOME TAX CREDIT FOR LOW- AND MODERATE-INCOME WORKING AMERICANS SHOULD NOT BE DELAYED

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

Mr. TIERNEY. Mr. Speaker, it appears that our Republican colleagues, the Republican Party leadership, have a real dilemma on their hands. After forcing through Congress a budget resolution that we already knew was simply unrealistic and that in order to implement it it would require disastrous reductions in programs for the needy and others, they are desperate to find some additional funds to finish the appropriations process so they can limp out of town.

Well, what to do when one needs to come up with a quick eight or nine billion dollars? According to the Republican leadership, the plan goes like this: Their plan is to find the money and pass the appropriations bills by delaying payment of the earned income tax credit to 20 million low- and moderate-income working American families. That is right. They want to delay payment of the earned income tax credit to 20 million low- and moderate-income working Americans. That means that the only Americans who would bear the burden of delaying the tax refunds are those whose earnings permit them a refund so they can afford to commute to work, for their jobs to keep clothes on the children and to feed their families.

Is there anyone who really believes that the most intelligent way to raise money to cover the shortfalls called for in the failed Republican budget is to make more money from low- to moderate-income taxpayers? I truly hope not.

LIBERAL BIG SPENDERS THREATEN SOCIAL SECURITY

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

Mr. CHABOT. Mr. Speaker, let me see if I have this right. As a result of balancing the Federal budget for the first time in a generation, the Republican Congress has created a record-breaking budget surplus. President Clinton, who opposed spending restraints every step of the way, now takes credit for that surplus. At the same time, and apparently with a straight face, the President calls for billions and billions of dollars in new spending programs, threatens to veto legislation because it does not spend enough, and calls for tax increases on the American people to pay for yet more Washington spending. Joined by

his liberal allies in the Congress, he intends to raid the Social Security trust fund yet once again.

Mr. Speaker, we have been entrusted by the American people to protect their Social Security program. Let us not allow President Clinton and his big spending friends to betray that trust. Let us hold the line on runaway spending. Let us protect the taxpayers. Let us ensure the solvency of our Social Security system. Stop the raid, Mr. President. Stop the raid.

AT LEAST ONE ABUSIVE TAX SHELTER COULD HAVE BEEN CUT INSTEAD OF THE EARNED INCOME TAX CREDIT

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

Mr. DOGGETT. Mr. Speaker, of course the raid on Social Security is the one our Republican friends have already incurred through this year, but what I would like to focus on are the millions of Americans that are out there right now preparing our lunch at a fast food restaurant, caring for seniors at a nursing home or for our children at a child care center, a young police officer who is putting his or her life on the line, a young teacher trying to assure educational opportunity; all of these folks working at low-paid jobs, as they work, receive an earned income tax credit as an incentive to work, to contribute, to pay their taxes.

It is to this group of working American families that this Republican majority has turned at this very hour to finance their fiscal irresponsibility. They could have closed at least one abusive corporate tax shelter. They could have ended a tax loophole, but instead they turned to working Americans in what one executive at H&R Block says would ''cause confusion and disrupt the personal lives of hard-working American families'' by delaying their tax refund. This is wrong. This tactic must be rejected.

GREEN BAY, WISCONSIN: THE ALL-AMERICAN CITY

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

Mr. GREEN of Wisconsin. Mr. Speaker, on a lighter topic, in my district last weekend we received formal recognition of what we from Green Bay have known for a long time, our area is one of the best places in America to live.

Thanks to the National Civic League and Allstate Insurance, who sponsored this wonderful program, Green Bay was named an All-American City. Our area does indeed represent the very best of grass-root citizen involvement, creative community effort, and collaborative problem solving the three key qualities embodied by this award.

I am proud to say that Green Bay is on the march, taking aggressive steps to meet its challenges in the most innovative ways we can. Those who live in Green Bay want to put the rest of the Nation on notice, there is another key quality of character we hold dear: The relentless pursuit of excellence. The All-American City award is not the end of a journey but merely another milepost in a longer journey to make sure that our area is the greatest place in the world to live, and we will not rest until we get there.

THE REPUBLICANS NEED TO GET THEIR HEADS OUT OF THE SAND

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

Mr. LEWIS of Georgia. Mr. Speaker, yesterday the Republicans launched a new ad campaign accusing the Democrats of dipping into the Social Security surplus.

In these ads, Republicans vowed to draw a line in the sand. It is time for the Republicans to get their heads out of the sand. Their own spending plan for next year takes $18 billion out of the Social Security surplus. Instead of running attack ads, it is time we start working together to pass a budget that addresses the needs of the American people.

The American people, working families, seniors, and children, are waiting for this Congress to stand up and do something. The truth will set us free. The truth will liberate us all. It is time for us all to put our cards on the table. It is time for the Republicans to tell the truth. Speak the truth to the American people. That is what the American people deserve. That is what they need and that is what they want.

WHERE IS THE OUTRAGE WHEN A DEMOCRATIC MAYOR HONORS COMMUNIST RULE IN THE PEOPLE'S REPUBLIC OF CHINA?

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

Mr. SCHAFFER. Mr. Speaker, 223 years ago, the Declaration of Independence was signed in Philadelphia, but just 5 days ago there was a different sort of revolt on the steps of Philadelphia's city hall. A crowd of citizens gathered there to protest a far more pernicious kind of tyranny than that which confronted the Founders themselves. It seems that the city's mayor, Ed Rendell, convened a, quote, celebration to honor and commemorate 50 years of Communist rule in the People's Republic of China; that, according to the Philadelphia Enquirer.

Now, Mayor Rendell is a Democrat; in fact, he is a prominent one. Do we think other Democrats denounced Rendell's celebration of Communist rule? Did they reprimand him for praising the very regime which today points 13 nuclear missiles at his country? Did they cry out about the communist destruction of human dignity and human rights? No.

Last week, Democrats made Rendell chairman of their party, head of the Democratic National Committee.

I am not making this up, Mr. Speaker.

What is next? Will Chairman Rendell print his party's platform in little red books?

REPUBLICANS CANNOT HAVE IT ALL

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

Mr. MENENDEZ. Mr. Speaker, crafting a responsible budget is about choices. It is about priorities. We Democrats want to use the surplus to save Social Security and Medicare, pay down the debt, and educate our kids; but Republicans want to use the surplus to fund their risky $800 billion tax giveaway.

Now we Democrats stand by our priorities because we know that they are the priorities of the American people, but Republicans cannot seem to figure out what they stand for. One minute they are for a huge tax cut for the wealthy. Then they claim their number one priority is saving Social Security. Then they are the party of education. Then it is paying down the debt. Republicans have yet to accept the responsibility of leadership because they cannot have it all.

Right now, their own Congressional Budget Office says their plan breaks the spending caps. It busts the budget. If we are going to save Social Security and Medicare and pay down our debt, then they cannot have an $800 billion tax giveaway. Democrats know that. The President knows that, and the American people know that.

Apparently, with one day left in the fiscal year, Republicans have their heads buried in the sand and their priorities all mixed up.

WOMEN AND CHILDREN'S RESOURCES ACT

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

Mr. PITTS. Mr. Speaker, according to the Alan Guttmacher Institute, the

Planned Parenthood research arm, over 10,000 women in the United States begin to deal with an unplanned pregnancy every day.

Mr. Speaker, thousands of small crisis pregnancy centers, maternity homes and adoption services are available to these women in crisis, but often women do not know that they have such choices. That is why the Women and Children's Resources Act, a bill that the gentlewoman from California (Mrs. BONO) and I introduced last week, is so important.

The Women and Children's Resources Act would provide a fee-for-service program for providing services to women like pregnancy tests, maternity home stays, baby clothes, prenatal and postpartum health care, even adoption services and referrals for vocational training and health care.

This solution-based bill builds a bridge between pro-life and pro-choice to offer compassionate solutions to women on common ground. If today's women need choices, we must offer them real choices. Many women would choose not to have an abortion if only they knew that other options were available to them. I urge my colleagues to make this a reality. Support and cosponsor the Women and Children's Resources Act.

IT IS TIME TO GROW UP, SIT DOWN, AND COME UP WITH A BUDGET

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

Mr. GREEN of Texas. Mr. Speaker, for days I have stood here on the floor also sitting and watching on C–SPAN my Republican colleagues attack the President's budget and attack Democrats for spending Social Security dollars, and I knew they were playing fast and loose with their own spending plans.

First, they declare the census to be an emergency so it does not come under the budget. Then they pass a tax cut bill that they promised but they cannot deliver on over the next 10 years. Then they float the idea that, well, we cannot do it so let us add a 13th month; some of the most ludicrous things we have ever heard. Now they finally are finding out that what they have been saying and the height of cynicism for our government is that they are spending the Social Security surplus, $18 billion. It is reported in today's Washington Post and we can see it here but I am sure it will be in all of our local newspapers. It is just in the national media and our local media, $18 billion in Social Security trust funds they are going to use. Yet they have been accusing the President and the Democrats of doing it.

Why do my colleagues not grow up, and we will sit down and work this out between us instead of trying to make hype out of it? Why do we not just pass a bill that will take the trust funds out of the unified Federal budget?

THE PRESIDENT'S MESSAGE: TOBACCO BAD, MARIJUANA GOOD

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

Mr. BARR of Georgia. Mr. Speaker, Washington is nothing if not a city of contradictions. Within one week, we have seen the Department of Justice launch a multibillion dollar lawsuit against tobacco, and then 2 days ago we saw the President veto the D.C. appropriations spending bill because it contained a provision which would stop the District of Columbia from legalizing marijuana.

What is the President's message? Tobacco bad, marijuana good.

Mr. Speaker, recently this House passed a provision in the D.C. appropriations bill that reminded the District of Columbia that it remains part of the Union, part of America, subject to our laws and subject to our Constitution, prohibiting them from taking steps to legalize mind-altering controlled substances.

While the President will not hold the line on this and encourages the use of marijuana in the District of Columbia, we must in this body hold the line and prohibit D.C. from legalizing controlled substances.

IMPLEMENTATION OF THE EARNED INCOME TAX CREDIT SHOULD NOT BE DELAYED

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

Mr. NEAL of Massachusetts. Mr. Speaker, I was stunned by this headline in the New York Times today. It said that the Republicans plan to delay the earned income tax credit for the working poor. This program, Ronald Reagan said, was absolutely the best one ever devised to help the working poor, and the answer here today is that we are going to delay its implementation.

n this institution we would never dream of delaying an income tax refund to the wealthiest Americans. We would never dream of delaying oil incentives or mining incentives; or, heaven forbid, we would never dream of cutting back on the ethanol subsidy. But the answer today is that we should delay granting the working poor the earned income tax credit to get past this budget impasse that we currently see.

It makes no sense to harm the working poor with this issue. We should be coming to their assistance. If one works, one should not be poor. This idea makes no sense whatsoever, and it is being used as a gimmick to get around this budget impasse. We should proceed with granting the working poor this opportunity.

UNBORN VICTIMS OF VIOLENCE ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today this House will consider a bill that will be critical to families and particularly to the women of our country. H.R. 2436, the Unborn Victims of Violence Act, will recognize an unborn child who is injured or killed while in the mother's womb as a victim of a Federal crime.

Already, 24 States in our Nation have implemented laws that explicitly recognize injured, unborn children as victims of criminal acts.

□ 1030

Under this bill, the penalty for the harm committed against an unborn baby would be the same as the penalty for the harm committed against the mother.

As responsible legislators, we must ensure that criminals be held accountable for their violent crimes that result in death or injury. This should apply regardless of who the victim is, whether it be the mother or the unborn child.

I hope that today our colleagues will honor the many women who have lost babies due to a crime. I hope that they will acknowledge the suffering that these women have endured because of senseless crimes and remember that they will never receive justice unless this legislation is not enacted.

This afternoon, I hope that our colleagues vote ''yes'' on the Unborn Victims of Violence Act.

REPUBLICANS WANT TO ELIMINATE THE EARNED INCOME TAX REFUND

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, during the August work recess, when I visited with constituents in my district in Houston, Texas, a city that I might say is doing considerably well and individuals are quite pleased with the state of the economy, but when I discuss with them the $792 billion tax cut, they were in complete horror at the thought that we would misuse the people's money for a tax cut

for golf courses and various other extracurricular-type programs.

But what is more horrific is the fact that I also met with working families with young children, many of whom receive the earned income tax credit, something that has been vital to thousands of families in my district, and to realize that, when I came back after this work recess, that I would be facing the Republicans slowing down or eliminating the earned income tax refund to working families. In fact, one of their very own said, ''I have a real problem with delaying payments to poor people.''

Mr. Speaker, this is an outrage. This is something that should not happen.

CBO SAYS SPENDING PLAN WILL NOT USE SOCIAL SECURITY SURPLUS

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

Mr. BARTLETT of Maryland. Mr. Speaker, I am going to depart from my prepared remarks to try and set the record straight. We had a number of representatives from the other side of the aisle who have gotten up to say that our Republican spending plan would spend Social Security money. They have even shown newspaper articles to bolster their contention. The newspaper articles are wrong. They are wrong.

Let me read again from a letter from the Congressional Budget Office dated September 30, that is today, to the Speaker.

''Dear Mr. Speaker: You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO's economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal $592.1 billion.'' That is the Republican spending plan. ''CBO estimates that this spending plan will not use any of the projected Social Security surplus in the year 2000.''

Being a teacher, I know that repetition is the soul of learning, so let me say it again to my colleagues on the other side of the aisle: ''CBO estimates that this spending plan will not use any of the projected Social Security surplus in the fiscal year 2000.'' Do my colleagues get it?

MEANING OF MINIMUM WAGE STATE FLEXIBILITY

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

Mr. DEMINT. Mr. Speaker, let us talk about the meaning of minimum wage State flexibility.

State flexibility means admitting that we in Washington do not always know what is best. It means trusting our local leaders to govern their own citizens and protect their own workers.

State flexibility means giving our local leaders the freedom to make wage policies that are specifically tailored to help those individuals find jobs who are still struggling on welfare.

State flexibility means giving our State officials the tools they need to meet their welfare-to-work goals so they can continue to receive Federal funds that help them train the most disadvantaged citizens in our community.

State flexibility means creating laws that protect the wages of a waiter in Hollywood, California, and also create new employment opportunities for a cashier in Union, South Carolina.

I urge my colleagues to support State flexibility so that we can continue to secure the future for all Americans by returning dollars, decisions, and freedoms back home.

REMEMBER THE FACTS

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

Mr. HAYWORTH. Mr. Speaker, it was with great interest that I listened to the wailing and gnashing of teeth from my friends on the left this morning.

I thought it might be important to offer a few historical notes to put this House in perspective and to help the American people in the process.

Mr. Speaker, one of the reasons I left private life to run for public office is because a previous liberal majority in this House, with the complicity of the President of the United States, raided 100 percent of the Social Security surplus for the upcoming fiscal year, even as they gave us the largest tax increase in American history and drove us still further into debt.

Now, Mr. Speaker, I welcome this new-found accountability for fiscal responsibility; and to that extent, I welcome my friends from the left.

But when it comes to false letters based on false assumptions sent to produce false newspaper articles, there I must draw the line, Mr. Speaker, because the left has told us what? Medicare was going to go away. School lunches were going to go away. None of that happened. Remember the facts.

STOP THE RAID ON SOCIAL SECURITY

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

Mr. WELDON of Florida. Mr. Speaker, stop the raid. Stop the raid on Social Security. That is our simple message, and that is what Republicans are now fighting with Democrats over as we finalize our work on the national budget.

Since 1967, Democrats have been using the Social Security Trust Fund as a slush fund, but now Republicans want to put an end to this bizarre practice. Many seniors I talk to in my congressional district tell me that the Federal Government has been doing this for all these years, and it is wrong.

Why has it been done? It has been done simply because liberal Democratic politicians in Washington were able to get away with it. For 40 years, Democrats controlled this body, and they never put one thin dime of the Social Security Trust Fund aside.

Republicans now, with a slim majority, have been able to convince the President of the United States of the virtue and the goodness of the Social Security lockbox provisions which will put an end to this raid on the Social Security Trust Fund. Let us stop the raid. Let us pass our Republican budget.

END SLAVERY IN SUDAN

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

Mr. ROYCE. Mr. Speaker, the reprehensible practice of slavery in Sudan entered American homes on Sunday evening. Touched By An Angel, a television series, performed an important service by broadcasting the ugly reality of slavery in that country to millions of Americans.

Slavery is just one ugly aspect of the rule of Sudan's National Islamic Front Regime, which overthrew a democratically elected government. This regime has given support to international terrorists like Osama Bin Laden, who masterminded the cowardly bombing of our embassies in Tanzania and Kenya. The countries bordering Sudan are also under attack from Sudan-supported terrorists.

Many of my colleagues have committed themselves to spotlighting slavery and religious persecution in Sudan. This Congress has passed a resolution condemning the genocide in Sudan. We need to do more. It is important that the U.S. and its allies keep up the pressure on this repressive and dangerous regime.

REAPPOINTMENT AS MEMBER TO SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, and pursuant to section 703 of the Social Security Act (42 U.S.C. 903) as amended by section 103 of Public Law 103–296, and upon the recommendation of the Minority Leader, the Chair announces the Speaker's reappointment

of the following Member on the part of the House to the Social Security Advisory Board for a 6-year term:

Ms. Martha Keys of Virginia.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2910, NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 1999

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

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. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes. 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 Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. 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 Transportation and Infrastructure now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution. Each section of that 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 the 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 amendment in the nature of a substitute made in order as original text. 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. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 312 is an open rule, and I am proud to be part of the Committee on Rules under the leadership of the gentleman from California (Chairman DREIER) who is pursuing and succeeding in a policy of bringing forward an almost unprecedented percentage of open rules.

□ 1045

This one provides for the consideration of H.R. 2910, the National Transportation Safety Board, NTSB, Amendments Act of 1999. The purpose of the legislation is to reauthorize the NTSB for fiscal years 2000, 2001 and 2002.

House Resolution 312 provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

The rule also makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, modified by the amendment printed in the Committee on Rules report accompanying the resolution. The bill will be open for amendment by section.

Further, the Chair is authorized to grant priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, if otherwise consistent with House rules.

In addition, the rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question, if a vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the NTSB, which was last authorized in 1996, is an independent agency that is charged with determining the probable causes of transportation accidents and with promoting transportation safety.

Many of my distinguished colleagues will recall the NTSB's involvement in the investigation of the tragic ValuJet crash in the Everglades and the TWA Flight 800 tragedy.

And in addition to investigating aviation, marine and major highway accidents, the NTSB conducts safety studies, evaluates the effectiveness of other government agencies' programs for prevention of transportation accidents, and coordinates all Federal assistance for families of victims of catastrophic accidents. It is truly an important, a fundamental, and indispensable Federal agency.

So, Mr. Speaker, this Resolution 312, this rule, is a fair rule. It is a completely open rule and permits any Member of the body to bring forth any germane amendment, and I certainly would urge its adoption.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, I support the rule and the underlying bill, H.R. 2910, the National Transportation Safety Board Amendments Act of 1999.

This is an open rule, providing for 1 hour of debate equally divided between the chair and ranking minority member of the Committee on Transportation and Infrastructure. We thank the members of the committee who bring this bill before us this morning for their very important work.

The bill authorizes the National Transportation Safety Board at slightly increased levels for the next three fiscal years, increases which are necessary for the NTSB to continue its important work.

This is a Nation on the move. Whether in the skies, on the ground, or across our waterways, the lifeblood of our economy pulses through our transportation system. That same system helps people bridge the miles which separate friends and family.

But, tragically, accidents which claim lives and threaten public safety are a part of that equation. The NTSB has, since 1974, worked diligently to analyze and investigate the causes of such tragedies, and that knowledge which has been gained and applied has helped us to make travel for business and for pleasure more safe.

When the question is public safety, there is no room for complacency, which is why this bill is so important. This bill was forwarded to the House by a voice vote, and no opposition to its consideration has been noticed on either side of the aisle. Therefore, I am pleased to support the rule and the bill.

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

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

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

Mr. DIAZ-BALART. 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.

This will be a 15-minute vote, followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 460]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
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
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
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
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
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
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
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
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
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
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
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)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Becerra
Chenoweth
Cubin
Danner
Engel
Hooley
Houghton
Jefferson
McKeon
Meeks (NY)
Scarborough
Weldon (PA)
Wu

□ 1114

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. BARRETT of Nebraska).

Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 362, nays 52, answered ''present'' 1, not voting 18, as follows:

[Roll No. 461]

YEAS—362

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Metcalf

Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—52

Aderholt
Baird
Bilbray
Borski
Brady (PA)
Capuano
Clay
Costello
Crane
Dickey
English
Fattah
Filner
Ford
Gibbons
Gillmor
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey
Hoyer
Johnson, E. B.
Klink
Kucinich
LoBiondo
McDermott
McNulty
Miller, George
Moore
Moran (KS)
Oberstar
Peterson (MN)
Pickett
Ramstad
Sabo
Sawyer
Schaffer
Stark
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Weller

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—18

Becerra
Bonior
Chenoweth
Collins
Cubin
Danner
DeFazio
DeLay
Gephardt
Hooley
Houghton
Jefferson
McKeon
Meeks (NY)
Paul
Scarborough
Weldon (PA)
Wu

□ 1122

So the Journal was approved.

The result of the vote was announced as above recorded.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 1999

The SPEAKER pro tempore (Mr. QUINN). Pursuant to House Resolution 312 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. 2910.

□ 1123

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. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, with Mr. BARRETT of Nebraska 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 for the first time.

Under the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

This bill before us today reauthorizes the National Transportation Safety Board, the NTSB, for 3 years. The House needs to move forward with this legislation because the Board's authorization expires at the end of this fiscal year.

We are all familiar with the work of the Safety Board. It investigates all aviation accidents as well as accidents in other modes of transportation. The problems it uncovers and the recommendations it makes often lead to changes that make travel safer for us all.

The bill before the House now would increase the authorized funding levels for the Safety Board. Currently, the agency is receiving $54 million per year. This bill would increase that amount to $57 million in fiscal year 2000, $65 million in 2001, and $72 million in 2002. These are substantial increases in the second and third years, but the funding levels in these last 2 years are much less than the Board had sought. They seem to be necessary to provide the Board with the employees and the training to keep up with rapidly changing technology.

Also, as the agency's budget increases, it is becoming more important that it be subject to the proper level of oversight. Therefore, for the first time this bill will give the Inspector General the authority to review the business and financial management of the NTSB. With this provision, we do not mean to imply that there is anything improper going on. We are merely treating the NTSB the same as other agencies which are subject to Inspector General review.

There are several other provisions in this bill worth noting. The first makes clear that the NTSB's jurisdiction over accidents on the navigable waters and territorial sea of the United States extends 12 miles from the coast. This is consistent with Presidential Proclamation 5928 and with the Coast Guard's jurisdiction.

The second change authorizes the NTSB to enter into agreements with foreign governments for the provision of technical assistance and to be reimbursed for those services which the NTSB provides. The NTSB requested that this be clarified.

The bill would also permit the NTSB to pay time-and-a-half to its employees who work overtime on an accident investigation. These employees sometimes are called unexpectedly to work in difficult conditions during nights and weekends. This provision would fairly compensate them for that. Employees in the private sector usually receive time-and-a-half when they work overtime. However, I know that overtime provisions have been abused at other agencies. Therefore, the overtime provision in this bill is subject to two limitations to ensure that such abuse does not occur at the Safety Board, and it should be done in other agencies. These limitations are that an employee cannot get more than 15 percent of his base yearly salary in any year, and the NTSB cannot pay more than $570,000, or 1 percent of their authorized amount, per year total under this section. Moreover, overtime pay would be subject to an annual reporting requirement to ensure the committee's continued oversight of this issue. The NTSB had requested even more authority in the personnel area but indicated that it was the overtime issue addressed here that it is most interested in.

Another important provision, Mr. Chairman, in this bill is the section that ensures confidentiality of video recorders on aircraft and of voice and video recorders on surface vehicles. The NTSB requested this change in case these new technologies are installed in the future. We take no position on whether these recorders should be installed. We merely want to make sure that if recorders are installed, the information on them is used only for safety purposes and not generally released for sensational purposes or to invade the privacy of the operators.

The bill once again makes clear that the NTSB safety investigation takes priority over other investigations of the same accident. However, there is a carefully negotiated procedure in the bill for the NTSB to turn over its investigation to the FBI when the FBI notifies the Board that the accident may have been caused by a criminal act.

Finally, the bill directs the FAA to install a terminal Doppler weather radar at the former Coast Guard station in Brooklyn, New York. The FAA

has already decided that this is needed for the safety of all air travelers but we want to make sure that nothing else holds this up. The need for this provision arose out of our hearing on aviation and weather accidents in July.

□ 1130

There it was revealed that the Park Service was objecting to the nto the next century. I urge the House to support this legislation.

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

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

Mr. Chairman, I rise today in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. H.R. 2910 is a bipartisan bill that reauthorizes the NTSB for 3 years so it can continue to play a critical role in ensuring the safety of our Nation's transportation system.

The NTSB is an independent agency that investigates transportation accidents and promotes safety for transportation. It investigates accidents in all of transportation's various modes: Aviation, highway, transit, maritime, railroad, and pipeline and hazardous material transportation and makes recommendations on ways in which to improve safety. In the last 3 years alone, the board has investigated more than 7,000 accidents and issued 57 major reports. The board has also issued more than 1100 safety recommendations. These recommendations, many of which have been adopted, have greatly increased the safety of each mode of transportation.

To maintain its position as the world's preeminent investigative agency, it is imperative that the National Transportation Safety Board has the resources necessary to handle increasingly complex incident investigations. H.R. 2910 ensures that by increasing the National Transportation Safety Board's funding steadily and sensibly over the next 3 years, $57 million in fiscal year 2000, 65 million in fiscal year 2001, and 72 million in fiscal year 2002. This funding will be used to permit the NTSB to hire more technical experts as well as to provide better training for its current work force. Dramatic changes in technology demand such an investment.

The bill also addresses the issues of coordination among investigative agencies. As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, State, and Federal investigators, agencies on the scene. This is especially true where accidents are not only being investigated for probable cause, but also when criminal activity is suspected. Proper coordination among these various investigative agencies is extremely important.

This bill reaffirms the National Transportation Safety Board's priority over an accident scene unless the attorney general, in consultation with the NTSB chairman, determines that the accident may have been caused by a criminal act. In that case the National Transportation Safety Board would relinquish its primary investigative authority over the scene.

I strongly support H.R. 2910, and I urge my colleagues to vote in favor of this bill.

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

Mr. DUNCAN. Mr. Chairman, I have no other speakers at this time, so I simply reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

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

Mr. Chairman, the National Transportation Safety Board is the Nation's premier safety agency. Our highways are safer, our airways are safer, our railroads are safer, our maritime commerce is safer because of the work of the National Transportation Safety Board year in and year out, going back as far as 1926 when the Air Commerce Act vested in the Department of Commerce the authority to investigate aircraft accidents, an initiative, I might add, spearheaded by a leader in government who later was known or best known for other things that happened in the country. Herbert Hoover, as an Assistant Secretary of Commerce, championed aviation but also realized that if we did not act as a government to set national standards to make aviation safe and reliable, that there could not be commercial growth in this new mode of transportation. And he was the champion for aviation safety. The Nation owes him a debt of gratitude for that leadership.

Since those years and on to the creation of the Department of Transportation in 1966, the role of overseeing safety was lodged largely within the various modes of transportation. In 1966, Congress acted to create a Department of Transportation, and I was a member of the staff of the chairman, the Honorable John Blatnik, who was chairman of the Executive Branch Reorganization subcommittee that created the Department of Transportation and crafted an independent safety board but left it within the Department.

We realized 6 months after the Department had been created, that this was not going to work, that it would create the appearance of the Department and its several modal administrations investigating themselves. So we separated out from the Department of Transportation the Safety Board, created a National Transportation Safety Board, and in 1974 further strengthened that board, giving it greater independence.

The true significance of this board is that its investigations are independent. They are conducted by a staff of highly-trained, skilled, gifted, talented, hard-working professionals. The findings and the conclusions of the board stand above reapproach. Their recommendations to the modal administrations are normative, not burdened by cost-benefit analysis. Their obligation is simply to recommend as improvements in safety what the board in its judgment, in the judgment of its professional staff and its board members, believe to be in the highest best interests of safety. It is then up to the rulemaking process of the modal administration to sort out the costs and the benefits, and that is why the board stands in such high regard throughout all modes of transportation within the United States, with the traveling public and with other countries.

Since its establishment in 1966, the board has investigated over 100,000 aviation accidents and 10,000 surface transportation accidents and hundreds more railroad and maritime issues. The work of this board deserves the support that we give it in this legislation with additional funding, with increased staffing, with authority to pay overtime, with support in the legislation to strengthen the agreement between NTSB and the Inspector General of the Department of Transportation. Yes, even the NTSB needs oversight of its financial management and business operations and long ago concluded an agreement with the I.G. to undertake such activity. The authority we provide in this legislation will ensure that the money we invest in the board is well spent and that potential for fraud and abuse is reduced or eliminated.

Mr. Chairman, there are a number of other items that I would like to address, and in order to save time I ask unanimous consent to revise and extend. I would like to concentrate on just one issue and that is Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. The Coast Guard had just inspected the vessel, had ordered the owner to install bilge alarms, but it failed to ensure that the vessel owner had indeed complied with the Coast Guard order. Despite this apparent conflict of interest, the Coast Guard led the investigation of that accident. Under no circumstances should the Coast Guard or any Federal Government agency unilaterally decide when it has a conflict of interest and when it should investigate its own decision and its own actions. We do not allow this in aviation; we do not allow it in any other mode of transportation; and we should not allow it here.

I am concerned about the process of the Coast Guard in conducting accident

investigations. The NTSB has told us that when the Coast Guard convenes a formal board of investigation, it is very difficult for the board to obtain information that the board can verify as accurate. The open nature of the formal Coast Guard board can also affect witness testimony or recollection of events because such proceedings allow witnesses to hear each others' testimony.

After discussing these concerns with Admiral Loy, the Commandant of the U.S. Coast Guard, we reached an understanding these issues could be addressed administratively without specific legislative change. Language included in the committee report to accompany H.R. 2910 is intended to provide guidance for both the Coast Guard and the NTSB to address these concerns. In short, we mean for them to get together and resolve the issue of primacy in an investigation and timing. If that issue is not resolved between the two, I assure both parties this committee will come back and address it legislatively.

All in all this is an excellent piece of legislation, it moves the cause of safety significantly ahead; it strengthens the role of the NTSB. I commend the gentleman from Tennessee (Mr. DUNCAN) for the extensive work that he has contributed to the formulation of this bill and to the ranking member, the gentleman from Illinois (Mr. LIPINSKI) for the diligent effort that he has invested in the formulation of the legislation.

Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. H.R. 2910 reauthorizes the NTSB for three years so it can continue to play a critical role in ensuring the safety of the United States transportation system.

This agency's roots stem as far back as 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigative aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the NTSB was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, in further resolve to ensure that NTSB retain its independence, Congress reestablished the Board as a totally separate entity distinct from DOT. Since that time, the NTSB has investigated more than 100,000 aviation accidents, and more than 10,000 surface transportation accidents. The American travelling public is much safer today due to the hard work of the NTSB staff in conducting investigations and pursuing safety recommendations.

In the last three years alone, the Board has investigated more than 7,000 accidents and issued 57 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials). The Board has also issued more than 1,100 safety recommendations—many of which have been adopted by Congress, federal, state and local governments, and the affected industries.

The NTSB's tireless efforts in investigating accidents and issuing recommendations have led to innovative safety enhancements, such as manual cutoff switches for airbags, to measures to prevent runway incursions, to countermeasures against operator fatigue in all modes of transportation. In addition, the NTSB has promoted the installation of more sophisticated voice recorders to enhance its ability to investigate aircraft accidents.

Despite a small workforce of approximately 370 full-time employees, the NTSB has provided its investigative expertise in thousands of complex aviation accidents—including its painstaking review of the TWA 800 crash. The NTSB is also frequently called upon to assist in aviation accident investigations in foreign countries. The demand upon this small agency, with its highly trained, professional staff, will only grow with the aviation market's ever-increasing globalization. In addition, according to a preliminary analysis by the RAND Corporation, new technological advances in all modes of transportation—from glass cockpits in aviation to sophisticated electronic alerting devices in the railroad industry—will require more extensive training for NTSB investigators.

To maintain its position as the world's preeminent investigative agency, it is imperative that the NTSB has the resources necessary to handle the increasingly complex accident investigations. H.R. 2910 ensures that by increasing NTSB's funding steadily and sensibly over the next three years: $57 million in FY 2000; $65 million in FY 2001; and $72 million in FY 2002. This funding will be used to permit NTSB to hire more technical experts as well as to provide better training for its current workforce. Dramatic changes in technology demand such an investment.

However, with this increase in funding also comes the requirement to strengthen the oversight of financial matters at the agency. H.R. 2910 vests the DOT's Inspector General with the authority to review the financial management and business operations of the NTSB. This will help ensure that money is well spent and the potential for fraud and abuse is reduced. The DOT Inspector General's authority is specifically limited to financial matters, however, so as not to undermine the NTSB's independence.

Equally important, H.R. 2910 provides the NTSB with the authority to grant appropriate overtime pay to all of its accident investigators while on-scene. These competent individuals are oftentimes called upon to work upwards of 60, 70 or 80 hours per week in extreme conditions—whether in the swamps of the Florida everglades or the chilly waters off the Atlantic ocean—side-by-side with other federal agency investigators—many of whom are paid for extra hours worked. Moving to this type of parity is the least that we can do to show our appreciation for the efforts of these dedicated professionals.

As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, state, and federal investigative agencies on scene. This is especially true where accidents are not only being investigated for probable cause—but also when criminal activity is suspected. Proper coordination between these various investigative agencies performing very important, albeit very different, functions is of paramount importance. H.R. 2910 reaffirms NTSB's priority over an accident scene unless the Attorney General, in consultation with the NTSB chairman, determines that the accident may have been caused by an intentional criminal act. In that case, the NTSB would relinquish its priority over the scene—but such relinquishment will not, in any way, interfere with the Board's authority to continue its probable cause investigation.

One issue of concern to me is the NTSB's ability to investigate major marine casualties. Currently, both the NTSB and the Coast Guard have joint authority to conduct investigations of major marine casualties. I have two concerns about the current process. First, under the existing regulations and the Memorandum of Understanding, the Coast Guard must agree to allow the NTSB to have the lead in casualties that involve significant safety issues relating to Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. Although the Coast Guard had just inspected the vessel and ordered the owner to install bilge alarms, it failed to ensure that the vessel owner complied with its order. Despite this apparent conflict of interest, the Coast Guard led the investigation. Under no circumstances should the Coast Guard be able to unilaterally decide when it has a conflict of interest. We do not allow this in aviation or any other transportation safety investigation and should not allow it here.

Second, I am concerned about the Coast Guard's process in conducting accident investigations. According to the NTSB, once the Coast Guard convenes a formal board of investigation, it is very difficult to obtain information that you can be sure is accurate. The open nature of the formal board can affect witness testimony or recollection of events because such proceedings allow for witnesses to hear each other's testimony.

After discussing these concerns with Admiral Loy, the Commandant of the Coast Guard, it was agreed that both of these issues could be addressed administratively without a specific legislative change. Language included in the Committee Report to H.R. 2910 is intended to provide guidance to both Coast Guard and the NTSB to address these concerns.

Having a well funded, well-trained NTSB workforce to meet the challenges of the 21st Century is of the utmost importance for the American travelling public. I urge my colleagues to support this critical piece of legislation, and I compliment Chairman SHUSTER, Chairman DUNCAN and Ranking Member LIPINSKI for their efforts.

Mr. LIPINSKI. Mr. Chairman I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman for listening to the concerns that I have with respect to a series of incidences that have occurred actually in my district.

First of all, I want to associate myself with the supporters of this legislation. As I listened to the remarks of

the gentleman from Minnesota (Mr. OBERSTAR), I am reminded of when the tragedies of any kind of transportation incident or accident occurs, you sort of look to the NTSB, the board, to come in like the Red Cross or those angels of assistance to clarify what happened and particularly if there is loss of life, and we always hear the news as they come in and there is a sigh of relief from the respective communities because, as my colleagues know, this group of experts will be assisting in determining the true facts of what occurred.

I would almost hope that I did not have to rise today, Mr. Chairman, but it has been enormously difficult for my community. I represent an urban community with a number of interstate routes that go throughout it, and particularly in my minority community.

I was to offer, or was intending to offer, an amendment today that would have asked that we look at or should include the National Transportation Safety Board's recommendation that I understand they had offered regarding recording devices in trucks.

□ 1145

That kind of device, similar to a black box in airplanes, could provide a tamper-proof mechanism that could be used or can be used for accident investigation and to enforce the hours of service regulation.

Mr. Chairman, I would like to speak to the issue of the accident aspect of that technology and would hope that maybe if it is not today, since I hope to be working with the members of this committee, that maybe we can look at the motor carrier bill and be able to include language on this particular issue.

Mr. Chairman, let me share with you a headline. ''Jurors left in tears at wreck trial. Widow describes freeway horror,'' in my district. ''In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing her husband and three children die after a truck crushed their sport utility vehicle on a Houston freeway ramp.''

Mr. Chairman, it was a family made in heaven, if you will. Having picked up her husband from the airport, probably hearing the discussions of his travel, happily going home, and a truck turns a curve on an interstate freeway, falls over, the woman is expelled from the truck, and she has to watch her three young babies and her husband burn to death.

''Trucks-cars prove to be a deadly mix on freeways.'' Another one that happened on Interstate 45. A tanker truck veered into oncoming traffic and drivers across the city shuddered as a tragedy resulted in that accident as well.

I have had about 10 of these back to back during the summer. ''Tanker rig flips, trucker perishes in fiery crash.'' This was an overpass that, in addition to the tragic loss of the trucker, as a witness said, ''All I saw was the cab of the truck bounce and the whole thing rolled over.'' An eyewitness said the truck flipped and then burst into flames almost instantly. It is not only the terrible loss of the trucker's life, but the shutdown of that freeway for many, many, many months, thereby denying access of transportation to many of my constituents and the citizens of Houston.

Tanker truck firm sued in crash that killed infant and father, whose 5 year old son died in collision. It talks about the negligence. The collision killed 9-month-old Lisa Patrice Pete and half brother Jerry Andrew Morino.

I can only say, Mr. Chairman, that I think as we all acknowledge the importance of the National Transportation Safety Board and the importance, if you will, of its work in these amendments, I would hope that we also will look to some of the recommendations that they have made with respect to the technology of a recording device. It is important that we note whether or not in determining the accident as well, whether or not a trucker has been driving too long, whether or not there has been any falsification of records. I am going off on other issues that may have an impact on tragic accidents like this.

But the one thing I can tell you is when these trucks go through crowded urban areas, when they are going through cities, and I realize they have deadlines and responsibilities, Mr. Chairman, I would simply say to you that we must look to the protection of those residents that live in that area.

I hope this language that I would have offered could be language that we could consider. I understand it was a recommendation by the board. I would inquire of the gentleman from Illinois (Mr. LIPINSKI) about the opportunity to work with him to protect our communities.

Mr. Chairman, I rise to discuss my proposed amendment to H.R. 2910. Nearly 5,000 people are killed in truck related accidents in each of the past three years on our nation's highways. There are many agencies within our government that have a shared responsibility for safety on our nation's highways, including the Transportation Department, the NTSB and the Federal Highway Administration. But despite much talk and discussion, several hearings, and meetings over improving trucking safety we have had little action aimed at improving safety.

What we do have is accident after accident involving truck drivers who are too tired and even drunk. A total of 5,374 people died in accidents involving large trucks which represents 13 percent of all the traffic fatalities in 1998 and in addition 127,000 were injured in those crashes.

In Houston, Texas, a man (Kurt Groten) 38 years old and his three children David, 5, Madeline, 3, and Adam, 1, were killed in a horrific accident when a 18-wheel truck crashed into their vehicle. His wife was the only survivor of the crash, testified in criminal proceedings against the driver last week stating "I saw that there was a whole 18-wheeler on top of our car. . . . I remember standing there and screaming, 'My life is over! All of my children are dead!' "

In Galveston, a 5-year-old boy (Jerry Moreno and his 9-month old sister, (Lisa) were killed in an accident when the vehicle driven by their father was struck by an oncoming truck.

These are only a few examples of the thousand of terrible and fatal trucking accidents that are caused every year on our nation's roads and highways.

My amendment/resolution would require that data recorders similar to the black boxes found on airliners be carried in trucks. The NTSB has pushed for this technology as a means of verifying the hours drivers work since 1990. Currently truck drivers must comply with the federal government's 60-year-old rule that they take eight hours of rest for every 10 behind the wheel.

Truckers are required to maintain logbooks for their hours of service. But truckers have routinely falsified records, and many industry observers say, to the point that they are often referred to as "comic books." In their 1995 findings the National Transportation Safety Board found driver fatigue and lack of sleep were factors in up to 30 percent of truck crashes that resulted in fatalities. In 1992 report the NTSB reported that an astonishing 19 percent of truck drivers surveyed said they had fallen asleep at the wheel while driving. Recorders on trucks can provide a tamper-proof mechanism that can be used for accident investigation and to enforce the hours-of-service regulations, rather that relying on the driver's handwritten logs.

Mr. Chairman, I know that the trucking industry is concerned by the added cost of the recorders. I also appreciate the fact that close to eighty percent of this country's goods move by truck and that the industry has a major impact on our economy. But can we afford to put pocket before safety? Ask your selves where we would be without recorders in commercial aviation, rail, or the marine industry? I think that I have a good idea what the answer is, we would not know what caused that accident nor would we be able to learn from our mistakes.

Mr. Chairman, there is no good reason that we should not adhere the advice of the NTSB and require these recorders on the trucks that navigate our highways. Putting our pockets before safety is simply foolish when the technology exits today which could save the lives of the constituents we represent.

Mr. Chairman, let us vote today to put action behind our discussion.

[From the Houston Chronicle, March, 18, 1999]

TRUCKS, CARS, PROVE TO BE A DEADLY MIX ON FREEWAYS

Big truck, little cars, nowhere to go.

It happened again Tuesday when three people died on Interstate 45-North. A tanker truck veered into oncoming traffic and drivers across the city shuddered.

Some were upset because of the mix of trucks and cars on area roadways. Others were mad because the stretch of freeway where the accident happened is notorious for crashes.

The collision is the latest in a string of well-publicized accidents involving trucks, such as the Feb. 12 Gulf Freeway crash that killed four.

Large trucks drive less than 5 percent of the vehicle-miles on Harris County roadways, according to the Houston-Galveston Area Council.

At fault or not, they are involved in 9 percent of the fatal collisions, according to the Texas Department of Public Safety statistics for 1995–97.

By comparison, passenger cars drive 70 percent of local miles traveled but were involved in only 63 percent of fatal collisions.

Several experts said that every accident is unique in terms of who deserves the blame. Cars have many more accidents per mile driven than trucks, but trucks cause more deaths when they do crash, because of their size and weight.

While the crash victims Tuesday couldn't escape the out-of-control truck, the experts said one thing often found in car-truck accidents is lack of understanding by car drivers of how much space a truck needs.

''The commercial driver is a trained driver. The person in a passenger car may know how his car handles, but he has no idea how a truck handles,'' said Pasadena police Sgt. Loni Robinson, who runs the city's truck inspection program.

An 18-wheeler cannot see tailgating drivers. At 55 mph, a fully loaded truck needs the length of a football field to make an emergency stop—twice as long as a passenger car going the same speed.

In Houston, when a responsible truck driver tries to leave extra room in front of his rig, several cars likely will zip in front of him and close up the space.

Even the best trucker will be forced to give up and drive too closely to a vehicle ahead, said B.L. Manry, safety director at Palletized Trucking of Houston and a national board member of the American Trucking Association's Safety Management Council.

Manry stressed that he is not an industry apologist. ''Let's face it, there's a lot of outlaws out there,'' he said.

[From the Houston Chronicle, Sept. 29, 1999]

JURORS LEFT IN TEARS AT WRECKTRIAL/ WIDOW DESCRIBES FREEWAY HORROR

(By Steve Brewer)

In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing her husband and three children die after a truck crushed their sport utility vehicle on a Houston freeway ramp.

''I saw that there was a whole 18-wheeler on top of our car . . . I remember standing there and screaming 'My life is over! All of my children are dead!' '' Lisa Groten told jurors.

By the time the window finished testifying, many in the packed courtroom were sobbing. Tears welled in the eyes of at least two jurors.

Hers was the first testimony in the trial of Jose Coronado Martinez, 35, who is charged with four counts of intoxicated manslaughter in the deaths of Kurt David Groten, 38, and his children, David, 6, Madeleine, 4, and 11-month-old Adam.

If convicted, Martinez, a native of El Salvador, could get four consecutive 20-year sentences.

Lisa Groten has just picked her husband up at Hobby Airport the night of June 29, and had brought their children along, clad in their pajamas.

''I remember thinking, 'It's a pretty night out and there's no need to hurry home. We'll put the kids to bed when we get home,' '' she testified.

Kurt Groten had been in Austin on a business trip. Lisa, after a busy day of swimming lessons reading and playing with the children, put them in the family's Ford Expedition to pick him up because they all wanted to see him so badly.

The couple married in 1987 and their first two children were the result of vitro fertilization and artificial insemination. Adam was conceived naturally.

Prosecutor Warren Diepraam said in his opening remarks that Kurt Groten had offered to take a taxi home that night, but his wife and the kids decided to pick him up instead.

The children had eaten at their favorite restaurant and were ready for bed when their father got behind the wheel at Hobby. Things got quiet after talk of the trip died down and Lisa Groten said she was looking forward to a quiet evening.

As they headed up an entrance ramp to U.S. 59, Lisa Groten looked at her husband.

''He had both hands on the wheel and I was watching his face,'' she said, ''We were talking and I saw something through the windshield and I didn't know what it was . . . I felt the impact. It was like a crushing impact. I believe Kurt cried out. I remember saying, 'Kurt, we need to pray.' ''

The impact was Martinez's truck falling into their Ford Expedition. Testimony later showed Martinez has swerved into Groten's lane, then swerved back into his own, causing the rig's load of office supplies to shift and tipping it over.

Breath tests later showed that Martinez, who was not hurt, had a blood-alcohol level of 0.12 exceeding the then-legal limit of 0.10.

Lisa Groten remembers saying again and again that the family must pray. Because her section of the Expedition was not completely crushed, Houston police Sgt. John Norwood was able to help her get out.

But her husband was hopelessly pinned. Lisa said she looked at the back of the car, but couldn't see her children, only the crumpled roof.

As the vehicle started to catch fire, she went back to the vehicle to be with her injured husband. She held his hand while be begged Norwood and others to rescue his children.

''He just kept saying, 'Jesus, please take me to heaven. Jesus, please take me to heaven,' '' Lisa Groten said.

She was finally pulled away as the flames, fueled by the office supplies, kicked up and the smoke got dense. She said she didn't want to leave because her place was with her husband.

''It was so surreal. It shouldn't happen to anybody,'' she said. ''I just kept thinking my husband and all my children died, just so fast like that,'' she testified. ''It was just beyond my comprehension. It still is.''

Despite the efforts of the police, tow truck drivers, passers-by, firefighters, and paramedics, Kurt Groten and the children couldn't be extracted from the burning vehicle in time.

Diepraam told jurors that Kurt Groten had died of smoke inhalation.

Postal worker Walter Wilson, who saw the accident and stopped to help, wept as he told jurors of hearing the children's cries and Kurt Groten's pleas for help.

''He was telling me to get his kids out,'' Wilson said.

But an explosion of flames stopped all those efforts, he said, and the children were quiet after a few seconds.

Testimony continues today in state District Judge Ted Poe's court. In opening arguments, Martinez's attorney, Jon A. Jaworski, said the crash was just a tragic accident and that police botched the investigation.

[From the Houston Chronicle, Sept. 27, 1999]

TRIAL BEGINS FOR DRIVER IN FIERY CRASH/ LAWYER, 3 CHILDREN DIED IN 18-WHEELER ACCIDENT

(By Steve Brewer)

Jury selection starts today in the trial of an accused drunken driver whose 18-wheeler killed a Houston lawyer and his three small children on June 29 when it crushed their sport utility vehicle.

Testimony in the case of Jose Coronado Martinez, 35, could start by Tuesday in state District Judge Ted Poe's court. Prosecutors are seeking a maximum of 80 years in prison for the native of El Salvador.

Both sides are expected to give jurors vastly different views of the fiery crash that shattered a local family in what has shaped up to be a complex, high-profile case.

Defense attorney Jon A. Jaworski said he will prove the tragedy was an unfortunate accident, that police botched the investigation and that his client is a scapegoat in a political game of revenge to get even with truckers who are often involved in freeway accidents.

Prosecutor Warren Diepraam scoffed at that and said he's sure jurors will find Martinez guilty of the four charges of intoxicated manslaughter that he faces.

''Their case is still, 'I'm the victim and I didn't do anything wrong.' We'll give him a chance to put up or shut up,'' Diepraam said. ''I think the evidence is going to show to a rational jury who the real person at fault is and who the real victim is. It ain't Jose Martinez.''

Martinez's truck, which was carrying a load of office supplies, crushed the Ford Expedition carrying the Groten family on an entrance ramp to U.S. 59.

Killed were Kurt David Groten, 38, and his children, David, 5, Madeleine, 3, and Adam, 1.

Kurt Groten's wife, Lisa Kay Groten, 36, was the only survivor. Diepraam said she will testify in the trial.

Lisa Groten had picked her husband up at Hobby Airport, and the family was en route home on the Gulf Freeway when the fatal crash occurred.

Police said Martinez's truck and the Grotens' vehicle were side-by-side on the ramp.

Martinez was going too fast, lost control and his rig hit a guardrail, causing it to lift, police have said. As his tires came down, Martinez swerved and Kurt Groten honked at him.

But the swerve apparently caused Martinez's load to shift, making his truck tilt, all but crushing the Expedition, police said. Passers-by tried in vain to fight the ensuing blaze and pull the family from the burning wreckage.

Diepraam said Kurt Groten was yelling for them to save his children and that Martinez staggered from his truck and was arrested after an officer smelled alcohol on him.

Two breath tests conducted later showed that Martinez's blood-alcohol level was 0.11 and 0.12 percent. At the time, a driver was considered legally drunk in Texas at 0.10.

The law has since changed and the standard is now 0.08. But in this case, the old mark will be used.

Jaworski said the official version of events has been obscured and that his client has been unfairly demonized.

''I think this is basically a case where they want to make an example of truck drivers that are causing accidents,'' Jaworski said. ''This accident could have happened to anyone, whether there was alcohol involved or not . . . Unfortunately, the Grotens were just in the wrong place at the wrong time.''

Jaworski said his client was not speeding and that he was cut off by an unidentified driver who fled the scene. He said Martinez told that to a witness at the scene minutes after the accident.

Also, the machine used to conduct the breath tests was not working properly, Jaworski said, and police lied about Martinez's conduct after the crash.

Houston police also didn't follow proper procedure by not getting a blood sample from the defendant, said Jaworski, who acknowledged that his client had a ''couple of beers'' earlier that day.

Jaworski said Martinez tried to help the family, but was told to stay back by officers at the scene.

Martinez's truck and the trailer he was pulling was also in bad mechanical condition, Jaworski said. The trailer was loaded improperly and needed repair, and so did Martinez's rig.

Jaworski said he will rely on expert testimony to show the bad condition of the truck and he added that Martinez himself might even take the stand.

In addition to Groten's testimony and accounts from officers at the scene and others, Diepraam could also rely on expert testimony.

As for Jaworski's claims that the police lied or didn't follow proper procedure in the case, Diepraam said: ''We'll have evidence to show that everything was working just fine, that there were no problems with the police investigation, the Intoxilyzer or the police officers, and that the only person who has a motive to lie is the defendant.''

Diepraam also said he believes that any problems with the truck don't matter.

''If the truck was in perfect condition or wasn't working at all, he's the driver and he's responsible,'' Diepraam said. ''That's what common sense says and that's what the law says.''

If he's convicted, Martinez could get two to 20 years in prison and a $10,000 fine for each charge. Because of the nature of the charges, Poe could make the terms run consecutively, in which case Martinez could be looking at a maximum total of 80 years in prison.

Diepraam has already filed a motion asking Poe to ''stack'' the sentences if Martinez is convicted.

If the jury makes an additional finding that Martinez's truck was used as a deadly weapon then that means he will have to serve half of the combined terms before being eligible for parole. For example, if he gets 80 years then it will be 40 years before he's eligible for parole.

That's the equivalent of a life sentence in a capital murder case.

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

Mr. Chairman, I would first of all like to hear from the gentleman from Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Aviation, in regard to this matter.

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

Mr. LIPINSKI. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have had a discussion with the gentlewoman from Texas (Ms. JACKSON-LEE) about her concerns. I want to assure the gentlewoman that from our side that we certainly will work with her in every way possible, because all of us, I think on both sides of this House, want to do everything possible to improve truck safety, and especially in regard to trucks that are moving through heavily populated urban areas. So certainly we will try to do everything we can.

Mr. LIPINSKI. Mr. Chairman, reclaiming my time, I want to echo the statement of the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Chairman DUNCAN). I too will work and our staff will work very closely with the gentlewoman to see if we cannot work something out that is beneficial in the next bill we are going to be dealing with in regards to the Committee on Transportation and Infrastructure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will yield further, I am most grateful. I thank the chairman and the gentleman from Illinois, and my community thanks you very much.

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

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

Mr. Chairman, I have no further requests for time. Let me just say I understand the gentleman from New York (Mr. WEINER) is going to offer an amendment, and we are going to agree to this amendment concerning the installation of a doppler weather radar system in Brooklyn, New York. This provision was placed in this legislation because there was a dispute between the FAA and the Department of Interior, the Park Service, on the installation of this system.

We have been told that the Park Service and the FAA have now reached an agreement to go ahead and install this system. The staff had included this in the legislation just because of some uncertainty regarding a pending Federal lawsuit on this issue.

I will simply say this: we feel it is the intent of the Congress that this system should be installed there, and we will remove this provision at this time, reserving the right to revisit this issue if necessary in a conference with the Senate or at some later point if for some reason this agreement is not carried out.

With that said, Mr. Chairman, that we will agree to that change, we do have a good bill, a necessary bill, and I urge the support of the entire body for this reauthorization of the National Transportation Safety Board.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. I want to commend Aviation Subcommittee Chairman DUNCAN and Ranking Member LIPINSKI for the excellent work they have done in crafting this excellent piece of legislation. Having spent the better part of a year working with the National Transportation Safety Board on my own review of the TWA Flight 800 tragedy, I am familiar with the challenges facing the board.

H.R. 2910 includes a number of important provisions that will improve the NTSB's ability to deal with major airline accidents and work more efficiently with federal law enforcement agencies. The bill also clarifies that the board has the authority to enter into agreements with foreign governments to provide technical assistance and other services. I am also pleased that the committee report to accompany this legislation includes language making recommendations on how the NTSB can better improve coordination and cooperation with other parties in a major airline investigation.

I helped craft this language and hope to continue working with the NTSB to ensure that it has the resources it needs to do its job, and that it makes the best possible use of the specialized expertise that exists at companies like Boeing and Pratt Witney. I would also like to thank the former chairman of the committee, Congressman Norm Mineta, for his assistance in this area. The commission that he chaired made a number of recommendations on how to improve the party system. The report language echoes the findings of the Mineta Commission.

Mr. Chairman, as I have several times in the past, I want to salute the dedicated professionals at the NTSB. Day in and day out, year after year, these remarkable public servants work long hours under trying conditions. Often their work is frustrating and extremely stressful. But because of their professionalism, commitment and talent, thousands of lives have been saved. For example, even though the Board has yet to determine the cause of the Flight 800 crash, the work that Board investigators have done on that accident investigation has forced the FAA and airline industry to make substantive changes, especially in the area of aircraft wiring and aircraft wiring inspection. These changes will make our skies safer.

Every American who flies owes the NTSB a debt of gratitude. I, for one, deeply appreciate the excellent work they have done and continue to do.

I urge approval of the bill.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 106–347 shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

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.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''National Transportation Safety Board Amendments Act of 1999''.

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DEFINITIONS.

Section 1101 is amended to read as follows:

''§ 1101. Definitions

''Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term 'accident' includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.''.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.

(a) IN GENERAL.—Section 1113(b)(1)(I) is amended to read as follows:

''(I) negotiate and enter into agreements with private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of technical services or training in accident investigation theory and technique, and require that such entities provide appropriate consideration for the reasonable costs of any goods, services, or training provided by the Board.''.

(b) DEPOSIT OF AMOUNTS.—Section 1114(a) is amended—

(1) by inserting ''(1)'' before ''Except''; and

(2) by adding at the end the following:

''(2) The Board shall deposit in the Treasury amounts received under paragraph (1). Such amounts shall be available to the Board as provided in appropriations Acts.''.

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:

''(g) OVERTIME PAY.—

''(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS–10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

''(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

''(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1), for work performed in a calendar year, in a total amount that exceeds $570,000.

''(4) BASIC PAY DEFINED.—In this subsection, the term 'basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

''(5) ANNUAL REPORT.—Not later than January 31, 2001, and annually thereafter, the Board shall transmit to Congress a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year and the number of employees whose overtime pay under this subsection was limited in such fiscal year as a result of the 15 percent limit established by paragraph (2).''.

The CHAIRMAN. Are there any amendments to section 4?

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 5. RECORDERS.

(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is amended—

(1) in the subsection heading by striking ''VOICE'';

(2) in paragraphs (1) and (2) by striking ''cockpit voice recorder'' and inserting ''cockpit voice or video recorder''; and

(3) in the second sentence of paragraph (1) by inserting ''or any written depiction of visual information'' after ''transcript''.

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

''(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

''(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

''(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

''(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

''(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 1114(a) is amended by striking ''and (e)'' and inserting ''(d), and (f)''.

(c) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1154 is amended—

*(A) in the section heading by striking ''**COCKPIT VOICE AND OTHER MATERIAL**'' and inserting ''**COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS**'';*

(B) in subsection (a)—

(i) by striking ''cockpit voice recorder'' each place it appears and inserting ''cockpit or surface vehicle recorder'';

(ii) by striking ''section 1114(c)'' each place it appears and inserting ''section 1114(c) or 1114(d)''; and

(iii) by adding at the end the following:

''(6) In this subsection—

''(A) the term 'recorder' means a voice or video recorder; and

''(B) the term 'transcript' includes any written depiction of visual information obtained from a video recorder.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

''1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.''.

(d) REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.—Section 329 is amended by adding at the end the following:

''(e) REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.—A requirement for the installation and use of an automatic voice, video, or data recording device on an aircraft, vessel, or surface vehicle shall not be construed to be the collection of information for the purpose of any Federal law or regulation, if the requirement—

''(1) meets a safety need for the automatic recording of realtime voice or data experience that is restricted to a fixed period of the most recent operation of the aircraft, vessel, or surface vehicle;

''(2) does not place a periodic reporting burden on any person; and

''(3) does not necessitate the collection and preservation of data separate from the device.''.

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1131(a)(2) is amended—

(1) by striking ''(2) An investigation'' and inserting ''(2)(A) Subject to the requirements of this paragraph, an investigation''; and

(2) by adding at the end the following:

''(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the

Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

''(C) If a law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under paragraph (1)(A)–(D) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.''.

(b) REVISION OF 1977 AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking ''1134(b)(2)'' and inserting ''1134(a), (b), (d), and (f)''.

SEC. 8. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

''§ 1137. Authority of the Inspector General

''(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

''(b) DUTIES.—In carrying out this section, the Inspector General shall—

''(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

''(2) issue findings and recommendations for actions to address such problems; and

''(3) report periodically to Congress on any progress made in implementing actions to address such problems.

''(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

''(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following:

''1137. Authority of the Inspector General.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) is amended to read as follows:

''(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter $57,000,000 for fiscal year 2000, $65,000,000 for fiscal year 2001, and $72,000,000 for fiscal year 2002. Such sums remain available until expended.''.

SEC. 10. TERMINAL DOPPLER WEATHER RADAR.

If the Administrator of the Federal Aviation Administration determines that it would enhance aviation safety, the Administrator shall install a Terminal Doppler Weather Radar at the site of the former United States Coast Guard Air Station Brooklyn at Floyd Bennett Field in King's County, New York.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Strike section 10 of the bill, relating to terminal doppler weather radar.

Mr. WEINER. Mr. Chairman, I first want to thank the chairman of the Subcommittee on Aviation and ranking member for the fine work that they have done on this bill. This is a piece of legislation that doubtlessly will not earn front page notice in our newspapers around the country, but the fine work that has been done by the subcommittee in ensuring the safety of travelers around the country should not go unnoticed, and this bill is indeed worthy of the full House's support.

Mr. Chairman, I will not take my full time. I just want to thank the chairman for his previous statement and for his understanding of the situation. This is an instance where the drafting of the bill had been overtaken by events on what is admittedly a controversial issue.

I agree 100 percent that there should be a terminal doppler radar installed to serve the New York City area, the Kennedy and LaGuardia Airports. That is something that I think my constituents and all New Yorkers and travelers around the world support. I am hopeful and confident that the way has been cleared for a way to install that doppler radar in a quick and expeditious fashion.

My amendment simply strikes the section of the bill that predates an agreement that was entered into between Interior and the FAA that was mediated by the Council on Environmental Quality.

Again, I want to thank very much the chairman of the subcommittee and the ranking member for their understanding in this matter.

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

Mr. Chairman, as I stated earlier, we feel this system should be installed to enhance the safety of the traveling public, particularly into Kennedy and LaGuardia Airports. We agree to this amendment.

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

Mr. Chairman, I want to simply state that from our side of the aisle, we also agree that we will accept this amendment. I spoke to the gentleman from Tennessee (Chairman DUNCAN) about this amendment. I appreciate very much his cooperation in removing this language from the bill by accepting the amendment.

I want to say also, as the gentleman from Tennessee (Chairman DUNCAN) mentioned, and I concur with him, in the event that everything does not develop the way we anticipate it developing pertaining to this doppler weather system, we do reserve the right to revisit this issue when we get to conference or some other time before the bill actually comes back to be passed into law.

Based upon my observance over here, I do not think we have any further amendments coming forth, and I think we are very close to passing this bill. So in getting to that point, I want to say that it is always a pleasure working with the gentleman from Tennessee (Chairman DUNCAN). He and I get along very well together. He is very cooperative.

I appreciate also the cooperation of the gentleman from Pennsylvania (Chairman SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and, once again, the staff of the Subcommittee on Aviation, I believe, has done an outstanding job; and I want to express my personal appreciation to each one of them for everything that they have done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature 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. ROGAN) having resumed the chair, Mr. BARRETT of Nebraska, 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. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, pursuant to House Resolution 312, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the 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 a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. DUNCAN. 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 420, nays 4, not voting 9, as follows:

[Roll No. 462]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
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Jackson (IL)
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John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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McKeon
McKinney
McNulty
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Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Mollohan
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Moran (KS)
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Wamp
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Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—4

Chenoweth
Coburn
Paul
Sanford

NOT VOTING—9

Becerra
Boyd
Burton
Hooley
Jefferson
Meeks (NY)
Scarborough
Wise
Wu

□ 1223

Mr. GREEN of Texas and Mr. STEARNS changed their vote from ''nay'' to ''yea''.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 313 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 313

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. 2436) 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. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(b) of the rule XIII are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. 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 the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. 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. LAHOOD). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman

from New York (Ms. SLAUGHTER); 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.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 2436, the Unborn Victims of Violence Act. The rule waives points of order against consideration of the bill for failure to comply with 3(b) of rule XIII, requiring the inclusion in the report of any record votes on a motion to report, or on any amendment to a bill reported from committee.

The rule provides 2 hours of general debate equally divided among the chairman and ranking minority Member of the Committee on Judiciary.

The rule makes in order the Committee on Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment, which shall be considered as read. The rule makes in order only those amendments printed in the Committee on Rules report accompanying this resolution.

The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report and shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, shall not be subject to the demand for a division of the question in the House or in the Committee of the Whole.

The rule permits 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.

This is a fair rule which will permit thorough discussion of all of the relevant issues. Indeed, after 2 hours of debate and consideration of the Democrat substitute amendment, we will be more than ready to vote on H.R. 2436. This is not a complex issue.

Mr. Speaker, on September 12, 1996 Gregory Robbins, an Air Force enlisted man wrapped his fist in a T-shirt and brutally beat his pregnant 18-year-old wife. Soon after, his young wife gave birth to a stillborn 8-month-old fetus.

To their surprise and disappointment, the Air Force prosecutors concluded that, although they could charge Gregory Robbins with simple assault, they could not charge him in the death of the couple's child. Why? Because Federal murder laws do not recognize the unborn.

□ 1230

A criminal can beat a pregnant woman in her stomach to kill the baby and the law ignores her pregnancy. This is wrong and it has to be stopped.

Fortunately, 24 States have adopted laws that protect pregnant women from assaults by abusive boyfriends and husbands, and now it is time for the Federal Government to do the same.

The Unborn Victims of Violence Act would make it a Federal crime to attack a pregnant woman in order to kill or injure her fetus. The bill would apply only in cases where the underlying assault is, in and of itself, a Federal crime, such as attacks by military personnel or attacks on Federal property.

This bill, introduced by my good friend, the gentleman from South Carolina (Mr. GRAHAM), should have the support of everyone in Congress, whether they are pro-life, such as myself, or pro-choice. We should all agree to protect young women from forced, cruel, and painful abortions.

All we have to do is ask the woman who just lost her child after a violent attack. It is not the same thing as a simple assault. Clearly, it is more serious and more emotionally jarring, and it should be treated accordingly.

Just a few months ago, in Charlotte, North Carolina, we had a man murder his pregnant wife in a child custody dispute. The incident would not have been covered by H.R. 2436, it would be covered by the State law, but it is a reminder that we are talking about a real problem here that is increasingly happening more and more.

Mr. Speaker, I strongly urge my colleagues to support this rule and to support the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank my distinguished colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me this time, and I yield myself such time as I may consume.

I strongly oppose the modified closed rule on H.R. 2436. On an issue as important as this, we should hear the voice of every Member of the House without the limitations imposed by the majority on the committee. During consideration of the rule yesterday, a motion was made for an open rule, but it was defeated.

Mr. Speaker, I rise in strong opposition to the underlying bill, the so-called Unborn Victims of Violence Act. This dangerous legislation would establish penalties for those who harm or terminate a pregnancy at any stage of development, either knowingly or unknowingly, while committing a Federal crime. This bill would create the first Federal law that recognizes a fertilized egg an independent victim of a crime and gives it the same legal right as people who are born.

The bill marks a major departure from existing Federal law and threatens to erode the foundations of the right to choose as recognized in the 1973 Roe versus Wade decision. Indeed, Mr. Speaker, should the Senate take up this bill, which is most unlikely, it will be vetoed.

Under H.R. 2436, the fetus has the same or more legal status as the pregnant woman. Recognizing the fetus as having the same legal rights independent of the pregnant woman makes it possible to use those rights against her. This bill would put the woman and the fetus in conflict and could place the health, worth, and dignity of women on a lower level.

The supporters suggest that they are advancing this bill in an effort to combat domestic violence. If that is true, it is at best an awkward and at worst a dangerous effort. If the supporters of this legislation are so interested in stopping violence against women, I stand ready to join them in a vigorous effort to bring to the floor the Violence Against Women Act and Violence Against Women Act II. Yesterday, at the Committee on Rules, I made such a motion, but it was defeated.

The supporters of the bill insist that H.R. 2436 has nothing to do with the abortion debate and was crafted to protect women against violence. Why then, one is left to wonder, was this bill referred not to the Subcommittee on Crime but, instead, to the Subcommittee on the Constitution of the Committee on the Judiciary?

It is the Constitution which provides the foundation for a woman's protection of her right to choose. And despite what we hear to the contrary, this bill is the hammer striking a chisel against that foundation.

Are we sickened and outraged by attacks on pregnant women that cause harm or miscarriage? To the depths of our souls. Situations such as the one in Arkansas, where a husband hired three youths to beat his wife so she would miscarry, deserve the contempt of our society and the full measure of justice our legal system can muster. But this can be done by prosecuting a defendant for an assault on the woman, provisions that might be addressed in the Violence Against Women Act.

Members of the Committee on the Judiciary are working courageously to thwart this attack. My friends and colleagues, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Michigan (Mr. CONYERS) will offer a substitute which makes it a Federal crime to assault a pregnant woman. If it is violence against women, including pregnant women, which we are trying to stop, then the Lofgren substitute is the only reasonable alternative before us today.

Otherwise, the underlying bill is nothing more than another scheme to advance the Christian Coalition and National Right to Life's agenda to destroy Roe versus Wade and, in fact,

they boast as much on their net as to how they drafted the bill.

This measure aims to chip away at a woman's reproductive freedom under the guise of fighting crime. I will continue to fight the leadership's efforts to turn back the clock on women's rights and reproductive health.

Mr. Speaker, as I said before, the Department of Justice opposes this bill, and it will be vetoed.

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

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Not to be repetitious, but I do want to emphasize what she said in her opening statement; that this is certainly a bill that, I believe regardless of whether we might be pro-choice or pro-life, we can support. Because what we are talking about here in the underlying bill, and certainly I support this rule that we are talking about right now, is a law that would protect not only the mother of the child but also that unborn child.

Just imagine, my colleagues, the horrible scene where a woman, who might be 4 or 5 months pregnant, is attacked by her husband, and who shot her five times as she sat in the car, killing both the mother and the unborn child in this particular instance. That gruesome scene actually happened to a woman in Charlotte, North Carolina. I think there has already been reference to her, but there are countless other stories with the same ending.

It is a sad commentary on our society when someone takes the life of a pregnant woman as well as her unborn child and does not face any type of retribution or punishment or even deterrent for taking the life of that unborn child. That is because under current laws this type of crime does not protect the life of the unborn child, even if the mother survives.

This bill is especially important for those women who suffer from domestic abuse and the amount of violence they endure despite carrying a child. This bill addresses those issues and protects the unborn child. The legislation holds these violent criminals liable for any injuries and harm forced upon the child during the incident involving a Federal crime committed against the mother.

Members of this Congress, this is a common-sense bill. This is a way to create a separate law to protect an unborn child from any physical harm or some act of violence which causes permanent damage or death. The bill would also follow the lead of so many States already who have adopted laws which give legal protection to those children. Criminal convictions in these States have been upheld, and none of these statutes have been found to be unconstitutional.

While looking at this particular bill, keep in mind that there are Federal statutes concerning the killing or injuring of endangered plants and animals. If this argument against this legislation is centered around the issue of viability of the fetus and whether a child would have the capability to live outside the womb, then we should look at this issue of endangered species. Do we consider the viability, in that case of a plant or animal? Or even in the case of an American eagle, do we consider the viability of that egg, or whatever it might be, under the endangered species, which itself, the endangered species law, provides a punishment of up to $50,000. We have a criminal fine for the destruction of plants and animals, and we do not talk about viability there. Yet that will be a distinction that is made today when we are talking about an unborn child.

If I might say, the other unfortunate part of this issue that will be raised in opposition to the bill is that some might argue that it will be unconstitutional. As I said earlier, there have been a number of States who have passed similar bills where the constitutionality has not been overruled.

I even think about other issues in this Congress where, even as recently as 2 weeks ago, when we talked about campaign finance reform, the argument was made by some who opposed that, that it might be unconstitutional. I think we heard some of those same people say that that does not matter that we need to pass this bill and get campaign reform. I think we will hear today some of those same people say that this is not constitutional. So it is certainly an inconsistent argument on their part.

I would simply close by again urging my colleagues to put aside what might become the rhetoric of a pro-life, pro-choice vote, what might try to be cast as an abortion vote, and look at the realities of this and the absolute need at the Federal level to establish legislation, which, in addition to protecting a person from these types of violent crimes, also protects the unborn child in that person's womb. We need to add additional punishment for that, to have a separate offense for that; and, in that way, we might deter. And all criminal laws are designed to do just that, in addition to punishment. They are designed to deter that type of conduct which everybody in this House disagrees with and does not support.

So I urge all my colleagues to set aside the rhetoric of abortion and pro-life and pro-choice and do what is right in this instance.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time, and I rise to say that I recognize the dilemma my colleagues on the other side of the aisle face. The dilemma is that Roe versus Wade is the law of the land.

No doubt, having listened to testimony yesterday in the reauthorization of the Violence Against Women Act, there is no lack of sympathy and understanding and empathy for the outrageous violence that occurs against women almost daily and, in fact, by the minute: violence against women in the workplace, sexual violence, and domestic violence. I am outraged, and I think all women have a great deal of empathy for the unchecked or unfettered violence that occurs even with the very unanimously supported legislation like the Violence Against Women Act.

But this particular legislation, Mr. Speaker, finds many of us at odds with the intent of the proponents. And it is not because we are not empathetic and sympathetic to the crisis and the tragedy that occurs when a pregnant woman is attacked, and not because we do not want to find relief, but because this bill, unfortunately, wants to be a side bar or a back-door response to some of our colleagues' opposition to Roe versus Wade.

This bill undermines a woman's right to choose by recognizing for the first time under Federal law that an embryo or fetus is a person, with rights separate and equal to that of a woman and worthy of legal protection. And the bill does not establish the time frame. The Supreme Court has held that fetuses are not persons within the meaning of the 14th Amendment. If enacted, H.R. 2436 will improperly inject debates about abortion into Federal and military criminal prosecutions across the country.

Now, the sponsors claim that this is a moderate crime bill that has nothing to do with abortion because it exempts from prosecution legal abortion, medical treatment, and the conduct of women. However, when pressed during the Committee on the Judiciary debate, the bill's proponents candidly admitted that their purpose is to recognize the existence of a separate legal person where none currently exists.

Their argument also goes against most of the forward thinking prosecutors in our Nation who have been able to find and substantiate claims of those who have assaulted women who happen to be pregnant and who have done the heinous and ugly attack of specifically attacking the pregnant woman in order to eliminate the life of the fetus.

□ 1245

So I would say to the Speaker, we are dithering around on this bill and I

would hope that we did not even have to have this bill on the floor of the House. Because I, too, want to stop the violence against women and, by necessity, the violence against a pregnant woman. I, too, promote life and the sanctity of life in terms of the view of the importance of that pregnancy that that woman is carrying. But this is on dangerous ground.

Constituents of mine have written me to urge in opposition because this bill, which is quickly working its will through the House, said one constituent from Houston, will create a new separate criminal offense. It is an unprecedented attempt to grant the same legal status to all stages of the prenatal development as that of a woman. This is anything but a moderate bill.

By setting up the fetus as a separate legal entity, the sponsors of the bill are setting up the foundation to dismantle and undermine Roe versus Wade. This bill fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women, such as the hate crimes legislation, on which my colleagues will not even move, Mr. Speaker, because that has added gender to the provisions of hate crime.

I had one member of the Committee on the Judiciary say, why do we not want to do that? Would that not be something against the drunken husband who comes home and beats up the wife, he would be considered a hate crime proponent? All excuses not to pass the hate crimes. That letter, by the way, is by Ken Roberts of Houston, Texas.

The National Coalition Against Domestic Violence argues vigorously against this legislation. The Professional Association of Business Women, likewise, I think reasonable constituencies, who themselves understand when we are truly supporting legislation that is in opposition to the violence against women.

In conclusion, Mr. Speaker, let me simply say this is a bad bill. I wish it was not here. Procedurally it is bad. But more importantly, it is attempting, through a back-door way, of undermining Roe versus Wade.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to express my opposition to the rule of this bill, the "Unborn Victims of Crime Act." This rule closes all needed debate amongst the concerned members of this House and is a veiled attempt to move forward with the creation of a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. If the proponents are serious about protecting the fetus and the mother, they will support the Democratic substitute, which is not a blatant attack against Roe versus Wade.

Although I believe that the cosponsors of this bill may have had good intentions when it was introduced, the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose. I, too, abhor the results of a brutalized woman suffering the loss of her pregenacy—but let's fight this by fighting violence against women.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses.

A new status of "human-ness" extended to the unborn fetus of a pregnant woman creates a situation of constitutional uneasiness. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, this bill will give anti-abortion advocates a powerful tool against women's choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman's constitutional right to choose, it does not protect a third party's destruction of a fetus.

This will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

I urge my Colleagues to vote against the rule. We need an informed debate on this bill that would provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

TEXAS FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.,
Corpus Christi, TX, September 29, 1999.

Re H.R. 2436, the Unborn Victims of Violence Act.

Representative SHEILA JACKSON-LEE,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LEE: As the legislation chair for the approximately 3000 members of BPW/Texas (The Texas Federation of Business and Professional Women's Clubs, Inc.), I am writing to you to urge you to oppose H.R. 2436, the "Unborn Victims of Violence Act." This bill which is quickly working its way through the House, would create a new separate criminal offense to punish anyone that injures or causes the death of a fetus during the commission of a federal crime.

H.R. 2436 is an unprecedented attempt to grant the same legal status to all stages of prenatal development as that of the woman. The bill is designed to chip away at the foundation of a woman's right to choose as set forth in Roe v. Wade.

Under this bill, someone could be prosecuted for harming a fetus, regardless of whether or not the same person is prosecuted for harming the mother. While we fully support efforts to punish acts of violence against women that injure or terminate a pregnancy, we believe that the sponsors of this legislation are not trying to protect women. Instead, we believe that the sponsors are seeking to advance their anti-choice agenda by altering federal law to elevate the fetus to an unprecedented status.

This is anything but a moderate bill. By setting up the fetus as a separate legal entity, the sponsors of this bill are setting up the foundation to dismantle Roe v. Wade. Our members support reproductive choice and this bill establishes the foundation to limit woman's reproductive choices. Furthermore, this bill fails to address the very real need for strong federal legislation to prevent and punish violent crimes against women.

We urge you to vote against H.R. 2436, the "Unborn Victims of Violence Act."

Sincerely,

ANNETTE DUVALL,
BPW/Texas Legislation Chair.

HOUSTON, TX.

Representative SHEILA JACKSON-LEE,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE JACKSON-LEE: I am writing to urge you to oppose H.R. 2436, the "Unborn Victims of Violence Act." This bill, which is quickly working its way through the House, would create a new, separate criminal offense to punish anyone that injures or causes the death of a fetus during the commission of a federal crime.

H.R. 2436 is an unprecedented attempt to grant the same legal status to all stages of prenatal development as that of the woman. Under this bill, someone could be prosecuted for harming a fetus, regardless of whether or not the same person is prosecuted for harming the mother. While I fully support efforts to punish acts of violence against women that injure or terminate a pregnancy, I believe that the sponsors of this legislation are not trying to protect women. Instead, I believe the sponsors are seeking to advance their anti-choice agenda by altering federal law to elevate the fetus to an unprecedented status.

This is anything but a moderate bill. By setting up the fetus as a separate legal entity, the sponsors of this bill are setting up the

foundation to dismantle Roe v. Wade. Furthermore, this bill fails to address the very real need fore strong federal legislation to prevent and punish violent crimes against women.

Sincerely,

KEN ROBERTS.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank my friend, colleague and neighbor from the Ninth District of North Carolina (Mrs. MYRICK), for yielding me the time.

Mr. Speaker, in all due respect to my friend and colleague from Texas, there is no dilemma here. There is no dilemma at all. We either care about children or we do not care about children. This bill is about additional protection for children.

Now, we are not talking about carrying pregnancies. We are not talking about fetuses. We are talking about a good rule that protects children. Born and unborn children merit and deserve protection.

The consensus is clear, life begins at conception. This rule and this bill are not about in any way Roe v. Wade. These are simply protections for mothers and children.

I support the rule. I support the bill. I want to help educate the Members of the House today about this piece of legislation. Confusion is being created about the issue at stake. What is at stake is prosecution for a criminal injuring a pregnant woman. The Unborn Victims of Violence Act will create stringent Federal penalties to protect mothers and children.

The law states that an unborn child who during the commission of a violent Federal crime suffers bodily injury or death is considered a victim apart and in addition to harm being done to the mother. It grants the same Federal protection to unborn children against violence that already exists for all Americans.

I am having a hard time believing the argument from the other side. They do not want to pass this bill because it designates the unborn child as a person. I want to ask them what do they want to happen to these criminals who knowingly abuse a pregnant woman and who know that by causing harm to the mother they will ultimately cause harm to the child? We cannot treat the child as a nonentity.

I would ask the mothers here in Congress on both sides of the aisle, can they accept that? This legislation supports many of our States who are passing similar legislation in their State legislatures.

In my home State of North Carolina it is a felony to injure a pregnant woman and cause her to undergo a miscarriage or stillbirth. Let us send a message to our State legislatures that we support prosecution of violent criminals. This legislation is common sense. Let us protect mothers. But most of all, let us protect our children, born and unborn, from harm.

Support the rule. Support the bill.

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

Mr. WEINER. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time.

Mr. Speaker, I have to say that I agree with the ostensible purpose of the bill that we will be considering today. If the idea is to have additional penalties when a woman is harmed who is carrying a child because that person is more vulnerable, because the harm to them is greater, I agree. That is why I am supporting the Lofgren substitute.

But let us be very honest here. There is a true purpose and, frankly, the sponsors of the legislation stated that true purpose in committee and that is to undermine Roe versus Wade.

The previous speaker articulately pointed out that we should be protecting children. Well, I am not sure he has actually had an opportunity to read who it is that we are protecting in this bill. We are protecting ''a member in any stage of development who is carried in the womb.''

But frankly, I would like to address my remarks to not those who have already a position on whether they believe Roe versus Wade should or should not be undermined. If they believe that there should be increased penalties for people who commit this type of crime to a woman, then they can vote for the Lofgren substitute. The Lofgren substitute, frankly, has the exact same penalty in total years as the base bill. If they want someone to go away for life, the Lofgren substitute will do that.

And the sponsors, frankly, agreed in questioning during markup that their objective was not that. I pointedly asked the sponsor, I said, listen, if they have the same exact crime and the penalty meted out by the courts is life in prison without the opportunity for parole in both cases, would they be satisfied with the Lofgren substitute? And the answer was no. Because the true intention is to establish this new subterfuge to undermine Roe versus Wade.

But for those of us in this House who want to ease prosecution, I would tell them definitely do not support the base bill, support the Lofgren substitute. Can my colleagues imagine any prosecutor in this Nation who is going to want the choice-of-life debate getting in the way of deliberations on a murder in an assault case, having that float over these debates? Well, that is what will happen if the base bill becomes law and not the Lofgren substitute.

For all of my colleagues who want to protect women, let us do it, let us really protect women. Let us try to strike a blow for the nearly one in three women in this country who are victims of domestic violence. We should pass laws that focus on that crime. The Lofgren substitute is one. Violence against women is one. The hate crimes bill is one. These are things that seek to strike a blow to protect women.

Let us do that. Let us reject this base bill. Support the common sense Lofgren substitute and support this rule which allows that to happen.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the time.

It is hard for me to understand the preciseness of this debate between the majority bill and the minority offering because we really do not have a disagreement about domestic violence and abuse of women. We should definitely be focusing on that in this Congress, and in fact we do on a number of bills.

In fact, there is no question we should be focusing on hate crimes, as we do frequently not only against kind of the traditional categories where we have had hate crimes in America and homosexuals and members of racial minorities, but also the religious persecution that we see occurring in a number of cases in this country; and legislation has been introduced in the other body relating to this.

I think we all need to speak out against all sorts of different types of crimes. But this is a very particular type of crime. It is not an appendix or a liver we are talking about here. We can argue whether we believe it is a human being, as I do, from the moment of conception or whether it is a developing human being. But it is, at the very minimum, a developing human being inside another person, which puts the mother more at risk; and this bill addresses that, but it also puts the developing human being, or the baby, as I believe, at tremendous risk.

In this body, we have not been consistent nor have we been in laws around the country consistent with how to handle this big dilemma. We talk about fetal alcohol syndrome and how babies are destroyed by mothers who become alcoholics and who are alcoholics or abuse alcohol during the time they are pregnant. We have multimillion-dollar media campaigns about fetal alcohol syndrome. We have portions of the population, subgroups who are devastated in many cases by this problem.

When we say that the mother when she drinks a bottle of alcohol has that compounded because of the weight of the baby and then turn around and say, oh, but that is not really anything to do with life afterwards, it is silly. When we talk about crack babies and the problems when a parent abuses

drugs while they have a baby, or developing baby, at the very minimum, inside their womb, we are acknowledging that there is a difference here that needs protection.

Part of this legislation arose because a courageous attorney general in South Carolina pursued this subject there regarding crack babies and whether there was an accountability for a second, at the very least, developing baby, but baby as I believe. It is not an appendix. Otherwise, if it was an appendix, we would not have to have its life thereafter outside the body affected by the behavior of the mother or the behavior, in this case, of others who would do damage outside to the mother.

Because it is not the question. It is part of the question of additional risks of the mother, but it is also the long-term either termination of life or damages to the developing baby or, as I believe, the human being inside the womb who can be affected because of the callousness, carelessness, meanness, aggressiveness of other people.

We are really, in fact, worrying about two different problems here simultaneously. One, the higher risk to the mother, and also to the developing and the little human being inside who will be forever impacted by the behavior of others.

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

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong opposition to the rule and to the underlying bill and in support of the Democratic Lofgren substitute. It sounds reasonable to punish someone for harming a pregnant woman. There are many things that we could do to protect women from violence, but it is quite clear that that is not the intent of this bill at all. This bill is not about protecting women. It is about granting legal status to a fetus and undermining Roe v. Wade.

I would like to put this vote in perspective. This is the 129th vote against choice since the beginning of the 104th Congress. I have documented each of these votes in a choice report, which is available on my Web site or by contacting my office.

Congress has acted again and again to eliminate a woman's right to choose procedure by procedure, restriction by restriction. And, unfortunately, in some cases they are succeeding. This time they found a brand new way of chipping away at a woman's right to choose.

Violence against women is a very real problem, a problem that needs action. But this bill is not about protecting women from violence. This bill is about advancing the political agenda of the anti-choice movement.

It is a tragedy when a pregnant woman is victimized and her pregnancy ends. No one could disagree with that. But why cannot my colleagues in this Congress focus on preventing women from being victimized in the first place?

This bill, however, does not focus on the women victimized by violence. Instead, the legislation draws our attention away from the woman and focuses only on her pregnancy.

I intend to vote for the Lofgren substitute, which will establish additional punishments for assaulting a pregnant woman while committing a crime. Granting legal status to a fetus is not necessary to accomplish this goal. So I urge a ''no'' vote on the rule and on the bill and urge my colleagues on the other side of the aisle to do something that would actually help pregnant women. If we want to help pregnant women, let us ensure direct access to OB–GYNs, let us fund the WIC program, let us support and strengthen the Pregnancy Discrimination Act or enact a folic acid campaign.

If we want to help pregnant women, let us ensure comprehensive prenatal care for all pregnant women. If we want to help pregnant women, let us make sure every pregnancy is a wanted pregnancy by supplying a full range of contraceptive options for women. We could also strengthen the day-care system. This does not help. And we can pass the Violence Against Women Act. Please vote no.

□ 1300

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

Roe versus Wade does give a woman the right to have an abortion. This bill does not change that right at all. But this bill does protect women from forced abortions. That is all we are trying to do here.

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

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

Mrs. MYRICK. 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.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 313 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. 2436.

□ 1302

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. 2436) 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 Mr. LAHOOD 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 Florida (Mr. CANADY) and the gentlewoman from California (Ms. LOFGREN) each will control 60 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I yield 8 minutes to the gentleman from South Carolina (Mr. GRAHAM), the sponsor of this legislation.

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

This is an important debate. It is going to be an emotional debate. All I ask is that the Members look long and hard at what the statute does, not what people are trying to claim it does but actually read it. Take some time to read it, to think about it. If Members have any questions, I will be glad to try and answer them the best I can.

Let us start with an example of what the intent and purpose of this bill is trying to do. We will start with an Arkansas case that happened about a month or two ago. The case involved a man who had a girlfriend, a former girlfriend, and he tried to persuade her to have an abortion and she said no, I do not want to have an abortion, and she decided to carry the child to term. This person, this man, did not want to be responsible for this child, so when she was in her ninth month in Arkansas, he allegedly hired three people to go and beat her and kill her baby, with the express purpose of beating her to the point that she would lose her child.

Well, they did that. Allegedly they grabbed this woman, took her away and beat her. She was on the floor begging for her baby's life. She was not saying, ''Don't terminate my pregnancy, please don't kill my baby.'' And the allegation goes that one of the assailants said, ''You don't get it, bitch. Your baby dies tonight.''

There was a CNN program yesterday where the woman was interviewed and she was talking about how she could hear the heartbeat fade away and how that affected her. This was a seven-pound baby girl. This cries out not just for some action, it cries out for severe punishment. What they are allowed to do in Arkansas, they can now charge these three people and the man involved who hired them with the crime of murder, because 6 weeks before this event, Arkansas passed a law making it a separate offense for a criminal to cause the death or injury of an unborn child. And because of that law, these

three thugs and the man that hired them are facing capital murder charges, not just an additional penalty for assaulting the woman.

This is not just a loss to the woman. She was not begging, ''Don't lose something for me,'' she was begging, ''Don't take my baby away,'' something she understood to be separate and apart from her. Without that law, the three people that were hired to beat her and cause her to lose her child would never have been prosecuted for what they intended to do, which was to kill the baby.

Now, what are we trying to do in this statute? We are trying to do what 24 States have already done in some fashion. Federal law is silent on this question. This bill only applies to Federal statutes that already exist. In this bill, if a woman is covered by a Federal statute and happens to be pregnant and she is assaulted and her baby is injured or killed, under this statute the Federal prosecutor can bring an additional charge, that being the loss or the injury to the child in addition to the assault to the mother. It does not change any State law, it only applies where Federal law already is in existence by adding an additional charge like States do, recognizing the entity, the child, the unborn child, being a separate victim. That is the scope. That is the purpose.

California has had a similar statute since 1970. There are a lot of statutes throughout our States that deal with this issue in varying ways. One thing this bill does, it allows the prosecution to occur at the moment the embryo is attached to the womb like 11 States. There is no requirement for viability to be had before the criminal can be prosecuted. Many States take that tack. Missouri is one of them. Their statute has been upheld by the Supreme Court as being constitutional because it did not infringe on Roe versus Wade rights, it only applied to third-party criminals who assault pregnant women and destroy the unborn child, recognizing that they could be prosecuted.

This statute is legally sound, and I think it brings Americans together in this fashion: When the term ''abortion'' is brought up, we divide as a country. That is not going to change any time soon. There is a genuine debate and heartfelt views about that. But I believe most Americans in the Arkansas case would want the criminals prosecuted for killing that baby. I think most Americans would want the person who shot the woman five times with a baby inside of her, her child, to be prosecuted for the two events, assaulting the woman and killing the child. I think, regardless of pro-life or pro-choice feelings, that most Americans want to protect the unborn from violence against criminals, and when a woman chooses to have her child, a criminal should not take that away from her. It is not just a loss from sentencing enhancement, it is the taking away of a life.

If Members have got any doubt about Federal law and the unborn, I am going to read something to them. I hope every Member of Congress will sit down and think for a moment. The implementation of the death penalty at the Federal level is covered by section 3596. It talks about how the death penalty is imposed at the Federal level and under what manner it can be imposed, but it has a section. Listen to this. Section 3596, Federal law, section B, Pregnant Women. ''A sentence of death shall not be carried out upon a woman while she is pregnant.'' Why? Why do we not execute women while they are pregnant if it is just a mere loss to the woman? She is going to lose her life, why not just go ahead and do it? Federal law understands that we are not going to kill an unborn child because of the crimes of her mother.

I would suggest to Members that 99.9 percent of Americans agree with that concept, and if you tried to execute a woman who was pregnant, there would be a hue and cry throughout this Nation like you have not seen or heard ever before. What I am trying to do in this bill is fill a gap in the Federal law and say this: If the State cannot kill the unborn child for the crimes of the mother, a criminal who destroys or injures an unborn child should be prosecuted to the fullest extent of the law because it is more than a loss to the woman. That is all I am saying.

Roe versus Wade clearly says that when it comes to the woman choosing about her pregnancy, that is her decision in the first trimester. This bill expressly exempts consensual abortions because it is the law of the land, that that is the right of the woman to choose as to her own body. This bill does not allow a prosecution of the woman if she takes drugs or does damage to her own baby. I did not go down that road. The woman under no circumstances can be prosecuted, nor can medical personnel. All I am saying is if a pregnant woman is assaulted where Federal jurisdiction exists already and her baby is destroyed or injured, the criminal is going to pay a separate debt to society.

So if one of your constituents comes to Capitol Hill and visits you and while up here, unimaginable things happen, terrible things happen, they are assaulted and they happen to be pregnant and lose their child, because this is an exclusive Federal jurisdiction area, this statute would kick in to allow a prosecution of that criminal who took their baby away from them when they chose to have it.

I hope that rationality will prevail and that Members will actually read the statute. We are going to divide the pro-choice and pro-abortion people today, because abortion has taken a fervor among some Members that they have lost the view of what is right, fair and common sense. Let us bring ourselves together and do some good.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume. I oppose this bill, and I would urge my colleagues in the House, who believe that Roe versus Wade should be upheld and honored because it protects the reproductive choice of women in America, to vote against this bill.

I will offer later today a substitute to the underlying bill that will accomplish what the author of this bill says he wants to do. Obviously, I believe that it is wrong to assault women. If the assault causes a miscarriage, that is a grievous harm and deserves to be punished. What the underlying bill does, however, is to create an unprecedented right for the fetus that is not permissible under Roe versus Wade. Indeed, it flies in the face of Roe's holding. More than that, as one speaker during the discussion of the rule pointed out, should this bill ever become law, it will be almost impossible for a prosecutor to actually use this bill in any effort to go after someone who might engage in the unbelievably odious behavior contemplated by the bill, namely, assaulting a woman and causing her to miscarry.

I want my colleagues to understand the obvious, that those of us who oppose the underlying bill do not condone violence against women. To the contrary, the ranking member the gentleman from Michigan (Mr. CONYERS) asked permission of the Committee on Rules to offer a reauthorization of the Violence Against Women Act and was denied that request.

I regret in so many ways that we are once again here divided on the issue of reproductive choice in America. I believe very strongly that it is the woman who should make this decision about whether or not to have a family, and not the U.S. Congress.

I recognize that there are people on the other side of this issue who have enormously strong religious beliefs that Congress should make that decision and outlaw reproductive choice.

What bothers me, and what I think is really very sad, is that we would bring this dispute about reproductive choice that is so heartfelt into this issue of violence against women. It is unnecessary to do so, and I am hopeful that as Members listen to the debate today, they can take a look at the substitute that the Ranking Member and I will offer so that we can come together for once—instead of continuing to divide over this very emotional issue. I look forward to outlining in some detail at a later time in this debate the substitute that I will offer.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

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

What we are talking about here should not be controversial. This legislation is long overdue, a Federal law that simply holds violent criminals liable for conduct that injures or kills an unborn child.

I would like to cite one particularly disturbing example of a homicide of an unborn child that occurred in my hometown of Cincinnati back in 1997. On the day before Thanksgiving, 1997, in a classic case of road rage, a woman forced the car of Rene Andrews that she was driving off the road and into a parked truck. Mrs. Andrews was seriously injured, and tragically the baby she was carrying died as a result of that accident. Mrs. Andrews has never recovered fully from the crash. The simple explanation offered by the perpetrator of this heinous act was that Mrs. Andrews had allegedly cut off the woman in traffic.

□ 1315

Just 2 months earlier, at Wright-Patterson Air Force Base an airman assaulted his wife who was 8 months pregnant with her daughter, Jasmine. He covered his fist with a tee shirt and beat her in the face and abdomen. As a result of this beating, the woman's uterus ruptured and expelled Jasmine into her abdominal cavity. Baby Jasmine died before taking her first breath outside the womb.

Both of these cases are tragic, Mr. Chairman, but they have another important factor in common. Both deaths were successfully prosecuted under Ohio's unborn victims law. The Cincinnati woman was convicted of aggravated vehicular homicide, and the man was convicted of involuntary manslaughter for the death of his child. I am proud that my home State of Ohio recognizes the aggravated death of an unborn child as a crime separate and apart from the one committed against the mother.

Mr. Chairman, it is time for Congress to do the same, and I want to thank very much personally all those who have brought this to the attention of Congress, and I would urge passage of this very important legislation.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. Mr. Chairman, I am delighted to be here today, and I compliment the authors of the bill and the leadership on the Committee on the Judiciary on the Republican side for their calm and deliberate temperaments, their civil attitudes, but we have here a problem that the New York Times has pointed out is a very important part of the abortion bill debate. We are now going to make a criminal act out of nonconsensual termination of a pregnancy even if the person that terminates the pregnancy did not even know that the woman was pregnant. This will be the first criminal law in which intent will be irrelevant. It will be murder, Mr. Chairman, but they did not know they were committing murder.

So I, as a crime fighter myself, am reluctant to oppose the Unborn Victims of Violence Act, but it is another abortion bill that is being sold to us as an important criminal law in the making. On its face, the bill appears to be a tool for protecting pregnant women from assault and the nonconsensual termination of pregnancy, but on closer examination, we are chipping away at Roe versus Wade, another stage is being set for an assault on Roe versus Wade. How? By treating the fetus and all other stages of gestational development, Mr. Chairman, as a person with rights and interests distinct from the mother.

That is why I recommend to my colleagues the Lofgren-Conyers substitute that will come shortly afterward, and I thank the Committee on Rules for granting it.

So this bill raises profound constitutional issues in that it implicates a foundational premise of Roe v. Wade. This bill identifies a fetus as a separate and distinct victim of crime which is unprecedented as a matter of Federal statute and plunges the Federal Government into the most difficult and complex issues of religious matters, of scientific consideration, and into the midst of how a variety of State approaches already exist in handling the matter. So there simply can be no argument by anyone that a pregnant woman and her fetus should be protected from criminal attack through aggressive use of our criminal laws, and that is what we propose.

So let us admit it, Republican members and supporters of the bill. Let us confess that we are taking another little few baby steps forward to eat away at the fundamental premises of Roe versus Wade; and if that is the case, then this bill does not deserve to be called an exercise of our criminal jurisdiction in the Committee on the Judiciary.

I rise in opposition to H.R. 2436, the Unborn Victims of Violence Act. This bill attempts to cloak yet another abortion bill as a legitimate exercise of our Federal criminal jurisdiction.

On its face, this bill appears to be a tool for protecting pregnant women from assault and the non-consensual termination of a pregnancy. On closer examination, however, the bill sets the stage for an assault on Roe versus Wade through the legislative process by treating the fetus, and all other stages of gestational development, as a person, with rights and interests distinct from the mother.

This bill raises profound constitutional issues in that it implicates a foundational premise of Roe versus Wade. H.R. 2436's identification of a fetus as a separate and distinct victim of crime is unprecedented as a matter of federal statute and plunges the federal government into one of the most—if not the most-difficult and complex issues of religious and scientific consideration and into the midst of a variety of State approaches to handling these issues.

There simply can be no argument by anyone that a pregnant women and her fetus should be protected from criminal attack through the aggressive use of our criminal laws. For that reason, a majority of states have statues or court decisions that allow criminal prosecution and sentencing enhancement for causing death or injury to a developing pregnancy.

However, despite the fact that a fetus cannot be injured without inflicting harm to the mother, this bill ignores the interests of the pregnant women. H.R. 2436 switches our attention from an overt attack on a women to the impact of the crime on the pregnancy—diverting attention from the issue of domestic violence. The vast majority of attacks on women that harm pregnancies arise in the context of domestic violence, as the majority has supplied in amply reference.

If the majority were truly concerned about protecting pregnant women and preventing harm to developing pregnancies, they would reauthorize the Violence Against Women Act of 1994 ("VAWA"), or mark up the "Violence Against Women Act of 1999" (H.R. 357) which expands protections for women against callous acts of violence regardless of their pregnancy status.

Recognizing the fetus as an entity with legal rights independent of the pregnant woman makes it possible to create future fetal rights that could be used against the pregnant woman.

This is not some idle fear. We already seen some of these measures introduced at the state level. If this trend continues, pregnant women would live in constant fear that any accident or "error" in judgment could be deemed "unacceptable" and become the basis for a criminal prosecution by the state or a civil suit by a disenchanted husband or relative.

Perhaps the most foreboding aspect of allowing increased state involvement in pregnant women's lives in the name of the fetus is that the state may impose direct injunctive regulation of women's actions. Absent an increased awareness of the costs to women's autonomy, these intrusive fetal rights provisions will almost certainly continue to expand.

This bill stands as yet another transparent attempt to score points in the perennial abortion debate. If you care about protecting a fetus, you must care about protecting the mother. This bill does not enhance the welfare of mothers; it creates a climate of intrusive government intervention on their bodies and their reproductive choice.

We should vote no and stop wasting time on regressive, rhetorical measures like H.R.

2436. Rather than seeking to score points, we invite the majority to join us in crafting legislation that protects woman and mothers from violence that threatens all those under their care.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER), a member of the Committee on the Judiciary.

Mr. VITTER. Mr. Chairman, today I rise in strong support for the Unborn Victims of Violence Act of 1999 and to commend my friend and colleague from South Carolina for introducing this important legislation. This legislation, Mr. Chairman, is simply designed to narrow the gap in the law by providing that an individual who injures or kills an unborn child during the commission of federal crimes of violence will be guilty of a separate offense.

Now my friends on the other side of the aisle raise a couple of arguments; number one, that there are constitutional problems with this. Clearly this is not the case. This is virtually proven by the fact that there are numerous State laws in this regard, none of which have been seriously challenged or struck down, and they also suggest that this somehow impacts abortion rights. Clearly that is not the case. This does not, in fact, impact any current abortion rights.

So these opponents do not make valid points on either of these two issues. I think in trying to, they only underscore, in my view, their own extremist position on the issue because the bottom line in this legislation is about combating violence against pregnant women, violence against the unborn, and it is about holding violent criminals accountable for the crimes they commit.

Mr. Chairman, in my view, to oppose this is wrong and is extremist, so I urge my colleagues to vote in favor of the Unborn Victims of Violence Act.

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

I would like to apprise my colleagues of the communication just received from the Office of the President, a statement of administration policy. ''The Administration,'' and I quote ''strongly opposes enactment of H.R. 2436 which would make it a separate Federal offense to cause 'death or bodily injury' to a 'child in utero','' and those phrases are in quotes, ''in the course of committing certain specified federal crimes. If H.R. 2436 were presented to the President, his senior advisers would recommend that he veto the bill.''

The statement continues as follows:

''The administration has made the fight against domestic violence and other violence against women a top priority. The Violence Against Women Act, which passed with the bipartisan support of Congress in 1994, marked a critical turning point in our national effort to address domestic violence and sexual assault. The Violence Against Women Act for the first time created Federal domestic violence offenses with strong penalties to hold violent offenders accountable. To date, the Department of Justice has brought 179 Violence Against Women Act and Violence Against Women Act related federal indictments and awarded over $700 million in grants to communities to assist in combating violence against women.

''Unfortunately, H.R. 2436 is not designed to respond to violence against women. The Administration has significant public policy concerns with the legislation, as was described by the Department of Justice's letter to the House Committee on the Judiciary on September 9, 1999. For example, H.R. 2436 would: (1) trigger an excessive increase in the length of sentence as compared with the sentence that would otherwise be imposed for injury to a woman who is not pregnant; (2) depart from the traditional rule that criminal punishment should correspond to the knowledge and intent of the defendants; and, this is the more serious problem, (3) identify a fetus as a separate and distinct victim of a crime, which is unprecedented as a matter of Federal statute, and unnecessary to achieve the goal of increasing the punishment for violence against pregnant women.

''H.R. 2436 is, in fact, careful to recognize that abortion-related conduct is constitutionally protected; however, this does not remove all doubt about the bill's constitutionality, as explained by the Department of Justice letter to the House Committee on the Judiciary on September 9, 1999.''

The Administration strongly opposes this bill, H.R. 2436. They recognize, and so state, that I will ''offer an alternative that,'' in the Administrations opinion, ''appropriately focuses on increasing the punishment for violence against pregnant women without identifying the fetus as a separate and distinct victim of a crime.''

I am hopeful that my colleagues in the House will listen carefully to this Statement of the Administration's policy and come together to support the substitute that the gentleman from Michigan (Mr. CONYERS) and I will offer that will allow for tough sentences, that will deter violence against women, that will allow up to a life sentence to punish those who would commit the odious crime of assaulting a woman and causing her to miscarry, and that we do this together instead of continuing to divide this Congress and this Nation over the very emotional issue of reproductive choice.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise today in support of H.R. 2436. I appreciate the author that introduced the legislation that would make it a federal law to protect unborn children. Mr. Speaker, the bill to me simply states that, and I quote, an individual who commits a Federal crime of violence against a pregnant woman and thereby causes death or injury to her unborn child will be held accountable for the harm caused to both victims, mother and child. H.R. 2436 does not attempt to overturn Roe vs. Wade. It would not offend me if it did, but it does not, nor infringe on the rights of a woman to have an abortion. The bill applies after conception and before delivery.

Opponents of the bill have said that this bill is a back door to eliminating a woman's right to choose, but this bill is about choice, Mr. Chairman, but it is about choice after the choice favoring life has been made. It is about protecting women's right to make certain choices. If a woman chooses to bring a new life into the world, H.R. 2436 will allow under federal law for the prosecutions of those who callously disregard that choice.

I urge my colleagues to vote for H.R. 2436 and make criminals accountable for their malicious acts against a pregnant woman and her unborn child.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE), the chairman of the House Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I want to compliment the gentleman from South Carolina (Mr. GRAHAM) for bringing this bill forward. It is much needed and fills a gap in our criminal law, and to those who lament the fact that Roe versus Wade might be somehow or other impacted or questioned, I can only say because an issue is difficult and creates heartburn on all sides is no reason we should not address it because Roe versus Wade, which in my opinion ranks right up there with Dred Scott as an outrageous decision in our Supreme Court's history deserves to be discussed and not surrendered to.

There are two aspects to this debate. The first one is the concept of punishing somebody for damaging or killing a fetus. That is about as clinical a term as we can get, fetus.

□ 1330

There are others, embryo, blastocyst, zygote. My favorite is ''products of conception.'' Anything to dehumanize that little baby. That little child, needing time and nourishment to be a little boy, a little girl, time and nourishment to be an old man or an old woman, that little child with immense potential, that little child in the woman growing, is rendered a nullity, a cipher, a zero.

The gentlewoman from California repeatedly repeats how she does not

agree with violence against women. I do not know anybody who does. But what about the unborn? Why is that forgotten in your calculus?

What about when the obstetrician treats a pregnant woman, the fact that he treats two patients? What about the fact that the little unborn can have a different gender than the mother, can have a different blood type than the mother? The little unborn is a separate and distinct patient, and the obstetrician treats both of them.

So the dehumanizing, the desensitizing, the depersonalizing of this little entity known as the unborn is an essential aspect of the other side's argument, because otherwise they have to confront the fact that abortion kills a tiny member of the human family.

Now, nobody, no decent person would kill another person, except in self-defense or for some other legitimate reason. So then when you support abortion you have to have recourse to some semantic gymnastics. You have to define the little victim as less than human, subhuman, expendable.

You cannot throw away a human being, but you can throw away a fetus, if you define it as utterly without value or possessing secondary value to the woman.

So this dilemma the pro-choicers are in is well known. They cannot admit any humanity to the unborn. But that is clinically primitive. The unborn is there. It has a little heartbeat, it has brain waves, it is a member of the human family, and to deny that, in my opinion, is self-deception, terribly serious self-deception.

So this bill recognizes that when a pregnant woman is assaulted, it is a more serious condition than when a woman who is not pregnant is assaulted, considering the same force used in the assault. That second little victim deserves recognition. You obliterate the second little victim. You will not give credit for the membership in the human family, and that is sad.

I know why you do it, because otherwise you are confronted with the fact that you are aborting a human being, and that just cannot be. So define them out of existence, that is what you do.

So I am pleased and proud that this bill has been offered by the gentleman from South Carolina (Mr. GRAHAM). Logically to reject this bill or accept the gentlewoman's substitute is to deny the truth and the facts, the reality, that that little child in the womb is a member of the human family and ought to be loved and nourished and cherished and recognized, not obliterated and rendered a zero.

Why is it the party of compassion, why is it Members who pride themselves on caring for the little guy, the one that is left out, have no room in their moral imagination for the unborn?

Ms. LOFGREN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I had not intended to speak, but I must make an observation that concerns me.

It seems to me that there comes now a pattern among our pro-life colleagues here in the House. They begin by defining a legitimate concern. The last 4 years the concern was about late-term abortions. But then they come up with a solution, a law, almost written for the purpose of being defeated, knowing that the bill is going to be vetoed, with no intention of working with the administration to pass a solvable law that can deal with the problem that they claim concerns them so greatly.

Just as we could have had a partial-birth late-term abortion bill signed into law prohibiting frivolous late-term abortions 4 years ago if our pro-life colleagues had been willing to sit down in good faith and deal with their concerns, now today we find ourselves with another legitimate concern, the concern that no one, no one in this House, man or woman, wants to condone anyone harming a woman or her fetus at any stage in her pregnancy.

Yet, once again, like they did for the last 4 years, they wrote a law without consulting with the administration, without considering how can we actually solve this problem together, how can we protect pregnant women by working together. Instead, it seems to me the greater goal in developing this legislation was to make a point, that a fertilized egg a second after conception is a human being. We could have solved this problem they talk about today; but it seems to me, once again, as with the other legislation, that was not the ultimate goal.

Finally, I must raise the question if in this bill you define a child as a fertilized egg, then how can you philosophically be consistent in saying it is okay to allow abortion in cases of rape and incest? How can you say in this bill itself that it is okay for a woman to take drugs, it is okay for a woman to do something that might end up terminating her pregnancy.

It seems to me if you accept the definition of a child as being conception, then you are saying okay, it is okay to have murder in some cases, but not in other cases.

My primary point is, is it not time we stop this political posturing and sit down on a bipartisan basis with the administration? Whether it is the issue of late-term abortions or harming pregnant women, let us work together to find a solution that can be passed into law and actually do some good.

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

Mr. EDWARDS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to agree with the gentleman. There is no logic or consistency for tolerating abortion as a result of rape or incest. The little victim has committed no wrong or no crime. The gentleman is absolutely right, and it saddens me that that is in our law. Unfortunately, it recognizes the political reality, and we are saving some children, if not all that we should save.

Mr. EDWARDS. Mr. Chairman, I appreciate the gentleman's philosophical consistency. I respect that. Unfortunately, many of the others supporting the bill saying life begins at conception are not being consistent, are not being straightforward. I respect the gentleman greatly for being consistent. Even though I might disagree with the conclusion of his beliefs, the gentleman is consistent.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, first of all I want to thank the authors for this bill. My home State has a bill that protects unborn children in the case of the death of the mother.

I have been involved in delivering five babies to dead women, five. Three of them died, one of them is essentially going to be totally dependent all the rest of her life, and one is a bright, alive, awake child.

Four of those deliveries happened before Oklahoma had a law. There was nothing that happened to the person that killed the mother, ultimately, or the child. So what we are attempting to do here is a right thing; it is not a wrong thing.

We ought to talk about half-truths. The gentleman from Texas said that all we had to do was agree with the President on partial-birth abortion, that the health of the woman as an exception, and he would have signed it, which totally renders that bill useless. What it says is if you want to abort a late-term baby, you can; and you can just rationalize and say it is for the health of the mother, because she does not want the baby.

So I understand the gentleman's quest for consistency, but before we ask for a quest for consistency, we ought to ask for a quest for the fullness of all the facts before we make the statements.

The life, there is no question about it. There is no question about it genetically that life begins at conception. Based with the knowledge we have now in our country, we define death as the absence of brain waves and the absence of heartbeat. Before most women ever recognize the signs and symptoms of their pregnancy, their baby has those two things, a heartbeat and brain waves, and when our technology catches up with our hearts, then we will be able to prove scientifically that in fact a baby at conception is a human being.

I will grant, we cannot prove that now, but we certainly can at 41 days post-last menstrual period. We can prove that scientifically, just by using our definition of death.

So, again, I want to thank the gentleman for bringing this bill to the floor. It is way too late, it is way too late for all those children whose opportunity for life is going to be taken away in this next year, but maybe incrementally, and maybe when we have somebody of conscience that will sign the bills of conscience, we will have saved the lives we should be saving.

Ms. LOFGREN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this bill, and I thank my colleagues for their hard work on this issue.

We can all agree on one thing: that crimes against women that cause the loss of a pregnancy are tragic and deplorable acts. These crimes ought to be punished severely. However, this bill is not the way to achieve this goal.

This bill misses the point because it completely ignores the injury to the woman and instead it attempts to give new legal protections to the fetus as a way of undermining a woman's right to choose.

We are here debating a bill that will not provide any significant enhancement of our ability to prosecute criminals who harm pregnant women, because it only applies to cases prosecuted in the Federal court. Criminal acts of this type are almost never prosecuted in a Federal criminal court.

Before the Subcommittee on the Constitution of the Committee on the Judiciary a former special counsel to the U.S. Sentencing Commission testified that ''this bill is unnecessary and current Federal law already provides sufficient authority for the punishment of criminals who hurt fetuses.''

If we are serious about protecting women and their pregnancies from harm, we should be passing legislation that addresses the real world, common sense of these crimes.

What we need to be talking about today is the all-too-frequent occurrence of domestic violence. Sadly, in this country nearly one in three adult women experiences at least one physical assault by a partner during adulthood. Why are we not here debating the Violence against Women Act reauthorization to provide grants for law enforcement to crack down on sexual assault, domestic violence, and child abuse? We could be providing training for law enforcement to help them address domestic violence, counseling for women who have been attacked or abused, and funding for battered women's shelters.

I would be pleased to work with my colleagues on the other side of the aisle to pass a bill that addresses these deplorable acts against women and provides a strong and decisive tool for punishing those criminals who commit these horrific acts.

I am happy to support the substitute offered by the gentlewoman from California (Ms. LOFGREN), which establishes a sentencing enhancement of up to life in prison for an offense against a woman which results in the loss of her pregnancy. Rather than debating a back door attempt at undermining a woman's constitutional right to choose, we should be working together hand in hand to pass legislation that addresses the real nature of violence against women in this country.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader.

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

Mr. Chairman, I must say I am a little confused about this debate. I do not understand why it is so difficult to understand. Now, admittedly, Mr. Chairman, I stand before you a man. Pretty obviously, I have never been pregnant, and I never will be. It will be said, therefore, I cannot understand.

□ 1345

I must say, Mr. Chairman, I have been in close association with women who have been pregnant: My wife with our own babies, my beautiful daughter-in-law when pregnant with my grandson, friends who were pregnant with their babies.

What I have seen in my association with these lovely ladies in their pregnancy is one consistent pattern. Almost immediately upon learning they are pregnant, they begin and do put the baby first. They change their own patterns of behavior. They change their eating habits. They change many other patterns of behavior. They do so to protect that baby during that pregnancy. They have prenatal medical experiences that are elaborate, thorough and consistent.

I have heard it said by many people in the health profession and by many women in their pregnancies, there is no time, no time in that child's life, where their medical experience is more critical than when that child is receiving prenatal care.

We quite rightly observe that need, honor that need, and attend to that need while always putting the baby first.

We protect that child from illness during that time when the child is so fragile, and now we have brought before this body a piece of legislation that says that same child, in that same time, should be protected from violence. That baby should be protected from acts of violence.

How can somebody argue against that? It is perfectly possible for a pregnant woman to be assaulted and while being assaulted viciously suffer harm while her baby loses its life. Certainly we want that person that would assault that woman, whether pregnant or not, to be subject to the most stiff of punishments, and we have attended to that in this body and we do attend to it; but now we are saying that the baby must be attended to, too.

The baby is a life. That baby has a right.

I see people down here arguing against that protection for that baby who I have seen myself and heard with my own ears, in other times, in other venues, stand in this same room and argue most vociferously for the need for prenatal care, most eloquently.

I am confused, Mr. Chairman. How can the baby's need for prenatal care be recognized and then reject the baby's right to protection from violence?

I have heard arguments here that might be construed that this bill was written about or is written about or is perhaps wrong because it fails to be about the mother. The legislation was written for the baby.

Do we now have a situation where in this body we fail to honor the mother's sacrifice for the baby? Do we now fail in all the bills that come through this body to say that it is right, proper, necessary, indeed urgent, that in this bill, at this time, we do what every mother I have ever known does during this pregnancy, we put the rights of the baby first and foremost out there?

Mr. Chairman, I am proud of telling people that the first time I saw a picture of my baby grandson, Chris, he was only 5 months old, and when I saw that sonogram I knew he had his grandpa's eyes. Chris was entitled, at the time that picture was taken, to every bit of care he could get through the advances of modern medicine, and he was entitled to every bit of protection under the law that this Congress can afford him.

I will be absolutely heartbroken to believe that there can be anybody in this body that is given the high privilege of serving in this body that could find it in their heart to vote against that baby's right for protection. I just cannot believe anyone could be that cruel, heartless, and selfish.

Ms. LOFGREN. Mr. Chairman, I yield 6 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this misguided bill, as a mother of three, as a grandmother of five, because once again we are faced with a decent idea but, in my judgment, it has gone horribly awry.

The proponents of this bill have taken an important principle, the constitutional right of a woman to have control over her own pregnancy, and hijacked it, unfortunately, into the divisive world of abortion politics.

I want to make something absolutely clear from the outset. The loss or harm to a woman and her fetus is absolutely devastating to the woman and her family. As a mother and a grandmother, I cannot imagine a greater pain, frankly. Those who injure or kill a pregnant woman and her fetus should be severely punished and families should have appropriate redress for their loss.

Because we believe strongly that families should have the legal tools to have their loss recognized, we will offer a substitute that does just that, and I believe that the Lofgren substitute will demonstrate very clearly that there is a lot of common ground on this issue if we would only look for that instead of looking for ways to disagree.

Having said that, let me explain why the approach this bill takes is just another thinly veiled attempt to chip away at a woman's right to choose.

This bill would give a fetus the same legal recognition as you or I, for the first time in Federal law, the first time. Instead of addressing the real issue at hand, the horrible pain for a woman who loses a pregnancy to a cowardly, violent act, this bill is an ideological marker for the anti-choice special interests.

Frankly, this bill is just another way of writing a human life amendment. In fact, the National Right to Life Committee admits that it participated in drafting the bill and, according to the committee web site, the bill challenges that pro-choice ideology by recognizing the unborn child as a human victim, distinct from the mother.

If anti-choice Members of this House want to recognize the fetus as a person, I respect that. Do that. Bring a human life amendment to the floor and let us debate it and let us vote on it. But let us not tell pregnant women in this country that my colleagues are trying to protect them with this bill when there are existing Federal laws to do just that, and when we are willing to join my colleagues in addressing the tragic but rare cases where pregnant women are attacked.

The American people are smarter than they are being given credit for. They know my colleagues are proposing a political statement today, not a real solution. Let us not insult their intelligence this way. If my colleagues really want to crack down on cowardly criminals who would attack a pregnant woman, support the Lofgren substitute. It gets us to the same ends without the overtly political means.

If my colleagues are serious about protecting women in this country from violence, why do we not bring up the Violence Against Women Act for floor consideration? It has 174 cosponsors, almost double the number of cosponsors of the Unborn Victims of Violence Act. Where is it?

Reauthorizing VAWA is critical to effectively combatting violence against women. Every year, over 2 million American women are physically abused by their husbands or boyfriends. A woman is physically abused every 15 seconds in this country, and one of every three abused children becomes an adult abuser or victim. The Unborn Victims of Violence Act, unfortunately, Mr. Chairman, will not do anything for these women, but the Violence Against Women Act will make all the difference in the world.

Mr. Chairman, the Unborn Victims of Violence Act is not about protecting pregnant women from violent acts. It is yet another anti-choice attempt to undermine a woman's right to choose.

Time and time again I have stood on the House Floor and asked my colleagues to work with me, to help women improve their health, plan their pregnancies, have healthier children. It is tragic that every day over 400 babies are born to mothers who receive little or no prenatal care. Every minute a baby is born to a teen mother and three babies die every hour. It is tragic that one of three women will experience domestic violence in her adulthood.

Instead of finding ways to visit the divisive abortion battle, Americans want us to focus our efforts on providing women with access to prenatal care, affordable contraception, health education, violence prevention. If we truly want to protect women and their pregnancies from harm, then let us work together to enact legislation to help women have healthy babies.

I see my good friend, the gentleman from Illinois (Mr. HYDE). We have worked together on legislation to try and help women have healthy babies. I would love to continue to work with my good friend to do just that. Let us focus on that, but I would hope we would vote no on H.R. 2436.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, as my colleagues know, I have never participated in a pro-life or pro-choice debate on the floor of this House. I am usually the one sitting in the back of the room carefully reading the text, trying to decide what the right thing to do is, but I came here today because I think this one is so clear.

I do not understand why we spend so much time arguing about how many angels dance on the head of a pin instead of trying to look at what is right and what is wrong. One can be the most pro-choice person in this body and vote in favor of this bill with enthusiasm because it is not about the unwanted pregnancies; it is about the wanted ones.

Most of the women in this House have been blessed with being moms. Those are the children that we prayed for, we waited for, we read books to, we sang to. If someone deprives us of our choice to bring that child into the world, it is wrong; and it should be a crime to do so.

We talk about taking attention away from the problem of domestic violence and my colleague, the gentlewoman from New York (Mrs. LOWEY), knows that I am cosponsoring many of those pieces of legislation that she is so strongly in favor of, but it does not make any sense to me to say that caring about the lost child somehow demeans that child's mother.

If there are children in this room and something goes wrong, all of us do what is natural and what is also good. We protect the children. We protect the children. It is both natural and admirable and I commend the gentleman for bringing forward this bill.

Ms. LOFGREN. Mr. Chairman, I yield 4½ minutes to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

MR. NADLER. Mr. Chairman, I thank the gentlewoman from New York (Ms. LOFGREN) for yielding time.

Mr. Chairman, we have a large problem in this country with violence against women, and it is obviously a great tragedy if a physical assault against a woman results in damage to the fetus she carries and damage to the baby when it is born or, God forbid, in a miscarriage.

□ 1400

Such an assault should clearly be punished more severely than an assault on her that does not harm the fetus. Both the bill before us and the Lofgren substitute would accomplish this end.

Both provide for penalties up to life in prison. Both suffer from the fact that they amend only Federal law. Of course, most cases of violence against women are prosecuted in State courts, and so it would be unaffected by either the bill or the substitute.

If we really want to protect women and their unborn children, we should pass the Violence Against Women Act, too. But that is not, that is not, I repeat, the real purpose of this bill. If it were the real purpose, the sponsors would agree to the Lofgren substitute, which provides for enhanced sentences up to life imprisonment for people who, while assaulting the woman, injure or kill the fetus.

But they will not accept the substitute. Why not? Because the real purpose of the bill is, as the distinguished chairman the gentleman from Illinois (Mr. HYDE) and the gentleman from South Carolina (Mr. GRAHAM), the sponsor of the bill, have admitted is not to protect the mother or the fetus, but to establish the status of the fetus or the embryo or even the zygote as a legally separate person, and thus to undermine the Roe v. Wade decision, legalizing a woman's right to choose an abortion.

Neither the Congress nor the Federal courts have ever recognized the fetus as a separate person. The gentleman from Illinois (Mr. HYDE) was eloquent in his description of the separate personhood of the fetus. That of course is the central question in the abortion debate. If an embryo or fetus is, in fact, a separate person, then abortion is murder.

Now, some people may think that. A majority of the Americans may not agree. But the gentleman from Illinois (Mr. HYDE), the gentleman from South Carolina (Mr. GRAHAM), and others are entitled to their opinion. They are entitled to introduce a constitutional amendment to try to overturn Roe v. Wade and to send desperate women back to the back alley coat hanger abortionists. We would fight that, but at least we would have an honest debate on the real issue.

But do not ask us to vote for a bill to undermine a woman's right to choose an abortion disguised as a bill to protect victims of violence. Be honest with us and with the American people. Be direct.

If my colleagues' interest is to protect the mother and the fetus, then they should support the Lofgren substitute, because it does exactly that up to life imprisonment.

But if my colleagues' intent is to establish the legal status of a fetus as a separate person, then they support this bill. That is a totally new concept in Federal law. Congress and the courts have never agreed with that. It undermines Roe v. Wade. It undermines a woman's right to choose. That is the real purpose of this bill.

It also establishes another novel legal concept that we should punish somebody specifically when there is no intent. That is undermining the general intent of the criminal law.

So the real question is not protecting women. We can protect women. Support the Lofgren substitute. Bring up for a vote the Violence Against Women Act. Bring that to the floor.

Do not pretend that this is what this is. This is simply an assault on abortion. As the gentlewoman from New York (Mrs. LOWEY) said, it is a disguised human-life amendment. That is its purpose. I do not believe we should act on this floor with subterfuge.

If that is my colleagues' purpose, say so. The gentleman from Illinois (Mr. HYDE) was honest about it. But we should have a direct bill to do that and not try to disguise it under assaults against women, which this is.

I would hope that we would adopt the Lofgren substitute so that we can protect women so that we do express our horror and give additional heavier penalties to someone who assaults a woman and harms and kills the fetus and causes a miscarriage, but not get involved in the other debate, which we should debate in a different time, rather, on the issue of whether we want to ban abortions and send women back to the back alley coat hanger abortions.

A vote for this bill and against the Lofgren substitute is exactly a vote to do that, to say to desperate women they have no right to choose and we want to undermine abortion. Those who say it is not because we exempt it in the bill are not recognizing the real intent and the purpose and effect of the bill.

So I urge a vote for the Lofgren substitute.

Mr. CANADY of Florida. Mr. Chairman, I would inquire of the Chair concerning the amount of time remaining on both sides.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 34 minutes remaining. The gentlewoman from California (Ms. LOFGREN) has 33½ minutes remaining.

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

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, the recent cover of a Newsweek Magazine featured the image of a preborn child. The article went on to discuss the latest scientific findings that what happens to the preborn in the gestation period will affect the health and the life of that person for the rest of their life.

Now, Newsweek is not a publication that has probably been sympathetic to the cause of the preborn. But this article reinforces something that we have all known intuitively; and that is, what happens to the preborn is important, and it will have lasting impact on their life.

Now, Congress has noted this in the past, because Congress has supported nutrition programs and prenatal programs. But, ironically, under current Federal law, a person who assaults a woman and who kills or injures that unborn child faces no criminal, none whatsoever, no consequence, no criminal action for the death or injury to that child.

This bill seeks to change that. It simply says that violent criminals are going to be held responsible and accountable for the violence that they incur.

There is some irony, Mr. Chairman, that one of the great achievements I think of this century, when history looks back on it, has been the fight for the civil rights of minorities. I believe that one of the greatest tragedies of this generation has been its failure to extend those basic civil rights to the preborn, civil rights that we take for granted: the rights of due process and equal protection and the basic right to life.

The great irony is that, in this great deliberative body, that there are so many who have benefited so much by the civil rights movement stand so firmly against extending those basic human rights, the right to be protected against violence to the most innocent and the most fragile in our society, the preborn.

I urge support of this bill.

Ms. LOFGREN. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to H.R. 2436, the Unborn Victims of Violence Act. According to its sponsors, the legislative intent is to protect pregnant women from violence. Instead of protecting pregnant women, this legislation focuses on giving legal protection to any ''member of the species Homo sapiens,'' and I quote, ''at all stages of development.'' This includes the zygote, a blastocyst, and an embryo or fetus.

Instead of protecting pregnant women from violence, this legislation would impose the same sentence for attacking an unborn fetus which the Supreme Court has ruled is not a person as is imposed for attacking the victim, the pregnant woman, a recognized person under law.

The true legislative intent of this piece of legislation is to bestow upon the fetus the legal standing of a person.

The United States Supreme Court has already ruled an unborn is not a person and does not receive legal rights. Even Justice Antonin Scalia, a staunch opponent of Roe v. Wade agrees with this position.

I rise to speak for a moment about some of the legal aspects of this bill, since it seems, so far, we have only been caught up in a discussion of things that pull on the heart strings of the American public.

Not a person who stands on the floor today would say that it is unfortunate, it is a terrible incidence that a pregnant woman would be caused to lose her baby or even lose her own life.

I quote the Justice Department, as follows: ''The Justice Department strongly objects to H.R. 2436 as a matter of public policy and also believes that in specific circumstances, illustrated below, the bill may raise a constitutional concern. The administration has made the fight against domestic violence and other violence against women a top priority. The Violence Against Women Act (VAWA), which passed with the bipartisan support of Congress in 1994, has been a critical turning point in our national effort to address'' the issue. ''VAWA, for the first time, created Federal domestic violence offenses with strong penalties to hold violent offenders accountable.''

H.R. 2436 expressly provides that the defendant need not know or have reason to know that the victim is pregnant. The bill thus makes a potentially dramatic increase in penalty turn on an element for which liability is strict.

As a consequence, for example, if a police officer uses a slight amount of excessive force to subdue a female suspect, without knowing or having any reason to believe that she was pregnant, and she later miscarries, the officer could be subject to mandatory life imprisonment without possibility of parole, even though the maximum sentence for such use of force on a nonpregnant woman would be 10 years. This approach is an unwarranted departure from the ordinary rule that punishment should correspond to culpability.

As a former prosecutor, I was always alarmed when I saw Congress moving to legislate a new crime solely for the purpose of political leverage and attention, instead of looking to the real impact such legislation could have. I believe this is the case here.

If this Congress was truly interested in protecting pregnant women, we would have passed gun control and gun safety legislation, because, as a result of domestic violence, guns are in our homes, and they are used against women who are pregnant or not pregnant. In light of the fact that it is a major target, domestic violence is a major target of Violence Against Women's Act, we need to address the many ways women are attacked at home.

I would think that, if we were talking about doing something to assist pregnant women and protect unborn children, we would be talking about other issues on this floor instead of wasting our time talking about a piece of legislation that has, in fact, nothing but a political remedy to it.

The gentleman from Illinois (Mr. HYDE) says ''moral imagination.'' The women in this House do not have to have moral imagination. Many of them have had children. Many of them may have, in fact, suffered from miscarriages or other incidents where they have lost their children. But it does not rise to the level where we want to change or put into effect a law that is unconstitutional.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, it is amazing to me what length me people will go to sustain a myth, believe the unbelievable, and aggressively market a collective sense of denial concerning a profound truth.

Mr. Chairman, at a time when we know more and understand more about the magnificent life of an unborn child than ever before in history, at a time when doctors can diagnose and treat serious anomalies that afflict these smallest of patients, at a time when ultrasound imaging has become a window to the womb, revealing the child in utero, sucking his or her thumb or doing somersaults or even little karate kicks, along comes the pro-choice lobby, outraged, angry, fuming, that anyone dare challenge their big lie and suggest that unborn children have innate value, worth, and dignity.

At all costs, abortion advocates must cling to the self-serving fiction that unborn babies are something other than human and alive. By systematically debasing the value of these children, it has become easier for adults to procure the violent deaths of these little ones if they happen to be unwanted, unplanned, or imperfect.

But the inherent violence of abortion is not what is addressed by this bill. As a matter of fact, abortion is expressly outside the scope of this legislation. I say to my colleagues, read the bill.

So for now at least, I say to the advocates of abortion, go ahead, pat yourselves on the back. You have won for now. As a result of Roe versus Wade and its prodigy and 26 years of congressional acquiescence, 40 million unborn babies in America have been dismembered or chemically poisoned or have had their brains sucked out by what some euphemistically call choice.

But that should not mean that murderers, muggers, and rapists should also have that same unfettered ability to maim or kill an unborn child without consequence.

The Unborn Victims of Violence Act is designed to deter and, if that fails, to punish the perpetrators of violence against unborn children in the commission of a Federal offense.

The bill, as we know, would apply to some 65 laws that establish Federal crimes, including violence. H.R. 2436 does not diminish existing law concerning violence against women in any way, shape, or form, but adds new penalties and seeks justice for the harm or death suffered by the child.

Thus, if this legislation is enacted into law, our laws against violence will be stronger, tougher, and more comprehensive. H.R. 2436 merely adds new penalties to existing ones and tracks existing statutes currently in force in approximately 24 States.

□ 1415

This initiative adds layers of deterrence and punishment so that violent offenders can be held to account for all of the damage and injury or death and heartbreak they have inflicted on innocent victims.

The Unborn Victims of Violence Act, Mr. Chairman, recognizes in law the self-evident truth that an assault on a pregnant woman is an attack on two victims. Both lives are precious; both lives deserve protection.

This is truly a humane and necessary legislative initiative, and I congratulate the gentleman from South Carolina (Mr. GRAHAM) for his wisdom and courage in authoring this bill and the skill and tenacity of the gentleman from Florida (Mr. CANADY), the chairman of the Subcommittee on the Constitution; and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, in shepherding this legislation to the floor.

I urge all my colleagues to vote ''yes'' and against the substitute.

Ms. LOFGREN. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I wish we could come together in this country on the very difficult question of abortion. I think there are people of good will on both sides of this issue.

I know that in my own life I have tried my best to reach out. I have had a long dialogue with a pastor in my district to see if there is not some middle ground, something we can take as a position that all reasonable people would agree with. There is some hope in that regard. For example, to emphasize adoption rather than abortion; to emphasize personal responsibility and try to teach family planning.

Today's bill, I am afraid, is a step in the opposite way, and that is why I am opposed to it. The bill states something that many people of very sincere faith hold dear: namely that a person begins at the earliest possible moment of conception. That is what the bill says. It does not use the word conception, but it says, ''a member of the species Homo sapiens from the earliest possible point of development.''

I know people of good will believe that. But the truth is that there are other people of good will who do not. And there are people of good will who do not know exactly when life begins and who recognize that it is a process that certainly has a start at conception and certainly has a very significant point at birth and somewhere in between we might say miracle life, human life.

But are we prepared today to say that we know for certain, for everybody in a Federal Congress, through the criminal law, that life begins at conception? I do not think so, not in a government that is explicitly respectful of differences of religious belief. Because it is fundamentally a religious question. When does life begin is a religious question.

If our purpose today is to punish people who harm a pregnant woman, we can do that. What we should have is an enhanced penalty for causing a miscarriage. I would vote for that in a second.

And if the purpose were to deter the attacks on a woman who is pregnant, then the statute should be written so that if the pregnancy of the woman would be evident. Instead, the statute is written so that even if the defendant does not know, and does not have any

way to know that the woman is pregnant, the law applies. So that, quite literally, a murder statute would be applicable against an individual who pushes a woman in an altercation leading to a miscarriage, even in the very first, earliest part of her pregnancy.

I wonder if that is really what we intend to do today. If we intend to protect a pregnant woman against attacks, then we ought to say where the individual should have known or did know that the woman was pregnant. Obviously, that is how we would deter wrongful conduct.

These points are simple, but they are from my heart. I would love to bring this country together. What we are doing today, instead, is that people of very good will, driven by faith, for which I have the greatest respect, are, despite that good faith, imposing their religious opinion on those who do not share it. And I do not believe that is right, and I do not believe it is consistent with our constitution and with our obligation as Members of this House.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I just want to remind my good friend, the gentleman from California (Mr. CAMPBELL), of the doctrine of transferred intent, which I am sure, as a law professor, he is very familiar with. For example, if an individual is driving the get-away car in a bank robbery and, meanwhile, unbeknownst to that driver, a murder occurs and the guard is killed, the driver of the get-away car is guilty, even though he did not know.

Now, if someone assaults a woman and injures her and she is pregnant, that person intended the crime and they must intend the consequences.

I feel very awkward lecturing a professor.

I have one more thing to say. If an individual does not know when life begins, but they want to kill it, where do we give the benefit of the doubt?

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

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

Mr. CAMPBELL. The benefit of the doubt should be to respect the individual conscientious judgment of people who have faiths that may not be identical to our own.

Mr. HYDE. Mr. Chairman, reclaiming my time, I am sorry, but I do not agree. I think we have to protect the little innocent life.

Mr. CAMPBELL. Mr. Chairman, if the gentleman will continue to yield, I would like to respond to the doctrine of transferred intent.

The difference here is that there is a punishment for hurting the woman. Every act that this statute would reach could be punished because the woman is hurt, and that is not the case in the gentleman's bank robbery example.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise today in support of the Unborn Victims of Violence Act. Surprisingly enough, when a pregnant woman is the victim of a Federal crime, any resulting injury to her unborn child goes unpunished. This measure is long overdue.

H.R. 2436 establishes that if an unborn child is injured or killed during the commission of a Federal crime of violence, then the assailant could be charged with a second offense on behalf of the second victim, the unborn child.

Twenty-four States already have laws that explicitly recognize unborn children as victims of criminal acts, 11 of these throughout the period of their in utero development. It is high time that we have the same protection provided for unborn children at the Federal level.

Now, extremist defenders of the abortion industry will try to make this bill look like it is taking away the right of a woman to abort her child. This is not true. H.R. 2436 does not permit the prosecution of any woman who has consented to have an abortion, nor does it permit the prosecution of the woman for any action in regard to her unborn child.

What this bill does, however, is protect unborn children whose mothers are physically assaulted, beaten, maimed, or murdered. What we are saying in this bill is that if someone's wife or sister or daughter or friend loses her unborn baby because the child died in the uterus when the mother was being beaten or killed, the perpetrator of the crime should be held responsible.

Our country desperately needs this Federal law. Last month in Little Rock, a woman who was 9 months pregnant was severely beaten by thugs allegedly hired by her boyfriend. Sadly, they accomplished their goal and the baby was killed. Under Federal law, the crime would be against the woman only. There is no accountability for the killing of the child who was 3 days away from being born.

Yet another example. Ruth Croston was 5 months pregnant when, on April 21, 1999, she was killed by her husband. She and her unborn daughter died after being shot at least five times. The husband was prosecuted in Federal Court for domestic violence and using a firearm in the commission of a violent crime, but no charges, no charges were brought for the killing of the unborn baby girl, and this brutal act goes unpunished.

The absence of Federal protection of these unborn children is nothing short of a tragedy. The list of tragic stories goes on and on and on. This is exactly why we need this bill to be passed in the House today and signed into law by the President.

H.R. 2436 enables the Federal Government to recognize that when a pregnant woman is assaulted or killed within its jurisdiction, and her unborn child is harmed or killed as a result of the crime, there are two victims, the woman and the child.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume to note that neither the bill nor the substitute would apply to the instances of violence just referenced, because those are State offenses and there is no Federal predicate.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, there is no mistake about this, the loss of a pregnancy through violence to a woman is a major, major tragedy for the woman and her family. It is absolutely necessary that we punish any violent crime committed against a pregnant woman who miscarries due to a crime against her. But, Mr. Chairman, we have to hear the words from the other side of the aisle. This bill is not about punishing criminals, it is about taking reproductive rights away from women. It is about abortion.

The Lofgren substitute, however, recognizes that when harm comes to a pregnancy, it happens to the pregnant woman; and, yes, the violator must be punished. The underlying bill, however, is a sneak attack on Roe v. Wade and would threaten a woman's reproductive rights.

Support for the Lofgren-Conyers substitute shows true concern about violence for women, and it must be passed. But let us not stop there. Let us take real steps to make our government work for women, for their families, and for their children in many other ways. Let us protect them against violence in the first place. Let us give them paid family leave, let us prepare them for the 21st century work force, and provide safe, affordable child care.

But we can start, Mr. Chairman, by voting for the Lofgren substitute, which shows that we care what happens to women when they have been violated in any crime that would hurt them and their unborn child.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Chairman, on this floor we debate and deal with many issues that are very complex. This is not one of them. I truly believe in my heart that my colleagues can be the most pro-choice Members of this body and vote for this legislation. In fact, I find it unconscionable that anybody could not support this issue.

Medical technology today is amazing. I remember when my wife and I were

having four children of our own. We could go into the doctor, and we looked forward to the day when we could go in and listen to the child's heartbeat. Today couples can see the child through the sonograms and all the technology that we have today.

The real issue that this bill deals with is loss. The question is, and I think it is the fundamental question that this bill addresses: is there a loss? If we were to go to that young soon-to-be-father or mother and ask them, when they have been victims of violence and they have lost that child that they have seen and possibly even named, that they know the sex of, that they can see sucking its thumb, kicking, so on and so forth, if we ask them, has there been a loss, the answer is yes.

Support H.R. 2436.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. My colleagues, the hypocrisy is incredible to me, just to hear the gentleman from Oklahoma (Mr. LARGENT) talk about the sanctity of the human life and how any pro-choice person in this body ought to be able to vote for this bill. How in the world can they honestly say that they are for the sanctity of life and then gladly and proudly come out and say that this bill would not affect a woman's right to choose and have an abortion?

I am just astounded by those who are so pure on this side of the aisle; that they get up, like the gentleman from Florida (Mr. WELDON), who got up and was so pure about relieving our consciences of the fact that this would not, please, no one mistake the fact that this is going to undermine Roe v. Wade. It is not going to undermine Roe v. Wade. Women are still going to be able to have an abortion. That is what the gentleman from Florida (Mr. WELDON) was saying; that is what the gentleman from Oklahoma was saying. They are saying to pro-choice people like myself that we can vote for this because our constituents will still have the right to a safe, legal abortion.

I mean, it is just so incongruous that the very people who are saying that they believe so much in the sanctity of life are now proposing a bill that they willingly admit does not protect the very people they think need to be protected.

Now, in addition to being intellectually dishonest, this bill is a farce. It talks about the unborn victims of violence. What about the born victims of violence? What about the 13 and 14 kids that are killed every day in this country by guns that this leadership fails to bring up on the floor because they are in bed with the gun lobby? What about the fact that we have members who want to get up on the floor and talk all about the sanctity of human life and spreading those civil rights that they say that we stand so much for and then saying we ought to be for the unborn child?

□ 1430

What about for the born child? What about for the child that is already here? Have my colleagues ever looked at the indices for spending that this Republican budget spends on inner-city kids from minority families who are on the WIC program, who are trying to get Headstart? And those people pretend that they are for the human life?

Do they not value the human life of one in four kids in this country who are in poverty? And they want to cut the earned income tax credit?

This is a farce. I do not need to say any more. This is a farce.

. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

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

Mr. Chairman, I want to respond to the gentleman from Rhode Island (Mr. KENNEDY). Of course we should be concerned about our children. I think that we are in this body. But this issue that we are addressing today is to protect a woman who wants to carry a child all the way to term and to have that child, and that is what we speak of in the right to choose.

If someone decides to have an abortion, that is protected under the Constitution. It is not inconsistent because we might be pro-life and we cannot change that, and so we look at this law as an opportunity to protect the mother's right to have a child when she makes that decision. Surely someone that believes in the right to abort a child would concede that if a woman makes a decision to carry a child to term that that decision should be respected.

Then the gentleman from New York previously said, well, why pass this law because it does not cover State law and that is where most of the assaults against women occur? Well, obviously, that is true. And many of the States are addressing that. But it is important that we do what we can in this body to protect women. Our responsibility is to look at the Federal law, and that is what this bill does.

Then there are those that argue, well, present law is sufficient. Well, under the present law, under the Federal system, a perpetrator of violence against a woman can only be charged for assault and battery. This brings it to another level so that, if the unborn child is killed, then it can be actually a homicide case. The present law is not adequate. There are those that argue that sentence enhancements is sufficient. Well, it is not.

Let me tell my colleagues about the case from Arkansas that has already been referenced. In Arkansas, we did not have a fetal protection law until the last session of the legislature, where the legislature wisely adopted a law that would protect that unborn child in the event of assault upon a woman. This year it came into play when Shiwana Pace was assaulted brutally by three assailants who were hired by the father of the child.

The father of the child says, I do not want this child to live. So he hired three hit men to go and to beat that child. And while they were beating the woman in the stomach, they said, today your child dies. And the nine-month-old pregnancy was ended and the unborn child died.

Under the old law, they could only be prosecuted for assault and battery upon the woman. But because Arkansas adopted the fetal protection law, an actual murder case was able to be lodged by the prosecutor to protect the woman and to really reflect the loss that she suffered because she wanted to have that child.

The old law was not sufficient. Sentence enhancement was not sufficient. It was Arkansas' new law that really brought the criminal justice system to bear on the true loss to that woman who decided that she wanted to carry that child in her womb all the way to birth. And so, a Federal law is needed, as well, to accomplish the same thing, to protect the woman fully.

Ms. LOFGREN. Mr. Chairman, I would like to quote some of the editorial that ran in the New York Times on September 14. The editorial is entitled ''On a Dangerous Path to Fetal Rights.''

The New York Times points out: ''Congressional opponents of abortion rights have come up with yet another scheme to advance their agenda. Called the 'Unborn Victims of Violence Act,' . . . the measure aims to chip away at women's reproductive freedom by granting new legal status to 'unborn children'—under the deceptively benign guise of fighting crime. . . .

''No one would quarrel that an attack on a pregnant woman that results in a miscarriage or prevents normal fetal development is a tragedy. Extra severe penalties in such cases may be appropriate. But that can be done by prosecuting a defendant for assaulting the pregnant woman. The pending bill, however, treats the woman as a different entity from the fetus—in essence raising the status of a fetus to that of a person for law enforcement purposes—a longtime goal of the right-to-life movement.

''The bill contains exceptions for medical treatment and legal abortions. That has allowed the bill's sponsors to assert that the measure has nothing to do with the abortion issue. But that view is disingenuous. By creating a separate legal status for fetuses, the

bill's supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underpinnings of the Supreme Court's ruling in Roe v. Wade. Sending the nation down a legal path that could undermine the privacy rights of women is not a reasonable way to protect women or to deter crime.''

I could not agree with that more.

Mr. Chairman, I yield 3 minutes to my colleague, the gentlewoman from Maryland (Mrs. MORELLA.)

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in opposition to the Unborn Victims of Violence Act. For the past 12 years, 13 years really, as a Member of this House, I have worked to secure health care for women and children, to fight against domestic violence, and to protect a woman's right to choose. I believe that this legislation would reverse our triumphs and our progress over the decades.

I believe that the true intention of this legislation is to ultimately redefine when life begins and reverse the Supreme Court ruling of Roe v. Wade. No one here should think that this is not a debate on abortion.

H.R. 2436 is said to be protection for pregnant women against a violent crime. But the words ''mother,'' ''women,'' or ''pregnant women'' are just not mentioned in the language of the bill.

I would proudly support a bill to prevent and punish the violent crimes against pregnant women within our society, but this bill ignores where and when these crimes most often occur.

The Unborn Victims of Violence Act lists Federal crimes, such as ''damage to religious property'' and ''transaction involving nuclear materials'' and situations where a ''Homo sapien in any stage of development within the womb'' would receive protection.

How is this bill helping the 37 percent of women who need to receive emergency help because of their husband or boyfriend? Where is the legislation in maintaining a restraining order when a woman flees to another State?

If we want to protect women and their children from violence, let us debate funding for shelters and hotlines that are overrun by women in danger to broadly address where violence occurs.

Fundamentally, the Unborn Victims of Violence Act is legislation that seeks to redefine when life begins. I support the landmark decision of Roe v. Wade in 1973 that established a woman's right to choose to terminate a pregnancy while also allowing individual States to determine the legality of such decisions as a pregnancy proceeds.

Thirty-nine States have strengthened laws to protect either a pregnant woman or her pregnancy with specific determinations of personhood and in cases of violent crime. Any new Federal law should protect a pregnant woman without threatening a woman's right to choose.

I strongly urge my colleagues not to jeopardize the decisions women can make about their own bodies and to vote no on H.R. 2436.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 20 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 15½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in support of the Unborn Victims of Violence Act, a bill that brings justice against a criminal for harm done to two victims, not just one. Both lives are precious. Both lives deserve protection.

Many States do already recognize unborn children as victims of such crimes. For instance, my home State of Pennsylvania, like more than 20 others, does have such a law. It is called the Fetal Homicide law. This law, I might add, receives support from both pro-choice and pro-life legislators. Why, then, can we not take what are protections in many of our States to protections in Federal crimes?

The Unborn Victims of Violence Act was designed to address a flaw in our law which says right now that there is no punishment for the injury or harm to an unborn child during a Federal crime. Should we ignore the violence that women and their unborn children undergo from violent criminals, characterizing the injury or even death of the child as ''an interruption in the normal course of pregnancy''?

I submit that it is much more than that. If such a Federal law were in place, we could punish some of these criminals for their terrible actions and incidents ranging from the tragic story of the woman in Arkansas whose near-term infant was beaten to death inside her body to incidents with which we are all familiar where pregnant women and their unborn children are killed, like the bombing of the World Trade Center or even the Oklahoma City bombing.

Do not let such criminals go unpunished for the lives they have devastated and ruined. Let us make those criminals pay for the lives they seek to destroy and, in many cases, successfully do so.

This bill is not about abortion or abortion politics, as the opponents have alleged. It is about providing justice for both victims in the crime. Vote for the Unborn Victims Violence Act.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, the arguments made by the supporters tug at the heart strings of the Nation. Yet we, as legislators, know better. We know that the American people want us to do justice, not just pontificate, or what makes a great sound byte, or as a shelter for the lack of work we have done in other areas.

I have to compliment my colleague, the gentlewoman from New Mexico (Mrs. WILSON), for such an elegant and heartwrenching speech and presentation. Yet she missed the point. It is possible to address the issues of H.R. 2436 without trespassing on the reproductive rights of women in this country.

None of the opponents of this bill have argued that abortion can be prosecuted under this bill. They keep saying that we are saying that we do not want abortion dealt with so we are opponents of the bill. We have not argued that, because we see clearly in the bill it deals with setting aside abortion as a possible offense.

But what we are arguing is that the bill is an effort to erode a woman's right to choose. And it is. They said it. They know it. The paper knows it. Everybody knows it. They are trying to erode Roe v. Wade.

Now, the other thing that must be made clear is, in the Arkansas situation that was argued, in the North Carolina situation that was argued, those were State offenses and there were no underlying predicate acts. In fact, in this legislation that is being presented today on the floor, there is no underlying predicate act in this bill.

State law can be prosecuted without any further Federal legislation. What we are saying is, if this is a State law and this is a State issue, let it be dealt with in the State court. We do not need to pass any more legislation that is dealt with in State legislate.

In fact, let us think about it like this. I think that is the argument that the gun proponents made when we were talking about passing the Brady bill, State law already handles it so why pass Federal legislation.

In fact, I think that is the argument we made just the other day when we wanted more gun control, we do not prosecute enough gun control laws right now. Why pass any more?

Same thing here, let us not pass any more laws that we do not need. State law deals with this.

□ 1445

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

Mr. Chairman, I want to thank the gentleman from South Carolina (Mr. GRAHAM) for his very thoughtful and diligent work on this important and carefully constructed legislation that will help close an unfortunate gap in

Federal law. Since the gentleman from South Carolina has so ably and thoughtfully explained the legislation earlier in the debate, I would just like to take a few minutes to address several of the legal issues that have been raised regarding H.R. 2436.

First, questions have been raised about the constitutional authority to enact this legislation. That is something that we heard quite a bit about when the bill was debated in the Committee on the Judiciary. I submit to the House that the challenge to the bill on this ground is totally without merit. It is clear that Congress has such constitutional authority because the bill will only affect conduct that is already prohibited by Federal law.

H.R. 2436 merely provides an additional offense and punishment for those who injure or kill an unborn child during the course of the commission of one of the existing predicate offenses set forth in the bill. If there is any question regarding the constitutionality of the act's reach, that question is more properly directed to the constitutionality of the predicate offenses that are already established in the Federal law and not to H.R. 2436 itself.

Opponents of the legislation have also argued that it somehow violates the decision of the Supreme Court in Roe v. Wade which was decided in 1973. There are variations on this argument, this argument is framed in different ways, but that is what it boils down to. They are saying there is an inconsistency between this statute and the decision of the Supreme Court in Roe v. Wade. Once again, I submit to the House that this argument simply makes no sense.

To begin with, H.R. 2436 does not apply to abortion. It is very important to understand that. It was acknowledged just a minute ago, but I think there are some people who have made arguments against this bill who do not really understand that. I would direct the Members' attention to pages 4 and 6 of the Union Calendar version of this bill where prosecution is explicitly precluded for abortion-related conduct. It is right there in the bill, an exemption for abortion-related conduct. The act also does not permit prosecution of any person for any medical treatment of the pregnant woman or her unborn child or of any woman with respect to her unborn child. So it is very clear in the bill. There should be no doubt about these provisions of the bill.

Let me go on to say that there is nothing in Roe v. Wade that prevents Congress from giving legal recognition to the lives of unborn children outside the parameters of the right to abortion marked off in that case. In establishing a woman's right to terminate her pregnancy, the Roe Court explicitly stated that it was not resolving the difficult question of when life begins, and that is the terminology that the Court specifically used. They said they were not resolving that. They said they were not resolving the difficult question of when life begins, because the judiciary at this point in the development of man's knowledge is not in a position to speculate as to the answer. That is what the Supreme Court said. What the Court did hold was that the government could not override the rights of the pregnant woman to choose to terminate her pregnancy by adopting one theory of when life begins. The focus there was on the right of the pregnant woman. I think anyone who understands Roe and the cases that follow that understand that that is what the focus was. That is undoubted. That is unquestioned. Anyone that is not aware of that should read the case.

Courts addressing the constitutionality of State laws that punish killing or injuring unborn children have recognized the lack of merit in the argument that such laws violate Roe v. Wade and as a result have consistently upheld those laws. This is important to understand. This is not a question of first impression here in this House. This is not a matter of doubt or uncertainty. Laws similar to the law under consideration here today have been adopted in a range of States across the country. Those laws were challenged in court and the courts consistently upheld them.

Let me give my colleagues some examples. In Smith v. Newsome, which was decided in 1987, the 11th Circuit Court of Appeals held that Roe v. Wade was, and I quote, ''immaterial to whether a State can prohibit the destruction of a fetus by a third party.'' That is what the 11th Circuit said.

The Minnesota Supreme Court echoed that sentiment in 1990 in the case of State v. Merrill holding that, and once again I quote, ''Roe v. Wade protects the woman's right of choice; it does not protect, much less confer on an assailant, a third-party unilateral right to destroy the fetus.''

In 1994, the California Supreme Court held in People v. Davis that ''Roe v. Wade principles are inapplicable to a statute that criminalizes the killing of a fetus without the mother's consent.'' That is what the California Supreme Court had to say. I do not think anyone would accuse them of being soft on the issue of abortion rights.

In State v. Coleman which was decided in 1997, the Ohio Court of Appeals stated that ''Roe protects a woman's constitutional right. It does not protect a third party's unilateral destruction of a fetus.''

Opponents of this legislation have also argued that the use of the term ''unborn child'' is ''designed to inflame.'' They contend that the use of this term may, in the words of those dissenting from the Committee on the Judiciary report, and I quote them, ''result in a major collision between the rights of the mother and the rights of'' the unborn. That is what the real objection to this bill is about. It is about the use of the term ''unborn child'' in this bill. I think the opponents of this bill, if they are candid, will acknowledge that. That is the focus of their objection. They do not like the use of that terminology. Let me say that this objection, in fact, reflects nothing more than the semantical preferences of radical abortion advocates, and is based on an apparent lack of knowledge of the widespread use of the term ''unborn child'' in the decisions of the United States Supreme Court and the United States Courts of Appeals, as well as in State statutes and court decisions, and even in the legal writings of abortion advocates.

The use of the term ''unborn child'' by the Supreme Court can be illustrated by reference to Roe v. Wade itself, in which Justice Blackmun used the term ''unborn children'' as synonymous with ''fetuses.'' Justice Blackmun also used the term ''unborn child'' in Doe v. Bolton, the companion case to Roe in which the Court struck down the Georgia abortion statute.

Let me also bring the attention of the Members to a 1975 case, a case decided not long after the Roe decision. This is the case of Burns v. Alcala, where the Court held that unborn children were not dependent children for purposes of obtaining aid under the Aid to Families With Dependent Children program, commonly known as the AFDC welfare program. Not only did Justice Powell use the term ''unborn child'' in the majority opinion in Burns, but Justice Thurgood Marshall dissented in the case and argued that unborn children, and I quote, ''unborn children,'' those were his words in his dissent, should be covered as dependent children under AFDC.

Now, would the opponents of H.R. 2436 seriously contend that Justice Marshall was undermining the legal structure of abortion rights by arguing that unborn children should be recognized under a Federal statute? Do they seriously contend that that was the impact of what Justice Marshall said in his opinion? As we all know, Justice Marshall was a vigorous proponent of abortion rights. I would encourage the Members to read his opinion.

He starts off in his dissent saying, ''When it passed the Social Security Act in 1935, Congress gave no indication that it meant to include or exclude unborn children from the definition of 'dependent child.' Nor has it shed any further light on the question other than to consider, and fail to pass, legislation that would indisputably have excluded unborn children from coverage.'' That is right there in Justice Marshall's dissent in 1975. He goes on and talks about unborn children

time after time. He ends up his opinion dissenting from the judgment of the Court in this case by saying, ''I cannot agree that the act, in its present form, should be read to exclude the unborn from eligibility.'' That was Justice Thurgood Marshall.

Subsequent Supreme Court decisions have also used the term ''unborn child'' as synonymous with ''fetus.'' These cases include City of Akron v. Akron Center for Reproductive Health, decided in 1983; Webster v. Reproductive Health Services, decided in 1989; and International Union v. Johnson Controls, decided in 1991. There are so many decisions of the U.S. Courts of Appeals using the term ''unborn child'' that it would be too time consuming to go through them all. I would use up the rest of the time in the debate simply going through those decisions of the Courts of Appeals where the term ''unborn child'' was used. There are also at least 19 State criminal statutes similar to H.R. 2436 that currently use the term ''unborn child'' to refer to a fetus. These statutes have been consistently upheld by the courts as I have already explained.

We have these cases of the Supreme Court. We have these State laws. We have the other Court opinions that use this term ''unborn child.'' That is part of the fabric of the law in this country. The structure of abortion rights has not come tumbling down because the Court has used that term. I think the argument that is being made here simply does not make sense.

Even feminist abortion rights advocates such as Catherine MacKinnon have used the term ''unborn child'' as synonymous with ''fetus.'' In an article that was published in the Yale Law Journal entitled ''Reflections on Sex Equality Under the Law,'' Professor MacKinnon conceded that, and I quote, ''a fetus is a human form of life that is alive.'' That is what Professor MacKinnon said, and I do not think she would take second place to anyone in her support for abortion rights. In her defense of abortion rights, Professor MacKinnon expressed her view that, and again I quote, ''Many women have abortions as a desperate act of love for their unborn children.'' I think the argument of the opponents of this bill that focuses on their view about the harm that will be caused by the use of the term ''unborn child'' is simply not supported by the facts and is more a fantasy than anything else.

Finally, opponents of H.R. 2436 have argued that the bill lacks the necessary mens rea requirement for a valid criminal law and is therefore unconstitutional. I just want to point out briefly that this argument ignores the well-established doctrine of ''transferred intent'' in the criminal law. Anyone who knows anything about the criminal law has to know something about transferred intent. This is not some secret, dark mystery of the criminal law. This is a well-established doctrine.

Under H.R. 2436, an individual may be guilty of an offense against an unborn child only if he has committed an act of violence, with criminal intent, upon a pregnant woman, thereby injuring or killing her unborn child. Under the doctrine of transferred intent, the law considers the criminal intent directed toward the pregnant woman to have also been directed toward the unborn child who is the victim of the violence as well.

This transferred intent doctrine was recognized in England as early as 1576 and was adopted by American courts during the early days of the Republic. A well-known criminal law commentator describes the application of the doctrine to the crime of murder in language that is remarkably similar to the language and operation of this legislation:

''Under the common law doctrine of transferred intent, a defendant who intends to kill one person but instead kills a bystander is deemed the author of whatever kind of homicide would have been committed had he killed the intended victim.'' H.R. 2436 operates on these basic and well-settled principles of the criminal law.

In summary, let me say that none of the legal challenges to this bill can withstand serious scrutiny. All the opposition to the bill in fact stems from an objection to the very concept of ''unborn children.'' That is what it boils down to, as I said earlier. The opponents insist that a concept that is well-recognized in the law is somehow dangerous and subversive, a concept that has been recognized by judges such as Thurgood Marshall in his opinions on the Court. The opponents have a great deal, I would suggest, invested in the illusion that the unborn are entirely alien to the human family. Indeed, I have come reluctantly to the conclusion that for the opponents of this bill, it is a chief article of faith with them that the unborn are not human.

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It is their credo that the unborn are nothings, nonentities; as the gentleman from Illinois (Mr. HYDE) said, ciphers. They dogmatically adhere to the doctrine that the recognition for any purposes of the value of life in the womb is forbidden by the Constitution of the United States. Thus, they mount their opposition to this very reasonable effort to protect the innocent unborn from brutal acts of criminal violence.

Now I would humbly suggest that those who would embrace principles that would drive them to oppose eminently reasonable legislation such as this legislation proposed by the gentleman from South Carolina should reexamine the principles they have embraced. And, regardless of what we may think of the wisdom and justice of the Supreme Court's decision on abortion rights, we should be able to understand that the views expressed in opposition to this bill are views that have never been embraced by the Supreme Court of the United States. These views go far beyond anything the Supreme Court has ever said.

We must recognize this:

These views do violence to the reality of the pain and suffering that is experienced when a criminal attacks a pregnant woman and injures or kills the child in her womb. We have heard the tragic stories of these cases, and I humbly submit that the arguments made against this bill show an inadequate sensitivity to the reality of that pain and suffering.

Mr. Chairman, the opponents of this bill have once again set off on a flight from reality. I would appeal to the Members of this House to reject their fallacious arguments. The only people who have anything to fear from this bill are the criminals who engage in violent acts against women and their unborn children. I urge the Members to vote in favor of H.R. 2436.

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

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise to express my opposition to H.R. 2436, the Unborn Victims of Violence Act. This bill claims to protect fetuses from assault and harm, but its goal is clearly to undercut the legal foundations of a woman's right to choose. H.R. 2436 gives a fetus at any stage of development from the time of fertilization the status of a person under the law with interests and rights distinct from those of the pregnant woman. This is in direct conflict with Roe v. Wade which held that at no stage of development are fetuses persons under the law.

Mr. Chairman, we are deeply concerned about violence against women and agree that harm to a woman which results in injury or harm to her pregnancy deserves enhanced punishment. But H.R. 2436 is not the way to accomplish this goal, and I regret that the previous speaker, the gentleman from Florida (Mr. CANADY) seemed to suggest that those of us who oppose this legislation have no sense of feeling or compassion or hurt or tragic feelings about women who find themselves in such a situation.

That is far from the truth. We understand the pain and suffering that occur to these women when they are attacked and criminal violence is done to them, but the criminal violence done

to them should be treated in ways that do not do violence to the fundamental constitutional rights of all women.

I, therefore, strongly support the Lofgren substitute, the Motherhood Protection Act of 1999 which recognizes that when harm comes to a pregnancy, it happens to the woman who is pregnant. The Motherhood Protection Act would establish a new Federal crime for any violent or assaultive conduct against a pregnant woman that interrupts or terminates her pregnancy with punishments ranging from 20 years to life imprisonment. The Lofgren substitute accomplishes the stated goal of H.R. 2436 and should be adopted by this House if we have the intent of protecting women who are pregnant.

Ms. LOFGREN. Mr. Chairman, I yield 3½ minutes to the gentleman from North Carolina (Mr. WATT), my colleague on the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and I wanted to just bring to the attention of my colleagues a concern that I have about this bill that is a little bit different than the concern that has been expressed during the primary debate on the bill, and I bring this to the attention of my colleagues not to diminish the value of the debate that has occurred.

It is very important that this bill not undercut the right to choose either directly or indirectly or by implication. But there is another concern about this bill that I think we have lost sight of and that my colleagues who came riding into Congress on the States rights horse have lost sight of. Unfortunately, when they start to talk about abortion issues and issues of this kind, they lose sight of the fact that we operate in a Federal form of government under which certain rights are reserved to the States, and for the Federal Government to exercise jurisdiction in a particular area, there has to be some particular Federal nexus involved.

Under this bill my colleagues would have us believe that because the Federal law and the Federal Government has an interest in protecting, for example, Federal law enforcement officials, that that same interest would expand to protecting a fetus or an unborn child in the womb of that Federal law enforcement official. The nexus for protecting Federal law enforcement officials is the fact that they are Federal law enforcement officials, and we as a Federal Government, therefore, have a vested interest and a constitutional right to protect them. We cannot take that same constitutional right that the Federal Government has and take it to the next level.

So in this case that has been talked about over and over and over in North Carolina, they would have us believe that because the mother was protected under Federal law when she was driving down the street in North Carolina, the child of the mother should have the same Federal protection. In fact, it is the State law that we have to look to to protect the interests of the unborn child or the child in that case just as we could not extend Federal law to protect a born child or a passenger in that car with the mother. We do not have the right in our Federal system to extend Federal law willy nilly, and there is simply no basis in a lot of the instances that this bill covers under Federal law for exercising jurisdiction.

Mr. Chairman, I would encourage my colleagues to oppose the bill for that reason.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

I rise in strong opposition to H.R. 2436 and in strong support of the substitute bill. H.R. 2436 would make it a Federal crime to knowingly damage a fertilized egg during an assault against a pregnant mother.

Now I absolutely agree that it is a tragedy for a woman to lose a pregnancy during a crime, and I strongly support the approach that many States have taken to toughen penalties for an assault against a pregnant woman, and that is, in fact, the approach that my colleague is taking in her substitute. However, Mr. Chairman, H.R. 2436 would do nothing to protect the woman further, but instead would create for the first time a legal definition that a fertilized egg is entitled to protection under the law as a person.

This bill is indeed breathtaking in its scope. While the examples used are drawn from criminal assaults of women in advanced stages of pregnancy, its real concern reaches to the impact of the violence on the embryo. Roe v. Wade makes a distinction between the embryo in the first trimester and the post viability embryo, and that is the distinction that State laws honor.

This bill makes no such distinction because it deals with the fertilized eggs at all stages of development; and, therefore, it opens the opportunity that if a woman is assaulted in sort of a routine assault and battery case and 3 weeks later has a miscarriage, that miscarriage can up the assault and battery charges to murder though she did not know she was pregnant at the time and neither did the assaultant.

So this bill goes way beyond what it appears to do, and while I certainly think that a woman in an advanced stage of pregnancy who is assaulted and the fetus killed, that assaultant deserves a punishment that is far more severe than if he had not been attacking a pregnant woman. I think this bill goes way beyond that by dealing with a fertilized egg and opening up the kinds of possibilities I cite, and the next step, which is not contained in this bill, but it is the only logical next step, is to disregard the intent of the assaultant. Why, if it is a criminal assault, should it be seen as a crime? When it is simply the destruction of the fetus, it should not be seen as a crime?

Mr. Chairman, that is why those of us who support a woman's right to abortion are deeply concerned about this legislation. It does clearly in its language exclude abortion, but the only difference between an abortion and a criminal attack is the criminality of the attacker and the criminal intent. But the effect on the fetus is the same, and all my colleagues focus on in this bill is the fetal effect, and they define ''fetus'' as fertilized egg even before the woman knows she is pregnant.

So I urge opposition to the bill and support for the substitute.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

As my colleagues know, why do we think this bill is fundamentally an attack on choice? Because if the real effort is to protect women, we can do that in other ways, and we must do that in other ways, but if we really want to do that, we should pass the Violence Against Women's Act. This bill has not come up before on the floor of this House, but if we really want to protect women, pass the Violence Against Women Act. If we really want to protect or if we really want to provide more sincere and serious punishment should an assault on a woman result in the loss or damage to a pregnancy, we can do that by passing the Lofgren amendment.

We can do those things, and we should do those things, but here is where I believe this bill is fundamentally disingenuous: As my colleagues know, a couple years ago I visited a women's shelter where they took women in after being victims of domestic or other violence. That women's shelter turned away 1,200 women a year because they did not have adequate funding, 1,200 women who had been the victims or believe they were about to be the victims of violence were turned away because that shelter did not have adequate funding.

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If we really care about women, if we really care about the well-being of children, we will pass the Violence Against Women Act, we will fully fund programs like women's shelters, we will fund programs to help children, to promote safe and secure births for children.

But this act fundamentally is an assault on the constitutional right to choose. That is what it is about, make no mistake about it. If you support the right to a safe, legal abortion, you should reject this act, and you should support the Lofgren substitute, which is what I will surely do, and I encourage my colleagues to do as well.

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

Mr. Chairman, neither Congress nor the United States Supreme Court has ever afforded legal status to an unborn child, and it is undisputed, I think, that H.R. 436 would be the first such congressional recognition. Similarly, there is no precedent in the history of the Supreme Court for such a rule.

In the 26 years since Roe v. Wade, the United States Supreme Court has never recognized an unborn child as having legal status. Outside of the abortion context, the Court has been asked only twice to uphold a State's determination that an unborn child should be afforded the protection of the law, and those two cases, Burns v. Alcala and Webster v. Reproductive Health Services, are the only two cases in the 26 years since Roe, in which the Supreme Court has been asked to recognize the ''unborn child'' as having legal status. In both cases, the Supreme Court refused to do so.

Those of us who are here today standing up for the personal right of a woman to determine her own reproductive future are very concerned and very opposed to this bill.

I have heard the chairman of the Subcommittee on the Constitution go on at some length about how this really would not disturb Roe v. Wade, and I do not agree. But I would also like to point out that the chairman and the gentleman from Illinois (Mr. HYDE), the chairman of the committee, opposed Roe v. Wade. That is their right to do so. The gentleman from Illinois (Chairman HYDE) said today earlier that he opposed abortion in all cases, including cases of rape and incest. I do not agree with him, but I respect that that is his position. In fact, if it were up to the chairman, he would repeal Roe v. Wade, and I think this is part of the strategy to go down that road.

We do not see it the same way, and I wish that we could have that debate in a different context, not in the context of violence against women, because, in fact, after we have finished debate on this bill, I will be offering a substitute with the gentleman from Michigan (Mr. CONYERS) that would achieve the goal that is allegedly being sought here today, which is protection of women who are pregnant against assault that might impair or damage their pregnancy. We can do that together, if that is in fact our goal. I think that goal is a worthy one.

I would urge that we do so and that we reserve the debate over reproductive choice for another time, another day, a different vehicle, and that we be very open about what the dispute is about. If opponents of reproductive choice for American women want to bring this issue to a conclusion, they ought to bring a pro-life constitutional amendment to this floor.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM).

The CHAIRMAN. The gentleman from South Carolina is recognized for 1 minute.

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

Mr. Chairman, I spent days, hours, a lot of time with a lot of people to draft in bill for an express purpose, not to have an abortion debate, but we will have it. This is a free and open House. You can talk about what you want to.

My goal is to have a statute that will put people in jail when they do harm. When they do bad things, they suffer bad consequences.

California has a statute very similar to this that has been in existence for 29 years. Go open up a phone book and see if you can have an abortion in California. You can. There are 24 states that have made it a crime to destroy an unborn child by a third party, and a woman can still get a legal abortion.

This bill exempts consensual abortions because it is about criminals, not abortions. Sometime, somewhere, unfortunately, given human nature, there will be a woman assaulted where Federal jurisdiction exists and she will lose her baby, and I want to make sure that person goes to jail for taking her baby away from her when she chooses to have it. I hope you will help me do it.

Ms. LEE. Mr. Chairman, today in this chamber we rise yet another time to protect a women's right to choose. As one of 37 pro-choice women in the Congress, this is an issue for which we must stand and speak time and time again. Anti-choice Republicans continue to take every possible opportunity to raise legislation aimed at undermining a woman's right to choose. Since the beginning of the 104th Congress, the House has taken over 100 votes on family planning and choice—a phenomenal number. From the move to override President Clinton's veto of the partial birth abortion ban, to the so-called ''Child Custody Protection Act,'' to requiring parental consent to access Title X services, the ''Unborn Victims of Violence Act'' that we address today is yet another example.

I deplore acts of violence against women, and stand as the strongest of advocates against domestic violence and domestic abuse; however while this legislation purports to protect pregnant women, the reality is that it undermines a woman's right to choose. The bill would criminalize death or injury that occurs at any stage of development, from conception to birth. H.R. 2436 would recognize the fetus as a person, with the same legal standing as the woman's—a status long sought by the conservative movement to attack the Supreme Courts' ruling in Roe v Wade.

In order to protect women from violence, this Congress should be passing H.R. 357, the Violence Against Women Act of 1999. In order to ensure healthy pregnancies for both mothers and babies, this Congress should be passing legislation to increase access to prenatal care. In order to support healthy children, this Congress should be passing legislation to support and strengthen WIC nutrition and food stamp programs. But instead we are debating yet another piece of anti-choice legislation.

I urge my colleagues to recognize this bill for what it is: a misguided initiative, dangerous and harmful to women's rights. I urge a ''no'' vote on H.R. 2436.

Mrs. TAUSCHER. Mr. Chairman, I rise today in opposition to H.R. 2436, the so-called ''Unborn Victims of Violence Act.'' While I whole-heartedly agree that acts of violence against a pregnant woman deserve severe punishment, this bill does absolutely nothing to further that goal. Ironically, these pregnant women are not mentioned in the actual legislative text. Instead, this bill goes so far as to redefine the fetus as a fully-independent person separate from the mother. This is a definition that even Supreme Court Justice Antonin Scalia, a staunch opponent of Roe v. Wade, opposed.

Instead, I believe we must do more to protect pregnant mothers, and am therefore supporting the ''Motherhood Protection Act,'' introduced by Representative LOFGREN. This measure provides increased penalties for crimes against pregnant women. This common-sense legislation would provide true protections for pregnant women without undermining the Constitutionally-protected right to choose or attempting to change the definitions of ''personhood'' under the 14th Amendment to the Constitution. This measure makes sense, and achieves the stated goals of the underlying bill. I urge my colleagues to vote for the Lofgren substitute and vote against H.R. 2436.

Mr. WU. Mr. Chairman, I rise today to express my opposition to H.R. 2436, the Unborn Victims of Violence Act. This legislation is clearly another attempt to take away a woman's right to choose.

Under this bill, a person can be prosecuted for harming a fetus, regardless of whether the person is prosecuted for harming the mother. No knowledge of the pregnancy or intent to cause harm is necessary for prosecution. That means that even without determining intent, one could receive the full punishment normally associated with intentional murder. As the father of two beautiful children, my daughter Sarah less than a week old, I feel strongly that any crime that intentionally causes harm to a mother and her unborn child is despicable and must be punished. This legislation, however, is not the way to achieve that. Granting independent legal status to a fetus does not help to stop violence against women.

Let's work together to protect all women and their children from violence rather than using this veiled legislation to restrict a woman's right to choose.

Ms. DEGETTE. Mr. Chairman, I remain baffled at this body's ability to undermine a woman's fundamental right to choose. What's more, I am disturbed at the latest trend of crafting vague, amorphous legislative language that flies in the face of the proper intent of legislation by those who seek to limit or abolish this right.

The majority of Americans are pro-choice and know that we must protect a woman's right to choose to have an abortion while at the same time working to make abortion rare. The other side chooses to ignore this majority. They have determined that the best way to do this is to craft vague, and purportedly narrow, legislative language that undercuts this fundamental right by creating vast legal loopholes and ambiguously worded statutes that result in the near elimination of abortions.

Last Friday, the Eighth Circuit Court of Appeals struck down three such vaguely worded statutes from Iowa, Nebraska and Arkansas that posed as legislation to prohibit one form of late-term abortion. The Court recognized the backdoor attempt to ban abortions completely and the stifling affect such broad language would have on the health and safety of women in these states.

There is not a single member of the House of Representatives who does not think that criminals who brutally attack a pregnant woman should not be held accountable for their actions and punished to the full extent of the law. But if you expect us to naively believe that protecting pregnant women is the only intent of this legislation, you are sadly mistaken. This legislation fails to address many of the very real needs to protect women from violence in its backdoor attempt to undermine the essence of Roe v. Wade.

If we are addressing violence to a fetus in utero, the one very large, glaring omission from the legislation we are debating today is the woman carrying that pregnancy. As worded, this legislation turns the woman in to a mere vessel and ignores the simple truth that the abhorrent violent acts we have heard so much about on the floor today are happening to a woman.

We should punish people who harm a pregnant woman—but unfortunately we are not debating that fact today because the woman is missing from this legislation. I welcome the opportunity to discuss legislation that would enhance penalties for criminals who commit violent, deplorable crimes against a pregnant woman, particularly if that crime results in the loss of the pregnancy. But the fact that the violent act against the woman is ignored by this legislation, reveals its true intent. This legislation seeks to do one thing—create a separate legal status for a fetus, embryo, blastocyst or zygote to lay the groundwork for a fresh assault on Roe v. Wade.

If this Congress wants to protect women, and promote healthy pregnancies, then it should reauthorize the Violence Against Women Act. But, both the Department of Justice and the National Coalition Against Domestic Violence have said that this bill fails to help women victims of violence and yet again, diverts attention away from the true victim of the crime, the woman.

You cannot toss aside the health and safety of millions of women with legislation that masquerades as an effort to protect them.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in strong support of the Lofgren-Conyers amendment to H.R. 2436, the Unborn Victims of Violence Act. The bill is unfortunately flawed and needs to be modified because it fails to address the underlying issue—violence against women—pregnant or not. The majority of crimes against women occur during domestic violence and drunk driving incidents. I supported the Violence Against Women Act [VAWA] when it first became law in 1994. VAWA set up a national domestic violence hotline, grants for law enforcement, prosecution, and battered women shelters to combat violence and sexual assault. This Congress, I am a proud cosponsor of VAWA II which reauthorizes the original VAWA 1994 Act and has other provisions to further help protect women from violence. For example, the bill addresses sexual assault prevention and combating violence in the workplace.

When we create laws that affect women, we cannot take the woman out of the equation which is what H.R. 2436 does. The woman is the victim of the crime and one of the best ways to protect a woman is to have VAWA II passed. I think everyone agrees that crimes against women are horrible. It's especially tragic when the woman is pregnant and that needs to be appropriately addressed which is why I am supporting the Lofgren-Conyers substitute, the Motherhood Protection Act of 1999.

The Lofgren-Conyers substitute creates a federal criminal offense for harm to a pregnant woman and recognizes that the pregnant woman is the victim of a crime causing termination or harm during a pregnancy. The substitute provides for a maximum 20-year sentence for injury to a pregnant woman and a maximum life sentence for the termination of a pregnancy due to the assault. By focusing on the harm to the pregnant woman, it provides a deterrent against violence against women. I encourage my colleagues to support the Lofgren-Conyers substitute.

Mr. HANSEN. Mr. Chairman, I rise today in support of H.R. 2436, and commend my friend from South Carolina for bringing it to the floor.

Mr. Chairman, this bill has evoked the usual complaints from liberals in this country who refuse to accept any restrictions on when, how, or why an unborn child is killed. Until today, they had only defended the ''right'' of any woman to ''choose'' to kill her unborn child. How, however, it seems that they are willing to extend that protection to criminals who kill an unborn child while committing a crime for which they will be punished under federal law.

Now, before abortion rights activists paint this debate as one about a woman's 'right to choose,' let's examine a scenario that would be covered by this bill. First of all, if a woman is pregnant, and has not taken steps to end the pregnancy, it is probably safe to assume that she has chosen to bring her child into the world. When an individual, while committing a crime, harms that woman, and kills her unborn child, her choice to have her baby has been taken away, and it is that action which this bill and its sponsor seek to punish. If anything, this bill is the epitome of protecting the right to choose.

Free societies such as ours are based on giving up certain freedoms in exchange for security. Congress has, in the past, passed obscenity laws, which reasonably restrict the First Amendment. We have also made it illegal for known felons to purchase firearms, a restriction on the Second Amendment. All freedoms have reasonable limitations, yet abortion rights advocates in this nation, and specifically in this body, refuse to accept any limitations on the right to kill an unborn child. We have seen many of those individuals come before this body, listing the names of children killed by gun violence. Is it any less tragic when an unborn child is killed, simply because it has not been given a name yet? The opposition to this bill shines the spotlight of truth on abortion rights activists' belief that the death of an unborn child, under any circumstances, is all right with them. Quite frankly, Mr. Chairman, that attitude sickens me, and I would hope that it sickens the rest of our society.

I urge all of my colleagues to support decency, support human life, and support the choice of pregnant women to give birth to their children, by supporting this bill.

Mr. PAUL. Mr. Chairman, pro-life Members of Congress are ecstatic over the Unborn Victims of Violence Act, touting it as a good step toward restoring respect for life, and once again criminalizing abortion. This optimism and current effort must be seriously challenged.

As a pro-life obstetrician-gynecologist, I strongly condemn the events of the last third of the 20th century in which we have seen the casual acceptance of abortion on demand.

The law's failure to protect the weakest, smallest and most innocent of all the whole human race has undermined our respect for all life, and therefore for all liberty. As we have seen, once life is no longer unequivocally protected, the loss of personal liberty quickly follows.

The Roe v. Wade ruling will in time prove to be the most significantly flawed Supreme Court ruling of the 20th century. Not only for its codification, through an unconstitutional court action, of a social consensus that glorified promiscuity and abortion of convenience and for birth control, but for flaunting as well the constitutional system that requires laws of this sort be left to the prerogative of the states alone. A single ''Roe v. Wade'' ruling by one state would be far less harmful than a Supreme Court ruling that nullifies all state laws protecting the unborn.

Achieving the goal of dehumanizing all human life, by permitting the casting aside all pre-born life, any time prior to birth, including partially born human beings, Roe v. Wade represents a huge change in attitudes toward all life and liberty. Now pro-life Members are engaged in a similar process of writing more national laws in hopes of balancing the court's error. This current legislative effort is just as flawed.

Traditionally, throughout our history, except for the three constitutional provisions, all crimes of violence have been—and should remain—state matters. Yet this legislation only further undermines the principle of state jurisdiction, and our system of law enforcement, which has served us well for most of our history.

Getting rid of Roe v. Wade through a new court ruling or by limiting federal jurisdiction would return this complex issue to the states.

Making the killing of an unborn infant a federal crime, as this bill does, further institutionalizes the process of allowing federal courts to destroy the constitutional jurisdiction of the states. But more importantly, the measure continues the practice of only protecting some life, by allowing unborn children to be killed by anyone with an ''M.D.'' after his name.

By protecting the abortionist, this legislation carves out a niche in the law that further ingrains in the system the notion that the willful killing of an innocent human being is not deserving of our attention. With more than a million children a year dying at the hands of abortionists, it is unwise that we ignore these acts for the sake of political expediency.

Pro-abortion opponents of this legislation are needlessly concerned regarding its long-term meaning, and supporters are naively hoping that unintended consequences will not occur.

State laws have already established clearly that a fetus is a human being deserving protection; for example, inheritance laws acknowledge that the unborn child does enjoy the estate of his father. Numerous states already have laws that correctly punishes those committing acts of murder against a fetus.

Although this legislation is motivated by the best of intentions of those who strongly defend the inalienable rights of the unborn, it is seriously flawed, and will not achieve its intended purpose. For that reason I shall vote against the bill and for the sanctity of life and the rights of the states, and against the selected protection of abortionists.

Mr. Chairman, today Congress will vote to further instill and codify the ill-advised Roe versus Wade decision. While it is the independent duty of each branch of the federal government to act Constitutionally, Congress will likely ignore not only its Constitutional limits but earlier criticisms from Chief Justice William H. Rehnquist, as well.

The Unborn Victims of Violence Act of 1999, H.R. 2436, would amend title 18, United States Code, for the laudable goal of protecting unborn children from assault and murder. However, by expanding the class of victims to which unconstitutional (but already-existing) federal murder and assault statutes apply, the federal government moves yet another step closer to a national police state.

Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, wants to be amongst those members of Congress who are portrayed as soft on violent crimes initiated against the unborn?

Nevertheless, our federal government is, constitutionally, a government of limited powers. Article one, section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

However, Congress does more damage than just expanding the class to whom federal murder and assault statutes apply—it further entrenches and seemingly concurs with the Roe versus Wade decision (the Court's intrusion into rights of states and their previous attempts to protect by criminal statute the unborn's right not to be aggressed against). By specifically exempting from prosecution both abortionists and the mothers of the unborn (as is the case with this legislation), Congress appears to say that protection of the unborn child is not a federal matter but conditioned upon motive. In fact, the Judiciary Committee in marking up the bill, took an odd legal turn by making the assault on the unborn a strict liability offense insofar as the bill does not even require knowledge on the part of the aggressor that the unborn child exists. Murder statutes and common law murder require intent to kill (which implies knowledge) on the part of the aggressor. Here, however, we have the odd legal philosophy that an abortionist with full knowledge of his terminal act is not subject to prosecution while an aggressor acting without knowledge of the child's existence is subject to nearly the full penalty of the law. (The bill exempts the murderer from the death sentence—yet another diminution of the unborn's personhood status.) It is becoming more and more difficult for Congress and the courts to pass the smell test as government simultaneously treats the unborn as a person in some instances and as a non-person in others.

In this first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said ''the trend to federalize crimes that have traditionally been handled in state courts . . . threatens to change entirely the nature of our federal system.'' Rehnquist further criticized Congress for yielding to the political pressure to ''appear responsive to every highly publicized societal ill or sensational crime.''

Perhaps, equally dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, because the constitution was amended to allow it, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a federal and state crime). ''Concurrent'' jurisdiction crimes, such as alcohol prohibition in the past and federalization of murder today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no ''person be subject for the same offense to be twice put in jeopardy of life or limb . . .'' In other words, no person shall be tried twice for the same offense. However, in *United States v. Lanza,* the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

Occasionally the argument is put forth that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of a police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of ''competition'' in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide value as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Curiously, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

When small governments become too oppressive with their criminal laws, citizens can vote with their feet to a ''competing'' jurisdiction. If, for example, one does not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, that person can move to Arizona. If one wants to bet on a football game without the threat of government intervention, that person can live in Nevada. As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments

and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

Protection of life (born or unborn) against initiations of violence is of vital importance. So vitally important, in fact, it must be left to the states' criminal justice systems. We have seen what a legal, constitutional, and philosophical mess results from attempts to federalize such an issue. Numerous states have adequately protected the unborn against assault and murder and done so prior to the federal government's unconstitutional sanctioning of violence in the Roe v. Wade decision. Unfortunately, H.R. 2436 ignores the danger of further federalizing that which is properly reserved to state governments and, in so doing, throws legal philosophy, the Constitution, the bill of rights, and the insights of Chief Justice Rehnquist out with the baby and the bathwater. For these reasons, I must oppose H.R. 2436, The Unborn Victims of Violence Act of 1999.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of H.R. 2436, the Unborn Victims of Violence Act. Under current federal law, an individual who commits a federal crime of violence against a pregnant women receives no additional punishment for killing or injuring the fetus. I think this is wrong and should be changed.

An incident that occurred in my district illustrates why this law is so desperately needed. in 1996, a man enlisted in the Air Force and stationed at Wright-Patterson Air Force Base—a jurisdiction which is governed by federal military law—severely beat his wife who was 34 weeks pregnant at the time. Although the women survived the attack, her uterus split open, expelling the baby into her mother's abdominal cavity, where the baby died.

The man was arrested and charged with several criminal offenses for the attack. However, Air Force prosecutors concluded that they could not charge him with a separate offense for killing the baby because, although Ohio law recognizes an unborn child as a victim, federal law does not.

In 1998, that judgment was concurred in the U.S. Air Force Court of Criminal Appeals ruling on that case. The court said, "Federal homicide statutes reach only the killing of a born human being . . . (Congress) has not spoken with regard to the protection of an unborn person."

Mr. Chairman, I believe it is time that Congress speaks on this issue by passing H.R. 2436. Many states, like Ohio, have passed laws to recognize unborn children as human victims of violent crimes. However, these laws do not apply on federal property. I think they should and therefore would urge my colleagues to pass the Unborn Victims of Violence Act.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 2436, the Unborn Victims of Violence Act. This bill would give pregnancy from beginning to birth the same legal standing under federal law that we currently give a person. This legislation would establish a separate offense and punishment for federal crimes committed when death or bodily injury to the fetus occurs. Likewise, the bill establishes the same penalty for a violation under federal law if the injury or death occurred to the unborn fetus' mother.

This bill is designed for one purpose: to undermine the decision in Roe v. Wade. This legislation is an effort to endow legal rights to fetuses—in fact a backdoor way of elevating the legal status of a fetus—which has been the cornerstone of the conservative anti-choice agenda. This is just another way of writing a Human Life Amendment, a decades-long effort to expand the meaning of the word "person" under the constitution to include unborn offspring at every state of their biological development. Anti-choice Members of Congress know that they are trying to fool the American people.

They would also have us believe in their crusade to protect unborn victims of violence—but what about the born victims of violence?

Every day in America, 13 children and youth under age 20 die from firearms. If this Congress is so concerned with the safety of children, why has it not passed the gun control provisions approved by the Senate that would eliminate gun show loopholes and require mandatory safety locks with firearms sales? The conference committee on H.R. 1501 and the Senate gun legislation has met only once publicly—and that was before we adjourned for the August recess—to read their opening statements.

Every day in America, 1,353 babies are born without health insurance and 2,162 babies are born into poverty as a result of welfare reform legislation passed by many who remain in the majority of this Congress today. We know now that children are losing critical benefits like Medicaid and food stamps. The Urban Institute cites falling welfare rolls as the "primary reason" that an estimated 500,000 fewer adults and children nationwide participated in Medicaid in 1996 than in 1995. Loss of Medicaid and the absence of employer-sponsored health insurance coverage make it extremely difficult for former recipients to obtain health care for themselves and their children.

In addition, the Children's Defense Fund's study entitled "Welfare to What?" cites troubling findings by NETWORK, a coalition of Catholic organizations, on 455 children in California, Florida, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania and Texas during late 1997. The study found that 36% of children in families who had recently lost cash assistance were "eating less or skipping meals due to cost." The bottom line is that families who lose welfare often lose food stamps, making it impossible to buy sufficient food.

The same disregard for our children is evident in Congress' refusal to hold states accountable for maintaining high levels of quality in our child care centers. Today in America, more than 80% of child care services in the U.S. is thought to be of poor or average quality. Still, Congress turns its head and allocate billions of child care dollars a year with very little assurance of quality, allowing our children to be placed in substandard conditions.

The crimes of domestic violence is a horrendous one, and should be punished, but this blatant attempt to placate the radical right belittles the severity of domestic violence by using women and their pregnancies as tools to elevate the legal status of a fetus. It is cowardly, and it dishonors the lives of women who have survived, and those who have succumbed to the terrible tragedy of domestic violence.

Mr. RYUN of Kansas. Mr. Chairman, as the Declaration of Independence declares, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

I believe that one thing that makes America great is our defense of those incapable of defending themselves. Proverbs admonishes us to "Speak up for those who cannot speak for themselves" (31:8). It still is our duty to stand up for the weaker members of our society.

Tragically, under current federal law there are no consequences for injury or death to an unborn child. Where is the justice for the smallest and most helpless members of our society?

The intentional attack on a mother and her baby requires that justice be served. Our justice system is based on the protection of the innocent and the punishment of the guilty. The attacker must take responsibility for his actions and make restitution to his victims.

The Unborn Victims of Violence Act would make the offense to the baby a separate crime because it's a separate person. In this situation there are two victims and both of their lives should receive equal recompense under federal law.

Twenty-four states already have laws that recognize the unborn child as a victim. It is time that we agree with nearly half the states and provide grieving parents recognition of their loss.

Mr. Chairman, with the passage of the Unborn Victims of Violence Act we will be able to proudly say we are "one nation, under God, with liberty and justice for all".

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:

H.R. 2436

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 "Unborn Victims of Violence Act of 1999".

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

"CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

"Sec.
"1841. Protection of unborn children.

"§ 1841. Protection of unborn children

"(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or

bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following new item:

''90A. Protection of unborn children ... 1841''.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

''§ 919a. Art. 119a. Protection of unborn children

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2) The punishment for that separate offense is the same as the punishment provided for that conduct under this chapter had the injury or death occurred to the unborn child's mother, except that the death penalty shall not be imposed.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section, the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

''919a. 119a. Protection of unborn children.''.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in House Report 106–348. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for a time specified in the report, equally divided and controlled by the proponent and an opponent, shall be not subject to amendment, and shall not be subject to a demand for division of the question.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider Amendment No. 1 printed in House Report 106–348.

AMENDMENT NO. 1 OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CANADY of Florida:

In section 1841 of title 18, United States Code, as proposed to be added by section 2(a)—

(1) in subsection (a)(2)(C), insert '', instead of being punished under subparagraph (A),'' after ''shall''; and

(2) in subsection (c)(1)—

(A) insert '', or a person authorized by law to act on her behalf,'' after ''woman''; and

(B) strike ''in a medical emergency''.

Strike section 3 and insert the following:

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

''§ 919a. Art. 119a. Protection of unborn children

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under this chapter for that conduct had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under subparagraph (A), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

''919a. 119a. Protection of unborn children.''.

The CHAIRMAN. Pursuant to House Resolution 313, the gentleman from Florida, Mr. CANADY and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida, Mr. CANADY.

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

Mr. Chairman, this is a simple, straightforward amendment that will accomplish two important things. First, the amendment will bring the Uniform Code of Military Justice provisions of the bill which are found in section 3 into conformity with the portion of the bill that was reported by

the Committee on the Judiciary with an amendment.

Section 3 of the bill was referred to the Committee on Armed Services, but the Committee on Armed Services has waived jurisdiction over the bill. This amendment, which the chairman of the Committee on Armed Services has approved, will simply make the two sections of the bill operate in the same manner.

Second, the amendment will make two minor changes to clarify points raised by opponents of the legislation. The amendment will clarify that the punishment authorized under the bill for intentionally killing or attempting to kill an unborn child is in lieu of, not in addition to, the punishment otherwise provided under the bill. The amendment will also clarify that the exemption for abortion-related conduct includes situations in which a surrogate decision maker acts on behalf of the pregnant woman.

These technical changes reflect the intent of the drafters and do not effect substantive changes in the bill. I urge my colleagues to support this conforming and technical amendment.

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

Mr. WATT of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Chair of our subcommittee, the gentleman from Florida (Mr. CANADY), would have us believe that this is a technical amendment. It is not. It is a very substantive amendment, and we should be aware of that.

The chairman of our subcommittee, the gentleman from Florida (Mr. CANADY), would have us believe that the Committee on Armed Services waived jurisdiction over this bill because it thought it was an uncontroversial bill. The truth of the matter is that there is a whole section of this bill which has never, ever, been debated in any committee of this House.

The bill came to the Committee on the Judiciary. We had a debate on a part of the bill that was under the Committee on the Judiciary's jurisdiction. We exercised our rights to debate that part.

We tried to offer amendments to the part of the bill that was under the jurisdiction of the Committee on Armed Services. We were denied that right in the Committee on the Judiciary on the parliamentary ruling that we did not have jurisdiction over that part of the bill.

Now, on the floor of the House, after the Committee on Armed Services has decided not to take jurisdiction over the bill and consider amendments in the committee, we are here on the floor of the House making major substantive changes to this bill.

Now, what does this amendment do? It says an offense under this section does not require proof that, one, the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant. That means if you kill an unborn fetus, you do not even have to know there was a fetus in the womb. You do not have to have any kind of intent. There is no criminal law in this country that ought to be passed that gives that right.

If we are going to pass it in this House, at least we ought to have jurisdiction in a committee; and a committee ought to take up the bill and debate it in the committee. We ought not use the processes of the House to our advantage and say, well, this is a parliamentary ruling, we cannot deal with it in the Committee on the Judiciary, and then tell the Committee on Armed Services, well, we do not want you to deal with it over there, and then try to accomplish the same thing that should have been done in committee on the floor of the House.

Mr. Chairman, this is just patently wrong. The proper thing to do would be to send this bill back to one of these two committees, and if we are going to make substantive changes to the bill, major policy changes, I might add, to make those changes in the committee.

Now, there are some people from the Committee on Armed Services I am sure that are getting ready to jump up and say, yes, we support this. But what about the other people on the Committee on Armed Services?

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

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

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

Mr. Chairman, the gentleman is absolutely correct. I did come to the floor. I chair the Subcommittee on Military Personnel with jurisdiction over the Uniform Code of Military Justice and the military legal system. We watched the Committee on the Judiciary in its debate and the bill was reported out. I recommended to the chairman that we waive sequential referral and the bill came to the floor. I support the manager's amendment.

Once this bill was reported, it is fitting that the Uniform Code of Justice be compatible with the Federal statute, and that is why we procedurally waived jurisdiction.

The need for the manager's amendment and the request for support by this body is illustrated by the case of United States versus Robbins. In that case, Gregory Robbins, an airman, and his wife, who was over 8 months pregnant with a daughter that they had named Jasmine, resided at Wright-Patterson Air Force Base, Ohio, an area of exclusive Federal jurisdiction.

On September 12, 1996, Mr. Robbins wrapped his fist in a T-shirt to reduce the chance that it would inflict visible bruises, and he badly beat his wife by striking her repeatedly in the face and abdomen with his fist. Mrs. Robbins survived the attack with a severely battered eye, a broken nose and a ruptured uterus. She was taken to the emergency room, but medical personnel could not detect the baby's heartbeat.

Now, some may refer to that baby as a fetal mass, but that was a viable fetus. They could not detect a heartbeat, and the doctors performed emergency surgery on Mrs. Robbins and found Jasmine laying sideways, dead, in Mrs. Robbins' abdominal cavity.

As a result of Mrs. Robbins' repeated blows, it ruptured her uterus, the placenta was torn from the inner uterine wall, which expelled Jasmine into the abdominal cavity.

Air Force prosecutors recognized that the Federal homicide statutes reach only the killing of a born human being, and that Congress has not spoken with regard to the protection of the unborn person. As a result, the prosecutors attempted to prosecute Mr. Robbins for Jasmine's death under Ohio's fetal homicide law, using Article 134 of the Uniform Code of Military Justice.

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Article 134 incorporates by reference all Federal crimes, criminal statutes and those State laws made Federal law via, quote, the Assimilated Crimes Act.

Mr. Robbins pled guilty to involuntary manslaughter for Jasmine's death, but the legality of assimilating Ohio's Federal homicide law through article 134 is now the subject of Mr. Robbins' appeal to the Court of Appeals for the Armed Services.

If the Court of Appeals agrees with Mr. Robbins that the assimilation of Ohio's law was improper, he will receive no additional punishment for the killing of the baby, Jasmine. Moreover, had Mr. Robbins battered his wife in a State that had no fetal homicide law, he could have been charged with only battery for the beating of his eight-month pregnant wife and there would be no legal consequence for the killing of their unborn child. That is the purpose of the manager's amendment, to make it compatible.

The CHAIRMAN. The gentleman from North Carolina (Mr. WATT) has the right to close debate, and each gentleman has 1 minute remaining.

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

Mr. Chairman, my good friend, the gentleman from North Carolina (Mr. WATT), made a reference to my comments with respect to the Committee on Armed Services. I think he misunderstood what I said. I know he did not intend to misrepresent what I said.

I said nothing about the purpose of the committee and waiving jurisdiction. I simply reported what they had done. I did not say that they viewed it as noncontroversial. The gentleman may have misunderstood that, but I wanted to make that clear. The Members of the Committee on Armed Services can speak for themselves.

The truth of the matter is that in this amendment we are simply conforming the provisions of the bill that were within the jurisdiction of the Committee on Armed Services with the changes in the structure of the bill that were made in the Committee on the Judiciary on the parts that we had jurisdiction over.

This is a conforming amendment. I can understand that the gentleman is opposed to the bill but this simply makes the bill internally consistent, and I say that it should not be controversial. It is truly a conforming and technical amendment.

Mr. WATT of North Carolina. Mr. Chairman, as masterful as the chairman who spoke on behalf of the Committee on Armed Services is, he cannot speak for the Committee on Armed Services.

We bring a major substantive change to this bill to the floor, give it 10 minutes of debate, 5 minutes per side; never has been in the Committee on Armed Services. The chairman of the committee comes out and says I am here to speak for the committee. What about all the other people on the Committee on Armed Services? When are they going to have an opportunity to weigh in on this major substantive provision to this bill?

That is what I am talking about when I say we have subverted the processes of this House using parliamentary procedures.

Basically, what we have done is deprive the minority of the Committee on Armed Services of the right to weigh in on this important issue. The chairman waived jurisdiction. They did not bring it into the committee, and they did not do anything. There are 60 Members. Fifty-nine of them have not spoken.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. CANADY).

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

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 313, further proceedings on the amendment offered by the gentleman from Florida (Mr. CANADY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 106–348.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute offered by Ms. LOFGREN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Motherhood Protection Act of 1999''.

SEC. 2. CRIMES AGAINST A WOMAN—TERMINATING HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be the such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844 (d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

The CHAIRMAN. Pursuant to House Resolution 313, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Florida (Mr. CANADY) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

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

Mr. Chairman, H.R. 2436 creates a separate Federal criminal offense for harm to, quote, an unborn child, with the legal status separate from that of the woman. The Lofgren-Conyers substitute creates a separate Federal criminal offense for harm to a pregnant woman.

The underlying bill recognizes, quote, a member of the species Homo sapiens at all stages of development as a victim of crime, from conception to birth. This affords even an embryo legal rights equal to and separate from those of the woman.

The Lofgren-Conyers substitute recognizes the pregnant woman as the primary victim of a crime. The substitute creates an offense that protects women and punishes violence resulting in injury or termination of a pregnancy. It provides for a maximum 20-year sentence for injury to a woman's pregnancy and up to a life sentence for termination of a woman's pregnancy.

It requires a conviction for the underlying criminal offense and focuses on the harm to the pregnant woman, providing a deterrent against violence against women.

This amendment is simple. Offered by the ranking member and myself, it recognizes that there are existing crimes in Federal law that protect women from violence such as violent assault. This amendment recognizes that when such crimes not only hurt the woman but also cause her to miscarry, there is additional harm to that woman. This amendment enhances the sentence one can receive for causing this additional harm to up to a life sentence.

Why is it important for us to pass this amendment for this crime and to impose this penalty? What can compare to giving birth to a child long awaited and then raising that child through all the challenges humankind face?

Those of us who are mothers know that it is the most important thing in our lives, and those of us who have suffered a miscarriage know the incredible trauma and the overwhelming sense of loss that is involved. An assailant who hurts a woman in this way deserves to be severely punished, but the bill before us, let us be clear, was not really about that. It was simply another attempt to cut away at the rights of women to determine their own reproductive choices.

The men who have promoted the underlying bill are, I believe, sincere in their zealotry on behalf of their cause, namely that the government makes the choice of whether or not a woman gives birth, not the woman.

Now I do not agree with that position, but I do recognize that that is what their bill is about. That is why

anti-choice activists are calling Members of the House to urge a yes vote on the underlying bill and a no vote on this substitute. That is why, although dressed up as a crime bill, the underlying bill was never reviewed by the Subcommittee on Crime. No, it was a product of the Subcommittee on the Constitution.

The underlying bill advances the political cause while overlooking what really matters to the mothers of America. Indeed, if someone violently assaults a pregnant woman and that woman miscarries and loses the child she so much desires, that is indeed a great offense. That is why I offer this substitute to the bill of the gentleman from Florida (Mr. CANADY).

Assaults that cause a woman to miscarry, that cause the suffering that other women and I personally have felt, that destroy the hope that that pregnant woman has, are offenses of such dire consequence that they must be considered extraordinary. A wanted and hoped-for child lost to miscarriage, whether through violence or fate, is an injury to the woman who would be a mother that is monumental and everlasting.

If the goal in criminal law is ever properly vengeance, then this loss calls out for vengeance. If the goal is justice, then contrast the proposed penalty for this grievous injury to a woman with other offenses deemed worthy of up to a maximum sentence of life. The accused may be sentenced up to life for exploiting children, for drug trafficking, for aggravated sexual assault of an under age child and for many other crimes.

I offer this substitute that would recognize the crime and impose this penalty for anyone who would assault a pregnant woman if that assault interrupts her pregnancy or causes her to miscarry. Assault is already a crime but the loss to someone who is carrying and expecting a child is a significant difference and should be acknowledged at law.

The substitute focuses on what is real for American women. Oppose violence against women. Do not use that violence as an excuse to eliminate personal choice about reproduction for American women. Women in America need protection against violence. They may also need protection against those in the majority of this Congress who want to tell them what to do with their lives and who think it is acceptable to use the tragedy of miscarriage to advance the political goal of repealing reproductive rights.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. GRAHAM), who is the sponsor of this legislation.

Mr. GRAHAM. Mr. Chairman, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time.

Mr. Chairman, I just ask the Members who have been following the debate, just keep their eye on the ball.

Before I became a Member of Congress, like many of my colleagues, I lived my life in the law. I was a prosecutor. I was a defense attorney. I practiced law in the military. I was a member of the Judge Advocate General Corps for 6½ years and served as a prosecutor and a defense attorney in that capacity. I enjoyed my profession. I enjoyed the law. I particularly enjoyed the criminal law because I think it has a simplicity and a common sense to it that really is unique in the world in the sense of the way we have designed it here in America.

I have never been around a debate that distorted so many simple and long-held legal concepts as this debate.

I urge Members to vote against this substitute because it destroys the bill. It is fatally defective. When I designed this bill, it came about as a result of some information being passed to me from military colleagues who talked about the Robbins case and without the Ohio statute the person would have gotten away with the crime of murder, of destroying that 8-month-old baby. So there is a need out there at the Federal level to do something about problems like this.

What I did is I looked at State law and I found a definition of unborn that we adopted from a State whose statute has been constitutionally challenged and upheld. I just did not make it up. I thought like a lawyer. I went to what was true and tested, and the language in this bill has been true and tested in court. It withstands legal scrutiny.

These are not words we make up for political reasons. These are words we use to make sure people go to jail who deserve to stay in jail. The substitute is sentence enhancement and it uses the term, termination, interruption of pregnancy but it has no definition of what that means.

If one is concerned about zygotes being subject to the criminal law, then they have a real concern about the substitute. My bill defines ''unborn'' as when it attaches to the womb. Zygotes are not covered, but there is no definitional section in the substitute and it would not withstand scrutiny.

The loss, who is the loss here? Is it just merely the loss to the woman when an unborn child is killed by a third party or injured by a third party criminal? No. It is not just a loss to the woman. It is a loss to society.

In 1994, the Democratic Congress passed legislation that prevented a pregnant woman from being sentenced to death while she is pregnant. If it is just a loss to the woman, they would go ahead and execute her, but my colleagues understood in 1994 they are not going to execute a pregnant woman because they do not want to kill an unborn child because of the crimes of the mother.

This statute focuses on criminal behavior like 24 other States. This statute will allow a separate prosecution for people who attack pregnant women, and injure or kill their unborn child, in a constitutional manner.

The substitute claims to bring an additional charge to bear. Mr. Chairman, that cannot be done. Sentence enhancement is one theory. That means the sentence is elevated against the charge that would be levied against the assault against the mother.

In the Arkansas case, where 3 people were hired to beat the woman up with the express purpose of killing the baby, if sentence enhancement was the law in Arkansas all that could be done was enhance the charge that would be brought against attacking the mother and the murder of the child would go unpunished.

There is a huge legal difference between the charge of murder and sentence enhancement for a simple assault or an aggravated assault.

This substitute destroys the legal effect of the bill. It would not withstand scrutiny. They have just literally thrown this thing together. There is no definition or guidance in it. It is internally inconsistent.

I would challenge anybody to be able to bring two separate accounts: One, a crime against the mother, Mrs. Jones; two a separate charge for terminating her pregnancy. One cannot find somebody guilty of that charge. One has to have a victim. Her sentence could be enchanced but that allows people to get away with what I believe to be murder, like in Arkansas.

Please reject this substitute and understand we spent a lot of time and effort looking at tested law and this is something I hope Members of this body can agree on. Third party criminals who attack women and destroy or injure children ought to go to jail for what they have done.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

□ 1545

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from California for her leadership in this very sensitive discussion.

Mr. Chairman, I would just like to point out to the gentleman from South Carolina (Mr. GRAHAM), the previous speaker, a good friend of mine on the Committee on the Judiciary, that we all want to punish people who attack women who are pregnant. That is not the question. There is no one in the

House that does not want to add punishment.

The only difference is that our substitute applies to acts which cause the interruption in the normal course of the pregnancy, thereby avoiding the entire controversy concerning independent fetal rights. Now, that is really what the substitute and the whole bill is about.

I thank the gentleman from Illinois (Mr. HYDE), the chairman of the committee, for making it clear that that is what it is about. I mean, he makes it clear. That is what he talks about. He gave his usual speech about abortion, against it, and what the people mean and think and how bad choice is. The gentleman from Illinois has made it clear.

The gentleman from Florida (Mr. CANADY), the leader and manager of this bill, my good friend, has done everything in his power to conceal the fact that that is what we are doing. We are making incursions on Roe versus Wade.

The New York Times has figured it out in a very good way. The bill sponsors assert the measure has nothing to do with the abortion issue. Can my colleagues imagine that? That is all we have talked about is the abortion issue. But that view is disingenuous.

By creating a separate legal status for fetuses, the bill supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underpinning of Roe. We all know that. That is why we offer a substitute for those who want to punish people who attack women who are pregnant.

Mr. TANCREDO. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

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

Mr. Chairman, I am not an attorney, and I am not a constitutional scholar. I do not know of the implications that have been referred to up to this point in time with regard to this bill's impact on Roe versus Wade, and I do not care. It is not the reason why I support the bill.

It has been mentioned by the previous speaker that everybody in the body wanted to protect the rights of women when they were carrying a child. It is certainly true that that is a desire on my part. But I certainly go beyond that. I not only wish to protect her rights, I wish to protect the rights of the child she is carrying.

Justice is what we seek, of course. Who is worthy of receiving justice when a violent crime is carried out against the will of people? This legislation, the underlying legislation, not the substitute, will bring unborn children under the protection of Federal law and finally acknowledge the separate crime that takes place when an unborn child is either harmed or killed during a criminal act.

It actually amazes me that current Federal law treats an assault on a pregnant woman in which the unborn child is killed the same way as if it were an assault on a woman who was not pregnant. There is a difference. Amazing it is for some people to believe and understand, there is a difference. It is far time that the Congress of the United States recognize that fact.

This is a life that has been cut short by a criminal event and by a criminal act before that life can even begin. We cannot not stand by when an unlawful killing of a fetus takes place and do nothing. We must follow suit, as 11 States has already done, in criminalizing such activities to include any stage of prenatal development.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise strongly in support of her substitute.

Mr. Chairman, violence against women and, even more horribly, violence against pregnant women deserves the attention of both Federal and State law enforcement authorities. Perpetrators should be dealt with swiftly and harshly. But I do not really believe, unless my colleagues support this amendment, that that is the issue before the House of Representatives today.

There are a number of highly respected organizations nationally in my own State, and locally in some of my communities, who are concerned with violence against women and violence against women who are pregnant, violence against women and their children, violence within the families, yet, they are notably absent in their support or even having been consulted by the authors of this legislation.

There are other groups in this country who are principally concerned, obsessively concerned with overturning the decision Roe versus Wade, a woman's right to choice. They are prominently involved in the drafting of the underlying legislation and in the endorsement of that and in the opposition to this amendment.

This amendment, if my colleagues are concerned about violence against women, violence against pregnant women, violence against pregnant women that harms the fetus, then there is no reason to oppose this amendment.

It would say we are going to have harsh Federal penalties for the few cases that are brought in Federal court. Remember, few of these are brought in Federal court. But if they are, if they rise to that level, harsh penalties just for the violence against women. If it causes any harm to the fetus, 20 years in Federal prison. No parole. If it causes the death of the fetus, it could lead to a life sentence without parole in Federal prison.

Now, those are pretty darn harsh penalties. How can you oppose that? Unless the reason my colleagues are really here is a back-door attempt to repeal Roe versus Wade.

Let us just be honest about it. Bring a constitutional amendment to the floor to repeal Roe versus Wade. The only problem with them doing that that honestly is that they know a majority of the American people do not support that.

So, instead, under the guise of something that it is very difficult for anybody to oppose on the floor of the House, they are bringing forward this high-sounding argument that, well, there are these technical legal concerns about whether or not these people who could cause the death of a fetus will be adequately punished. Under this amendment, they will be dealt with harshly. Support the Lofgren amendment.

Mr. GRAHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I rise in support of the Unborn Victims of Violence Act and opposed to the amendment.

We have heard some very interesting statements out here on the floor today. One of the opponents of this act said we ought to vote against this act because, and let me quote, ''because the criminal attack on a woman causing her to lose a child, and an abortion, it is too easy to confuse the two.''

In other words, a criminal attack on a woman which causes her to lose her unborn child, she said the only difference in that and an abortion is, she says, the result is the same except for the criminal intent, and we cannot always determine the difference.

Now, do my colleagues buy that? Do my colleagues buy that this Congress or the American people cannot distinguish between a criminal attack on a woman which causes her to lose her unborn child and an abortion? I do not think so. I think that is ludicrous.

Another reason we were told to vote against this act, we were told that the Federal court or the Federal jurisdiction may have jurisdiction over the mother, but they might not have jurisdiction over the unborn child.

In other words, an FBI agent who is pregnant, we can try someone for assaulting her or murdering her, but not her unborn child, because that would not be a Federal act.

Well, what do we do in those cases? Do we always try those? Would we try them, as that person who opposes it said, we ought to try that case in the State court? Of course not. That is ludicrous.

The final thing, which is probably the worst, is this statement, and I say this with respect to all Members: that this is the first occasion that this Congress or this Supreme Court has ever recognized the legal status of an unborn child. If we pass this act, we will be recognizing the legal status of an unborn child.

Well I ask you, is it an illegal status? Are unborn children illegal?

How about an unborn child whose mother has made a decision to keep that child? She wants to keep that child. She wants to have that child. She wants to raise that child. Is there anything wrong with recognizing the legal status of that child? Should that child have no status, no rights? Of course not.

Ms. LOFGREN. Mr. Chairman, may I inquire how much time remains.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 19½ minutes remaining. The gentleman from Florida (Mr. CANADY) has 20½ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I object to this whole process, first of all on the basis of the public process by which we arrive at it. This is a parliament. This is no longer a Congress. It is a parliament where one party rams things through without having hearings on the implications of what they are passing. If they have got the votes, they get it.

The only thing missing from this being a parliament is that we do not have a vote of confidence or they would be gone. Because they cannot bring a budget out here and pass it and get out of here, so they bring out these wedge issues.

Now, I am a physician, and it is very clear to me from reading this that they did not think about what the implications of this are. What about a spontaneous abortion? All the time, women get pregnant; and then for reasons we do not understand, their body rejects this child. Oh, now, if somebody has pushed them on that day when that happens, this puts them in jail for the rest of their life. How is one going to prove that it was caused by the action?

The second issue is the whole question of intent. For my colleagues to just brush over this business of intent, acts of violence against women are not very well thought through in about 99.9 percent of the cases. They occur when people are angry. They occur when people are drunk. They occur in all kinds of circumstances. For my colleagues not to deal with that issue simply means they want to establish a basis to overturn Roe v. Wade.

Now, I worked in New York before we had Roe v. Wade in the Buffalo General Hospital, and I stood by the bedside of people who died getting illegal abortions.

What my colleagues want is a wedge to go back in the Federal court. They will not leave the State legislatures to decide this issue. They want to put it up in the Federal courts where the Senate, the other body, does not even provide enough judges so they can deal with these cases. My colleagues want to make it up here because they want to be able to go to the Supreme Court for an overturning of Roe v. Wade.

My view is that it is nothing, as the New York Times says, but a direct assault on Roe v. Wade. My colleagues can clothe it and act like anybody who is against it is against any protection for women who have had violence committed against them. That is totally untrue. If my colleagues are serious, put the money for the Violence Against Women Act in and pass it.

□ 1600

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume to respond to a couple of the points the gentleman made on the issue that he raised about how we would prove these things, and how we would prove that the harm occurs because of the misconduct of the defendant.

Well, there is a very simple answer to that. The burden of proof is on the government, and the government must prove beyond a reasonable doubt that the misconduct, in fact, caused the injury and caused the harm. That is the answer to that question. In the kind of case the gentleman is raising, they could not prove it. If there is a spontaneous abortion that occurred, they would be unable to establish that the defendant was responsible for that taking place. The answer to the gentleman's question is obvious.

Now, the gentleman asserts the same argument we have heard over and over again, that this is somehow a basis for overturning Roe v. Wade. But the gentleman seems to be unaware that laws similar to this have been enacted in a number of States, more than 20 States. The courts have upheld those laws time after time. And the courts have specifically said that the challenge to those laws was not well-founded and that the principles in Roe are not relevant to cases that deal with conduct of a third-party assailant on a pregnant woman.

Now, I do not know what could be clearer in the law. I think there is a fantasy here that somehow the whole structure of abortion rights is going to come crumbling down because of this bill. That is just not so. That is not the case. If that were going to happen, it would already be trembling and shaking because of the laws that have been enacted in the States and upheld, but I do not think that is the case.

Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I thank the chairman of the Subcommittee on the Constitution for yielding me this time, and I rise in support of H.R. 2436, the Unborn Victims of Violence Act, that preserves the rights of all women, both born and unborn.

In the famous book Animal Farm, the elitist pigs state, ''All animals are equal, some are just more equal than others.'' Unfortunately, this doctrine has been applied in our laws for too long, especially in regards to the unborn and their legal status before the law.

H.R. 2436, the Unborn Victims of Violence Act, gives unborn victims of violent Federal crimes equal legal status and protection just like any other victim. The bill says a person, no matter the stage of development, should receive equal protection of the law. It is that simple: Equal protection under the law. This echoes the principles that lay at the very foundation of our constitutional government: That is that all of us are equal.

Those opposed to this bill say, ''No, not in this case. We cannot provide equal protection to an unborn person in the womb, because they may not be a person.'' Well, we have already heard the tragic story of Jasmine Robbins. The law can punish the criminal for beating of the woman but not for the death of the unborn child in her womb. This is not fair. This is not right.

Some have concluded that since the Supreme Court has determined that, ''fetuses are not persons within the meaning of the 14th Amendment,'' that the case is closed. However, we are a government of laws, not the arbitrary decisions of men.

Twenty years ago, the Supreme Court made that fateful statement. Then, 10 years ago, the Supreme Court refused to invalidate a Missouri statute that declares, ''The life of each human being begins at conception.'' Furthermore, we are a government where even the smallest in our society is allowed to rise and say the majority is wrong. The smallest in this case are the preborn children in their mother's womb.

Let us not turn our backs on these principles. Let us do our jobs by stating that the laws apply to all people, all women, born and unborn.

Ms. LOFGREN. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, as a mother of five children, I know the joys associated with motherhood. Also, as an advocate for women's issues, I am well aware of the dangers that women face as it relates to domestic violence. Acts of violence against women, especially pregnant women, are tragic and should be punished appropriately. However, H.R. 2436 is not the best way to achieve this goal.

H.R. 2436 is not designed to persecute these crimes and prevent violence against women but to undermine a woman's right to choose by criminalizing death or injury that occurs at any stage of development from conception to birth. H.R. 2436 does not recognize the harm to the woman. In fact, it does not even mention the woman.

We should not be fooled by rhetoric of the supporters of H.R. 2436. This bill fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women. Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. To deter crimes against women, and to punish those who assault or murder pregnant women, Congress should pursue other avenues that focus on the harm to the woman and the promotion of healthy pregnancies.

Elevating the status of a fetus to a person flies in the face of the Roe v. Wade decision on the definition of a person and also erodes a woman's right to choose. This is the beginning of a very slippery slope, and I am not about to slide on that slope.

The Lofgren substitute creates a separate Federal criminal offense for harm to a pregnant woman. We are against the bill because it does nothing, that is H.R. 2436, to protect the pregnant mother. I urge my colleagues to vote ''no'' on H.R. 2436, this Unborn Victims of Violence Act, and support the Lofgren-Conyers substitute, the Motherhood Protection Act, because H.R. 2436 is a direct assault on Roe v. Wade. I ask for a ''yes'' vote for the Lofgren-Conyers substitute.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 16 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 14 minutes remaining. The gentleman from Florida (Mr. CANADY) has the right to close.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the chairman for yielding me this time, I commend the gentleman from South Carolina for his authorship of this very important legislation, and I rise in support of the gentleman's legislation and in opposition to the substitute.

I am proud to cosponsor the Unborn Victims of Violence Act, which promotes justice by holding violent criminals accountable for their conduct. It is unthinkable that under current Federal law an individual who commits a Federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child during the commission of the crime. Where is the justice when a criminal can inflict harm upon a woman, even with the express purpose of harming her unborn child, and not be held accountable for those actions?

Approximately half of the States, including my home State of Virginia, have seen the wisdom in holding criminals accountable for their actions by making violent criminals liable for conduct that harms or kills an unborn baby. Unfortunately, our Federal statutes provide a gap in the law that usually allows the criminal to walk away with little more than a slap on the wrist. Criminals are held more liable for damage done to property than for the intentional harm done to an unborn child. This discrepancy in the law is appalling and must be corrected.

Regardless of whether we are pro-choice or pro-life, those of us who are parents can identify with the hope that accompanies the impending birth of a child. No law passed by Congress could ever heal the devastation created by the loss of a child or replace a child lost to violence. However, we can ensure that justice is done by making the criminals who take the life of an unborn child pay for their actions. When a mother is bringing a life into this world and that life is cut short by a violent criminal, that criminal should be held accountable under the law. Justice demands it and so should we.

I urge my colleagues to join me in voting for the Unborn Victims of Violence Act, and I commend my colleagues for their efforts in this matter.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me this time and also for sponsoring this amendment, and I rise in support of the Lofgren amendment.

What it would do is establish a Federal crime for any violent conduct against a pregnant woman that interrupts or terminates her pregnancy. That makes sense. In its current form, the Unborn Victims of Violence Act obscures women's rights while claiming to champion them. We are forced to ignore that in order to harm a ''Homo sapien in any stage of development,'' as it reads, there is a woman who has been victimized by violence. This legislation switches our attention to the crime on a pregnancy at any stage while ignoring the woman who is pregnant.

The Lofgren substitute would create a Federal criminal offense for harm to a pregnant woman, recognizing that the pregnant woman is the primary victim of a crime causing termination of a pregnancy. The substitute provides for a maximum of a 20-year sentence for injury to a woman's pregnancy and a maximum life sentence for termination of a woman's pregnancy.

For each of the past several years, domestic violence has victimized an estimated 1 million women over age 12, and the number increases each year. There are approximately 200 Federal cases of women who were harmed last year, and we cannot say how many were pregnant at the time. If supporters of the Unborn Victims of Violence Act truly intend on increasing the penalties for Federal crimes that harm a pregnancy, they will focus on increased penalties where they would be best served in these circumstances: On the devastating loss or injury to the woman when her pregnancy is compromised.

Many States recognize this and have strengthened laws to punish such crimes against pregnant women, and I urge my colleagues to do the same by voting against the bill and by supporting strongly the Lofgren substitute.

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

Mr. Chairman, I would submit to the Members of the House who are considering this substitute amendment that the substitute amendment is so poorly drafted and ambiguous that it will place any prosecution for violence against the unborn in great jeopardy. The substitute amendment also diminishes the injuries inflicted by violent criminals on the unborn, transforming those injuries into mere abstractions.

Let me also note that it is somewhat ironic that the substitute amendment is subject to some of the very same criticisms that have been made so vociferously against the bill.

We have heard that the underlying bill is fundamentally flawed and unconstitutional because it does not have a requirement that there be a specific intent to kill or injure the unborn child. The opponents of the bill claim that the doctrine of transferred intent is not sufficient and that it must be the specific intent to kill or injure the unborn child.

As I read this amendment in the nature of a substitute, I do not see any specific intent requirement. I do not see that there must be a specific intent to cause the interruption or termination of the pregnancy. I would be happy to yield to anyone who can point to the provision in here that has such a specific intent provision. I do not think it is there. As a matter of fact, I know it is not there. I have read it, and it is absent.

So it is quite ironic that after hearing that sort of criticism of the underlying bill, the opponents of the bill come forward with a substitute amendment that is subject to the same criticism.

And that is not the only thing. They have complained that the underlying

bill provides protection for the unborn in the early stages of pregnancy. They say that that goes too far, to provide that protection in the early stages of pregnancy. Well, once again I believe that this amendment, this substitute, is subject to the very same criticism. So I am puzzled by the arguments that are made against the underlying bill.

□ 1615

Ordinarily, when an argument is made against an underlying bill by the proponents of a substitute, their substitute will not be subject to the same criticism. I just find it is very strange that the proponents of the substitute have crafted this, if that is the right word, to have it subject to the same criticisms.

I would suggest that any Member contemplating voting for this amendment should take pause and consider the flaws that are in the amendment that I am going to discuss.

First, the terminology in the substitute amendment is virtually incomprehensible and, if adopted, it will almost certainly jeopardize any prosecution from injuring or killing an unborn child during the commission of a violent crime.

The substitute amendment provides for enhanced penalty for the ''interruption to the normal course of the pregnancy resulting in prenatal injury, including termination of the pregnancy.'' The amendment then authorizes greater punishment for an interruption that terminates the pregnancy than it does for a mere interruption of the pregnancy.

But what exactly is the difference between an interruption of a pregnancy and an interruption that terminates a pregnancy? I would like some explanation of that. Does not any interruption of a pregnancy necessarily result in a termination of a pregnancy? The plain meaning of ''interruption'' requires that interpretation. If ''interruption'' does not mean that, what does it mean?

I have looked at this. I have tried to make sense of it. But I will suggest to the Members of the House that is a task that is extraordinarily difficult.

What does the phrase ''termination of pregnancy'' mean? Does it mean only that the unborn child died, or could it also mean that the child was merely born prematurely, even without suffering any injuries?

Interpreting the term according to its plain meaning requires that we understand that a pregnancy may be terminated in different ways and with different results.

I would suggest to the Members of the House that these ambiguities make this substitute amendment impossible to comprehend in any coherent way with any certainty.

Now, second, subsection 2(a) of the substitute amendment appears to operate as a mere sentence enhancement authorizing punishment in addition to any penalty imposed for the predicate offense. Yet the language of subsection 2(b) describes the additional punishment provided in subsection 2(a) as punishment for a violation of subsection A, suggesting that subsection 2(a) creates a separate offense for killing or injuring an unborn child.

This ambiguity is magnified by the fact that subsection 2(a) requires that the conduct injuring or killing of an unborn child result in the conviction of the person so engaging. Now, does this mean that a conviction must first be obtained before a defendant may be charged with a violation of subsection 2(a), or does it mean that the additional punishment may be imposed at the trial for a predicate offense so long as it is imposed after the jury convicts the predicate offense?

Is a separate charge necessary for the enhanced penalty to be imposed? The substitute amendment simply does not answer these critical questions. Prosecuting violent criminals under it will, therefore, be virtually impossible.

Unlike the current language of the bill, the Lofgren-Conyers substitute also contains no exemptions for abortion-related conduct, for conduct of the mother, or for medical treatment of the pregnant woman or her unborn child. This omission leaves a substitute amendment open to the charge that it would permit the prosecution of mothers who inflict harm upon themselves and their unborn children or doctors who kill or injure unborn children during the provision of medical treatment.

For that reason, the substitute amendment would certainly be subjected to a constitutional challenge. I would guarantee my colleagues if the underlying bill had not had such an exemption in it, we would have heard no end of that flaw in the underlying bill. But that provision is omitted from the substitute. Perhaps the supporters of the substitute see that not as a flaw in the amendment but as a desirable feature.

I am quite frankly puzzled by the omission of such a provision from the substitute, and I would leave it to the supporters of the substitute to explain the reason for the omission.

The substitute amendment also appears to mischaracterize the nature of the injury that is inflicted when an unborn child is killed or injured during the commission of a violent crime. Under the current language of the bill, a separate offense is committed whenever an individual causes the death of or bodily injury to a child who is in utero at the time the conduct takes place.

Although the actual language of the substitute amendment is hopelessly unclear, it appears that the supporters of the substitute intend to transform the death of the unborn child into the abstraction ''terminating a pregnancy.'' Bodily injury inflicted upon the unborn child appears to become prenatal injury. Both injuries are apparently intended to be described as resulting from an ''interruption in the normal course of the pregnancy.''

Again, I submit to the Members of this House that these abstractions ignore the reality of what is truly at issue when a criminal violently snuffs out the life of an unborn child or injures a child in the womb. These abstractions that are embodied in the substitute amendment obscure the real nature of the harm that is done and the loss that is suffered when an unborn child is killed or injured.

Consider this: if an assault is committed upon a Member of Congress and her unborn child subsequently suffers from a disability because of the assault, that injury cannot accurately be described as an abstract injury to a pregnancy. That is not an injury to the pregnancy. That is an injury to an unborn child. There is no other way to understand it and make sense of the reality of what is taking place. It is an injury to a human being.

The Graham bill recognizes that reality. The Lofgren-Conyers substitute simply chooses to ignore it and attempts to hide it. The Lofgren-Conyers substitute is radically flawed and should be rejected for the reasons I have explained. The substitute is so poorly drafted and ambiguous that obtaining a conviction of a violent criminal under it will almost be impossible. It attempts to deal with the crimes in question in a way that is divorced from the reality of the harm and loss that is actually suffered. It deals with these crimes in a way that is simply not consistent with the real human experience of the mothers and fathers of those unborn children who are the victims.

It is for all these reasons I urge my colleagues to reject the Lofgren-Conyers substitute and to support the Graham bill.

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

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

Mr. Chairman, I am happy to discuss our substitute amendment and I appreciate the questions of the gentleman. In some cases he has misread the amendment, and in other cases he is exactly right.

Let me first deal with the issue of exempting abortion from our bill. We do not need to exempt abortion from the substitute. Because in order to fall within the penumbra number of the amendment, one must have been convicted of one of the enumerated crimes that are listed within the bill. And abortion, thank goodness, is not a crime in America, although some in this body would wish it were so. So there is no need to do that.

Secondarily, really the amendment and the discussion is about choice. Let me discuss it in this way: if she is a pregnant woman and she wants desperately to have a child and she is assaulted and, as a consequence, she miscarries, she has been denied her choice to have a child. And that is an injury and it is a separate offense in the substitute amendment. The gentleman is correct. It is a separate and severable offense that is punishable by up to life imprisonment, as it should be.

There is another potential harm that could be done to a woman who is hoping to have a child, and that is assault that would result in a prenatal injury to that wanted child. I do thank the parliamentarian for his assistance yesterday in helping to craft the language on lines 10 and 11 of page 1 of the substitute.

The interruption of a normal pregnancy through the imposition of a prenatal injury because of an assault or one of the other crimes listed on page 2 of the amendment is also a punishable offense, as it should be.

So, yes, we do not need a separate intent provision in the substitute. The gentleman is correct in that regard. But we do need a conviction for the predicate offense, which in almost every case would also require a finding of intent beyond a reasonable doubt.

Now, I have just a little bit of time left under the rule, and I do know that my colleague and cosponsor of the amendment, the gentleman from Michigan (Mr. CONYERS), the ranking member, did also want to make a few comments on this entire issue.

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

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time for the purpose of closing.

Ms. LOFGREN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 8 minutes remaining.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman for yielding me the time.

I would begin the close of our comments by observing that my friend, the gentleman from Florida (Mr. CANADY), at least recently, has not denied as I have listened to the remarks of the gentleman from Illinois (Mr. HYDE) in particular, the chairman of the Committee on the Judiciary, that the problem that we have with the bill is not whether we can understand the language or whether it is incomprehensible or not, but whether or not it is a back-door attack on Roe.

I mean, that is the question. Is the major bill that has caused us to create a substitute a back-door attack on Roe v. Wade?

We think that it is, for the following reasons: until recently, the law did not recognize the existence of the fetus except for a very few specific purposes. As stated by the Supreme Court in Roe: ''The unborn have never been recognized in the law as persons in the whole sense.'' That is a quote. And the law that has been reluctant to afford any legal rights to fetuses quote ''except in narrowly defined situations and except when the rights are contingent upon live birth.''

So Roe specifically rejected the suggestion that a theory of life that grants personhood to the fetus and that the law may override the rights of the pregnant woman that are at stake.

So what I am suggesting is that the issue is not really the language of the substitute, but it is really the deeper problem of whether an unborn child should be entitled to legal status that is unprecedented in the Federal system. I hope to gain the attention of the learned attorney from South Carolina, and that is that in the 26 years following Roe v. Wade, the Supreme Court has never recognized an unborn child as having legal status.

In State courts and State law, yes, and many times it has not been challenged. But on the two occasions that this came before the United States Supreme Court, they have never recognized an unborn child as having legal status. The two cases that I would suggest are the Burns case in 1975 and the Webster v. Reproductive Health Services in 1989. These are the only two cases since Roe in which the Supreme Court has been asked to recognize the unborn child as having legal status, and in both cases the Supreme Court refused to do so.

□ 1630

Now, what does the substitute do? The substitute accomplishes the same thing that the major bill does without reaching a conclusion contrary to Roe v. Wade that has never recognized the unborn child as having legal status. That is precisely the difference. Punishment, the same. Objective, the same. Abhorrence of pregnant women having their pregnancy terminated involuntarily, the same. But the difference in the substitute is that our substitute keeps Roe v. Wade intact in that it maintains that the recognition of an unborn child as being entitled to legal status has never yet occurred in the law, and the Congress this evening is about to attempt to change that.

That is why we say, gentlemen of the Republican persuasion, this is a back-door attack on Roe v. Wade. And what we are trying to do is accomplish the same objective as the major bill without interrupting the status of Roe v. Wade.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, we have spent this afternoon talking about H.R. 2436, the pros and the cons. I have listened to my colleagues support H.R. 2436. If they can support H.R. 2436, they can support the Lofgren substitute, because it protects pregnant women. If they can support H.R. 2436, they can support the Lofgren substitute because it recognizes pregnant women as the primary victim of a crime causing the termination of a pregnancy without impacting Roe v. Wade or a woman's right to choose. If they can support H.R. 2436, they can support the substitute, because it creates a defense that protects women and punishes violence resulting in injury or termination of a pregnancy. If they can support H.R. 2436, they can support the Lofgren substitute because it provides for a significant penalty for a violation wherein a pregnant woman is harmed.

Fifthly, if they can support H.R. 2436, they can support the Lofgren substitute because it requires a conviction for the underlying criminal offense.

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

In conclusion of this debate, I am hopeful that this Lofgren-Conyers substitute is in fact adopted by this body.

Now, there are some who argue that up to a life sentence is too harsh for the perpetrator of violence on a woman who would then miscarry, but I know that that is not the case.

When one miscarries and loses a wanted opportunity to become a mother, that is something you remember your whole life. That is something that is a grievous harm and a terrible blow. It seems to me that someone who would perpetrate that violence and that harm on a woman ought to face that kind of harsh penalty. So I urge those who have qualms about the severity of the penalty included in the substitute, to look at it from the woman's point of view and to understand that while we believe that a woman's right to reproductive freedom includes her right not to have a child, choice also means the right to have a child, and if you are pregnant and you want that child, those who would assault you and who would either engage in a prenatal injury or cause you to miscarry have interfered with your choice, your right to become a parent and to enjoy all the things that those of us who are mothers do enjoy, which is to watch our children grow and to help them become ever more responsible citizens.

I urge a ''yes'' vote on the substitute and a ''no'' vote on the Canady bill.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM) who is the sponsor of the bill.

The CHAIRMAN. The gentleman from South Carolina (Mr. GRAHAM) is recognized for 4 minutes.

Mr. GRAHAM. Mr. Chairman, very quickly, I will hit this head-on the best that I know how. That if you are saying here today that Roe v. Wade is a ''get out of jail free'' card for criminals who assault pregnant women and destroy their unborn children, you are not reading the same ruling that I am reading. Roe v. Wade never said that third-party criminals have open season on unborn children. Roe v. Wade said that women can terminate their own pregnancy in certain conditions in the first trimester. The Supreme Court has not said you cannot pass a statute holding criminals liable for attacking pregnant women.

For 29 years, California, the gentlewoman's home State, has had a statute that makes it a crime for a third-party criminal to kill a nonviable, in medical terms, fetus and there are people sitting in California in jail right now, and all over this country in States that have these statutes, and they are not going to get out of jail because of Roe v. Wade. They are serving their time because the statute that sent them to jail is constitutional. That is why they are in jail and they are not going to get out.

Mr. Chairman, we have the authority if we so choose to make it a Federal offense to attack a pregnant woman and destroy her unborn child and to charge her separately. This is an opportunity to do what a lot of Americans wish we would do, regardless of how you feel about abortion.

The substitute, Mr. Chairman, that destroys the purpose of this bill is inartfully written and the gentleman from Michigan (Mr. CONYERS) said, ''We are not really worried about the words, we are worried about Roe v. Wade.'' I am worried about the words because when I prosecuted people in the past as a prosecutor, the words mattered. It has to be written right. The words in the substitute will allow criminals to get away with killing unborn children, what most Americans, I believe, would not want to happen.

Mr. Chairman, it comes down to this. When a criminal becomes the judge, the jury and the executioner of an unborn child that was wanted by the woman, let us act. Let us stand up and give Federal prosecutors the right to hold them fully accountable for what they have done, taking a life that was wanted, that was being nurtured. This is a chance to do something that is necessary in the law and unfortunately is going to happen somewhere, sometime, some thug is going to attack a pregnant woman where Federal jurisdiction exists and they are going to take her baby away and they are going to kill that baby. We have got a chance to put them in jail if they can prove the case. Let us give them the tools, a good statute to do what justice demands.

You cannot under Federal law execute a woman who is pregnant. A Democratic Congress made that illegal. The reason they did that is because they know that most Americans would not want to execute a pregnant woman because they would not want the unborn child to die for the crimes of the mother. Let us make sure that criminals are also barred from taking that unborn child, and if they do, they go to jail.

I thank my colleagues very much for paying attention to an important debate. Vote ''no'' to the substitute. Give prosecutors the tool they need to prosecute criminals who want to take babies away from women who have chosen to have them. Pass this bill.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN).

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

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 313, further proceedings on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 313, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Florida (Mr. CANADY); and amendment No. 2 in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 1 OFFERED BY MR. CANADY OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. CANADY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 158, not voting 6, as follows:

[Roll No. 463]

AYES—269

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—158

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kuykendall
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Stabenow
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wynn

NOT VOTING—6

Chenoweth
Hooley
Jefferson
Meeks (NY)
Scarborough
Wu

□ 1705

Mr. UDALL of Colorado, Mr. FRELINGHUYSEN and Mrs. MEEK of Florida changed their vote from ''aye'' to ''no.''

Mrs. ROUKEMA changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mrs. ROUKEMA. Mr. Chairman, on rollcall No. 463, I inadvertently pressed the "aye" button. I meant to press the "no" button.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOFGREN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 224, not voting 8, as follows:

[Roll No. 464]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McDermott
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Chenoweth
Herger
Hooley
Jefferson
Meeks (NY)
Scarborough
Weller
Wu

□ 1714

Mr. MOAKLEY, Mr. KUCINICH and Mr. SKELTON changed their vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. 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.

□ 1715

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LAHOOD, 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. 2346) 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, pursuant to House Resolution 313, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the 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 the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

Ms. LOFGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 172, not voting 7, as follows:

[Roll No. 465]

YEAS—254

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wynn

NOT VOTING—7

Chenoweth
Ford
Hooley
Jefferson
Meeks (NY)
Scarborough
Wu

□ 1734

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on September 30, 1999, I missed several rollcall votes in order to attend my October 2, 1999 wedding. Had I been present, I would have voted "yea" on rollcall vote 463 (Mr. CANADY's manager's amendment to H.R. 2336), "nay" on rollcall vote 464 (Ms. LOFGREN's amendment in the nature of a substitute to H.R. 2436), and "yea" on rollcall vote 465 (on passage of H.R. 2436).

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Speaker, a dear friend of some thirty years underwent brain surgery in Oregon this week. Because I desired to be in Oregon to support friends and family, I was unable to vote on several items today, September 30.

Had I been present, I would have voted: "yea" on rollcall No. 460; "yea" on rollcall No. 461; "yea" on rollcall No. 462; "no" on rollcall No. 463; "yea" on rollcall No. 464; and "no" on rollcall No. 465.

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 insert extraneous material on the bill, H.R. 2436.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1760

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1760.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

EXTENDING ENERGY CONSERVATION PROGRAMS UNDER ENERGY POLICY AND CONSERVATION ACT THROUGH MARCH 31, 2000

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (H.R. 2981) to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

he Clerk read the bill, as follows:

H.R. 2981

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

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 166. There are authorized to be appropriated for fiscal year 2000 such sums as may be necessary to implement this part, to remain available only through March 31, 2000.'';

(2) in section 181 (42 U.S.C. 6251) by striking ''September 30, 1999'' both places it appears and inserting in lieu thereof ''March 31, 2000''; and

(3) in section 281 (42 U.S.C. 6285) by striking ''September 30, 1999'' both places it appears and inserting in lieu thereof ''March 31, 2000''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BUDGET TIME MEANS ''MEDISCARE'' TIME

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

Mr. KINGSTON. Mr. Speaker, it is budget time, so it is ''Mediscare'' time. We have the age-old tactics that, when one does not have the facts, start scaring people. Who is the easiest of the population to scare? The seniors, beating up on Grandma and Grandpa. That appears to be what the White House is already doing with the Republican budget by saying that the Republican budget takes money out of Social Security.

I have a letter in my hand from the director of the Congressional Budget Office, the head guru. He says in short, there is nothing in our budget that takes any money out of Social Security. I will submit this for the RECORD. It is available for anybody who wants a copy of it. We will distribute it to our misguided liberal friends on the other side.

But the fact is, let us have an honest debate. When the President vetoes the appropriations bills, and we have spent up against the budget caps, then the only question remaining is: Mr. President, do you want to spend more money? It comes out of Social Security. Is that what you want to do? At that point, Mr. President, what will you tell Grandma?

Mr. Speaker, the letter I referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 1999.

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

DEAR MR. SPEAKER: You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO's economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal $592.1 billion. CBO estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000.

Sincerely,

DAN L. CRIPPEN,
Director.

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.

RIGHT TO SUE AN ERISA HMO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, Members on both sides of this aisle have joined together to address one of the most egregious violations of the individual rights upon which our Nation was founded, the right to due process in court.

Since 1974, federally governed managed care insurance plans have enjoyed a near total immunity from any legal accountability for injuring and killing the citizens of this country for monetary gain. No thinking, feeling American can agree to let that stand. I tell my colleagues today, Mr. Speaker, that will not stand.

But, Mr. Speaker, the industry lobbyists who have profited behind the skirts of ERISA are now engaged in a last-ditch fight to deceive the Members of this body and the American public concerning the truth of what we seek. So, tonight, Mr. Speaker, I want to set the record straight.

The bipartisan Consensus Managed Care Improvement Act that I have cosponsored with the gentleman from Michigan (Mr. DINGELL) provides full relief from the travesty of current law while providing full protection for employers and decent insurers against frivolous and vicarious lawsuits.

The managed care lobby has told us that employers could be sued for simply offering a health plan to their employees, they are actually going around saying that, or could be sued just by choosing a particular plan.

Mr. Speaker, read page 60 of the bill beginning on line 33. The bill says, ''Does not authorize any cause of action against an employer, or other plan sponsor maintaining the group health plan, or against an employee of such an employer.''

One cannot be any clearer than that. Employers cannot be sued for offering health insurance in our bill or choosing any particular specific plan. Now, the HMO argues that lawyers could find a way around that protection. But the United States Supreme Court has held that ''plain meaning'' interpretations would prevail. Who do you believe, the lobbyists or the Supreme Court?

There is only one way under this bill that employers can be sued. If an employer decides to do more than offer health insurance, by trying to practice medicine, yes, then they can be sued. If an employer decides to weigh in on a decision of medical necessity, they will be held responsible for that decision, as they should be. But if that employer chooses to stay out of the dispute and leaves the decision up to medically trained professionals, they remain shielded from any type of liability, as they should be.

Read the bill. Page 61, beginning on line 13, an employer can only be sued if, and I quote out of the bill, Mr. Speaker, ''The employer's . . . exercise of discretionary authority to make a decision on a claim for benefits covered under the plan . . . resulted in personal injury or wrongful death.''

Would a Member of this body like to argue that anyone should be able to wrongfully cause the death of a human being and then be shielded from that responsibility? Let us have that debate. I think they will not argue that.

Under this bill, an employer is free to buy any health plan on the market for their employees and face no liability whatsoever for having done so. If the employer is asked to step into the middle of the dispute between the employee and the health plan, they simply should refuse, leave the matter up to the doctors, and face no liability whatsoever.

The managed care lobby has told us that this bill opens the door for unlimited punitive damages against health plans, with jury awards soaring into the hundreds of millions of dollars.

Read the bill. We have left a way for insurance companies to remain shielded from any punitive damages, not one nickel.

Read the bill. Page 60, beginning on line 13, and I quote again, Mr. Speaker, ''The plan is not liable for any punitive, exemplary, or similar damages . . . if the plan or issuer complied with the determination of the external appeal entity.'' It cannot be any simpler than that.

There is only one option left the HMO lobby to defeat the legislation: Distort the issue, scare the employers into believing it. We know it, and they know it.

I believe that truth and justice will prevail during next week's vote on this issue. No amount of lies, Mr. Speaker, no amount of threats will deter the Members of this body who know the truth from moving forward on this issue.

Mr. Speaker, I ask my fellow Members who support this bill to spread the truth to those who may not know it yet. This evil cannot be allowed to stand.

Mr. Speaker, I look forward to seeing my colleagues next week on the floor of this House when the truth will come forward as to what is happening to health care in the United States of America.

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

Mr. NORWOOD. I yield to the gentleman from Michigan.

□ 1745

IN AGREEMENT WITH RIGHT TO SUE AN ERISA HMO

Mr. DINGELL. Mr. Speaker, I first want to say that I have worked in this place for a long time, and I have worked with a lot of people. None have been more steadfast, courageous, harder working, more able or more dedicated on the matters upon which we work, and I want to commend the gentleman from Georgia and thank him.

I want to make the observation that I hope my colleagues will have listened to the gentleman from Georgia, because what he is talking about is people who are desperately in need of the protection he and I seek to provide. I want to point out that what he is seeking to do here is to assure that employers who do not intrude into the every day management of the particular fund that is set up for the health care and for the procurement of health care are absolutely protected against liability. The gentleman is totally correct in that. And the only time that an employer would incur a liability under this legislation is if he had actively intervened against the beneficiary.

And so I want to first commend the gentleman. Second of all, I want to urge my colleagues to listen to him. He has been speaking great wisdom. He has also been speaking of justice and decency and something that the health care industry has not always been providing to the recipients of health care. It is an extremely important point in this legislation.

Honest and decent employers have nothing to fear, and HMOs which have been denying people the health care to which they are entitled under the contract do have something to fear. And, indeed, they should. They are the folks that I happen to be after.

IMPORTANCE OF GOVERNMENT FUNDING OF SCIENCE IN TODAY'S WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, I have been giving a series of comments in special orders about the importance of science in today's world, and also the importance of government funding of science, because the question often asked is why should the Federal Government be spending good taxpayers money to conduct scientific research.

One very obvious reason: Over half of the economic growth of this country comes from the scientific research which we have funded in the past. I can give numerous examples, and I have given some in the past, but let me just point out a few tonight.

When computers were first developed, one of the difficulties was how computers could talk to each other. That was resolved fairly readily. But then some bright individuals in the Defense Advance Research Project Agency began wondering how can we network a large number of computers. And then, beyond that, how can we connect the networks so that we have what is really an internet, a connection or a network of networks. That was not easily resolved, but it has had far-reaching implications when it was solved.

The basic method is to create what is called a packet of information that travels along the telephone lines from one computer to another. There is a certain protocol of what is in that packet, what is at the lead, what is in the middle, what is at the end, so that you can keep track of these. After that was developed, the interest of the Defense Advance Research Project Agency was to tie together all the military laboratories in the United States. That eventually came to include other laboratories. And then the NSF got involved and developed what was called the NSF net, which broadened it to all universities. And that was the basis from which the Internet was developed.

Now, who can question the value of the Internet today? So many people use it for so many purposes, we have trillions of dollars flowing on the Internet every day, indicating the commerce we have between banks and other places. If an individual's check is deposited by electronic fund transfer, that money was probably transferred over the Internet.

I have been told, and I have not had a chance to check this for myself to be certain it is true, but I have been told that there is more money transferred electronically over the Internet each day than we have in the entire Federal budget for a year. That illustrates some of the importance of the Internet for this and for various other purposes.

One little sidelight that might be interesting to my colleagues. As we developed these packets to go on the Internet, someone got the bright idea why not do the same thing with telephone information. In other words, treat voice information just as we treat computer information. So today, when we place a telephone call, our voices are chopped up and put in all these little packets, they travel over telephone lines by various routes, and when they reach their destination they are unscrambled, and no one on either end knows that this has happened. That has greatly increased the capacity of our telephone lines for carrying voice and data transmissions.

Mr. Speaker, I now yield some time to my scientific colleague, the gentleman from New Jersey (Mr. HOLT), who is a fellow physicist. We often work on science issues together. This is obviously a bipartisan issue, and I am pleased to yield to him.

Mr. HOLT. Mr. Speaker, I thank my friend from Michigan. It is a great pleasure to talk about these things. We do not have occasion to talk about them enough here on the floor of the House.

First, I would like to recognize how much the gentleman does in support of science and science education. We all appreciate it.

I would like to just add two comments to what the gentleman talked about. One is the importance of research that we do not necessarily recognize the value of at first. Many of our colleagues here in this chamber, many of our family members have had MRIs, magnetic resonance imaging. Most people do not realize this came out of studies on nuclear magnetic resonance, on which I believe the gentleman has worked in the past. This was once regarded as pure research but has turned out to be of very practical value.

The return on investment in science is enormous.

AFFORDABLE PRESCRIPTION DRUGS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, before I begin my special order on prescription drugs, I yield to the gentleman from New Jersey (Mr. HOLT) if he would like to finish his thought.

Mr. HOLT. Mr. Speaker, I thank my friend and just say that the point I wanted to make was that economists argue about what is the yield on research, the economic yield on dollars spent on research, but they argue about whether it is 20 percent or 30 percent, not whether it is 2 or 3 percent. And it is a sound investment.

Mr. BROWN of Ohio. Reclaiming my time, Mr. Speaker, 2 weeks ago the Office of Personnel Management announced that premiums for the Federal Employees Health Benefit Plan would increase by 9 percent next year, the third straight year of large increases. Last month, final figures were in for the number of seniors that will be dropped from their Medicare managed care plan come January 1: 395,000 elderly Americans. Last year, 400,000 were dropped. Most of the remaining plans are curtailing or eliminating prescription drug benefits.

Those are the numbers. Here are the stories. Last month, I received a letter from a 71-year-old widow in Sheffield Lake, Ohio, who had taken a part-time job to help pay for her prescription drugs. Until United Health Care pulled out of her county and left her without a health plan, she had some drug coverage, but just one of her medications, lipitor, absorbed the entire benefit.

I spoke with a woman recently in Elyria, Ohio, who spends $350 out of her $808 monthly Social Security check on prescription drugs.

What is the common thread here? The high cost of prescription drugs. Prescription drug spending in the U.S. increased 84 percent between 1993 and 1998. The American public is right to wonder why we are not doing something about that in this Congress. The truth is, what has held us back is a threat. The drug industry says if we do not leave drug prices alone, they will not produce any new drugs.

I believe it is time we use market forces, and by that I mean good old-fashioned competition, to challenge that threat. We can introduce more competition in the prescription drug market and still foster medical innovation.

We need information to examine the industry's claims that U.S. prices are where they need to be. I introduced last week a bill, the Affordable Prescription Drug Act, that addresses these issues head on. Drawing from intellectual property laws already in place in the United States for other products in which access is an issue, such as pollution control devices under the Clean Air Act, my bill would establish product licensing for prescription drugs.

If, based on criteria by the Department of Commerce, a drug price is so outrageously high that it bears no resemblance to pricing norms for other industries, the Federal Government could require drug companies to license their patent to generic drug companies. The generic companies could sell competing products before the brand name patent expires, paying the patent holder royalties for that right. The patent holder would still be amply rewarded for being first in the market, and Americans would benefit from competitively driven prices. Drug prices would then come down.

The bill would require drug companies to provide audited, detailed information on drug company expenses. And given that these companies are asking us to accept the status quo, in terms of high drug prices, the status quo that has bankrupted seniors and ignited health care inflation, they have kept us guessing about their true cost for all too long.

This is not some brand new untried proposal. Product licensing works in England. It works in France. It works in Israel. It works in Germany; it has worked in Canada. But there is another part of this issue. Through the National Institutes of Health, American taxpayers finance 42 percent of the research and development that generates new drugs. Private foundations, State and local governments, and other non-industry sources kick in another 11 percent. So the drug industry funds less than half of the research and development of new drugs.

In addition, the dollars that the drug companies do spend on research, the U.S. Congress has bestowed generous tax breaks on those dollars for the drug companies. At the same time, drug prices in the United States are twice or three times or four times what they are in every other country in the world.

So get this. Half the cost of prescription drug research and development is borne by U.S. taxpayers. U.S. taxpayers then give tax breaks for the money that they do spend for the research on prescription drugs by the drug companies. And American taxpayers are then rewarded by the drug companies by being charged the highest prices in the world, double, triple, four times what those prices are.

Mr. Speaker, it is time this Congress pass the Affordable Prescription Drug Act.

ENHANCING INFRASTRUCTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, citizens chronically complain about the state of America's public capital, about the dilapidated school buildings, condemned highway bridges, contaminated water supplies, and other shortcomings of the public infrastructure. In addition to inflicting inconvenience and endangering health, the inadequacy of the public infrastructure adversely affects productivity and the growth of the economy. Public investment, private investment, and productivity are intimately linked.

For more than two decades, Washington has retreated from public investment as costs of entitlements and of the interest payable on rapidly rising debt have mounted dramatically. State and local governments, albeit to a lesser extent, have also slowed investment. Their taxpayers became more frequently reluctant to approve bond issues to finance infrastructure. Whereas in the early 1970s, nondefense public investment accounted for 3.2 percent of the GDP, it now accounts for only 2.5 percent.

Widespread neglect of maintenance has contributed substantially to the failure of the stock of public capital assets to keep pace with the Nation's needs.

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For instance, the real nondefense public capital stock expanded in the past decades by a pace only half that set in the earlier postwar World War II period.

Evidence of failures to maintain and improve infrastructure is seen every day in such problems as unsafe bridges, urban decay, dilapidated and overcrowded schools, and inadequate airports.

The General Accounting Office study finds that education is seriously handicapped by deteriorating school buildings and that an investment of $110 billion is needed to bring them up to minimally accepted conditions. These problems take a toll in less visible and perhaps even more important ways, in unsatisfactory gains in private sector productivity, and a diminished rise in real income for the Nation at large, seemingly endless traffic jams, disruption to commuter rail service, and backed-up airport runways. And that is everyday experiences for Americans. They spell waste and inefficiency for the economy at large.

Congestion on the Nation's highways alone cost the Nation some $100 billion a year. Let me repeat that. Congestion on the Nation's highways alone cost the Nation some $100 billion a year according to a Competitiveness Policy Council estimate in 1993. And that was 1993. It does not include the cost of added pollution and wear and tear on the vehicles.

That is the bad news. Now the good news. There is help on the way in the form of legislation directly targeted for infrastructure renewal. This legislation is designed to help the Nation

take a significant step toward overcoming its infrastructure deficit and promoting the productivity needed to meet the competitive challenges of the 21st century. The plan is fiscally sound. It follows the best accounting procedures of the private sector and is designed to recognize the statutes that mandate a balanced Federal budget.

In salient ways it advances sound fiscal operation. The plan would provide $50 billion a year for mortgage loans to State and local governments for capital investments in types of projects specified by Congress and the President. These mortgage loans would be at zero interest. They would thereby cut the overall costs to local governments of the projects at least in half, depending on the prevailing interest rate for local and State taxpayers.

The principals of these loans would be paid in annual installments. Repayment would depend upon the type of project, but no mortgage would be for a period of more than 30 years. The simple fact is that the Nation is falling behind. Infrastructure improvements will enhance our economy, provide new jobs, increase safety for citizens, and help us compete in the global marketplace. This bill is necessary now to begin to rebuild our vital infrastructure as soon as possible.

TECHNOLOGY AND AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I am here this afternoon to say a few words about why research and technology is important to America. For me, it is a simple story. Technology gives people the tools to live better lives, beginning with the discovery of fire on a winter night somewhere back in history. Technology creates jobs, raises standards of living, and allows people to live longer and fuller lives.

My home, in the Ninth District of Texas, has really three prime examples of the power of new technologies to spur growth and create opportunities: petroleum, space, and medicine.

In my hometown of Beaumont, in 1901, an era began when oil drillers hit the Lucas Gusher in Spindletop. By the end of that year, Spindletop's production exceeded all the rest of the world combined. The technologies that unfolded in the following decade in the use of automobiles, aircraft, petroleum refining totally changed the shape of our world, making mobility a commonplace rather than a luxury for the wealthy, allowing average Americans to enjoy the personal freedom to travel, to work, to shop, just to have fun, for pleasure.

Almost a hundred years later, technology continues to find new uses for our hydrocarbon resources and to make transportation more safe and more compatible with the environment. Beaumont and East Texas still have a major share of America's petroleum refining and petrochemical manufacturing capacity. And what keeps the industry a vigorous source of employment everyone recognizes is research and technological innovation.

Energy, oil, and chemicals are increasingly international industries. They have to compete successfully with industries worldwide in the field of efficiency and innovation, and they need to find new ways to minimize their impact on the environment. The road to those goals is paved by research.

A few miles southwest of Spindletop is the Johnson Space Center, one of the major centers of America's space program. As the Lucas Gusher celebrated the beginning of the 20th century, the International Space Station, managed by the Johnson Space Center, will mark the beginning of the 21st century. This is the largest space project in the history and a collaboration between the United States, Canada, the member states of the European Space Agency, Japan, Russia, and Brazil to build a laboratory in permanent orbit around the Earth.

Where will this step lead us? Space station research and medicine and biomedical technologies will help open the door to new advances in health care, research, and physical sciences and engineering; will enable development of a new generation of materials for optical computing, technologies for increased efficiencies engines, and a host of other advances that we cannot even predict.

The Space Station will be advancing knowledge in the basic sciences across the spectrum and providing opportunity for commercial research and development opportunity as well. And on the Space Station we will also be developing a whole spectrum of space technologies that will enable a tremendous expansion of our capabilities for commerce and exploration.

The course of human space exploration is not set today, but I believe that humans will over the course of the next century make the trip to Mars if not a routine, then at least a regular, event. America should lead that chapter in the history of humanity.

One of the things that we can predict about the 21st century is that our citizens will increasingly find themselves in competition with labor from around the world. This competition does not have to be a zero-sum game where they can get richer by making any neighbor poorer. The 21st century can be a win-win game if advances in research and technology give our workers the knowledge and the tools needed to continue to lead the growth of prosperity in the global economy.

It is obvious to me that research is not a luxury. It is a necessity. We have to make the investments necessary to make sure that the economic opportunity made possible by technology-led growth are available to our children's generation and to make sure that we can maintain our standard of living and to improve our stewardship of the environment, to make sure that our longer lives are healthier, richer, and less expensive medically, to manage the continued growth of the world's population, and to open the universe to the continuing epic of human discovery.

Finally, Mr. Speaker, I ask that as we proceed through the next few weeks to negotiate our final appropriations decisions for fiscal 2000 that we remember the importance of research and the importance of agencies like NASA, the National Science Foundation, and the National Institutes of Health to our country's future.

CLEAN POWER PLANT ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise today to introduce the Clean Power Plant Act of 1999, a bill to set uniform emissions standards for all electric generating units operating in the United States.

I am pleased to be joined by 18 original cosponsors of both parties and from throughout the country. As we approach the 30-year anniversary of the Clean Air Act, we should take stock of all that it has accomplished to clean our air, improve public health and create a better environment.

We must also, however, recognize that the clean air act and its amendments have not fully solved the problem of the air pollution in this country. In my home State of Maine we routinely see unhealthy levels of smog during the summer ozone season. We still suffer the effects of acid rain and mercury pollution in our rivers, lakes, and streams; and we are only beginning to understand the effect of greenhouse gases which have helped make the 1990's the hottest decade on record.

When we look at the sources of air pollution in America today, one sector stands out as a glaring problem, eclipsing virtually every other source of pollution in the Nation. It is the electric generating sector which for nearly 30 years has evaded the full regulations of the Clean Air Act.

More than three out of every four power plants in the U.S. are grandfathered from having to comply with the act's emission standards and legally pollute at four to 10 times the rates allowed for new plants. When Congress passed the clean air act, it assumed that these grandfathered plants

would soon become obsolete, retiring to make way for new plants that would be covered by clean air regulations.

Unfortunately, dirty power is often cheap power, and the economic advantage enjoyed by grandfathered plants has allowed them to survive much longer than Congress ever expected. Most of the power plants in the U.S. began operation in the 1960s or before. The operating cost for grandfathered plants are often half that of new clean generators.

With the U.S. moving toward a deregulated electricity market, it is now time to remove the economic advantage of dirty power. If we do not close the grandfather loophole and level the playing field for new clean generation, clean energy will be disadvantaged.

The Clean Power Plant Act of 1999 sets uniform emissions standards for all plants regardless of when they began operation. It addresses the four major pollutants that come from utilities and closes several loopholes that allow the electric generating industry to pollute at higher rates than other industries. This bill, however, also recognizes the importance of fuel diversity for electricity generation and the need to make a smooth transition to cleaner technology.

The bill sets an overall cap of 1.914 billion tons of carbon dioxide emissions from the utility sector. This cap is consistent with the Rio Treaty on global climate change which was signed by the Bush administration and ratified by the Senate. It requires EPA to distribute emissions allowances to power plants based on a generation performance standard.

Because the effects of carbon emissions are global rather than local in nature, the bill allows the trading of extra emissions allowances between utilities. For nitrogen oxides and sulfur dioxides, the bill sets both a maximum emissions rate and a per-unit cap on total annual emissions. The emissions rates of 1.5 pounds per megawatt hour for nitrogen oxides and 3 pounds per megawatt hour for sulfur dioxides will ensure that all plants must meet standards similar to those required for new generators.

The bill does not allow dirty plants to purchase emissions credits to meet these requirements. While capping total emissions and allowing plants to trade pollution credits will limit overall pollution, it may not protect upwind States from downwind emissions or protect communities around older plants from the local effects of ozone smog or acid rain.

The bill also sets a total per-unit cap on emissions based on the amount of electricity generate by each unit during the period from 1996 to 1998. This provision ensures that if energy demand increases, older plants will not simply run longer at lower emissions rate resulting in no net reduction in pollution. Instead, new energy demands will be met with new clean more efficient energy sources that are subject to all new source emissions standards.

My bill also sets strict standards for mercury emissions, which under current law are left unregulated. The bill calls for a 70 percent reduction in the more than 50 tons of mercury that are emitted from power plants each year. This 70 percent level is what EPA in a March 1999 report estimated is the level of reduction that plants could achieve with currently available technology.

This level is a floor, however, so that EPA can require greater reductions as technology improves.

The bill does not simply address emissions of mercury, however. It also closes a loophole in the Solid Waste Disposal Act that allows utilities to dispose of waste that contains mercury without consideration of mercury's severe environmental and health effects. My bill ensures that all mercury waste, including the solid waste created in the combustion process and the mercury that is captured by smoke stack scrubbers, must be disposed of in a way that ensures the mercury will not find its way back into the environment. This makes my bill the most stringent proposal to reducing the amount of mercury released by power plants.

Finally, my bill closes a loophole that allows utilities to escape regulations on hazardous air pollutants. Currently, utilities are not required to use technology that removes heavy metals and volatile organic compounds from their emissions. These pollutants, which include many carcinogens, can cause severe damage to human health and the environment. My bill ends the exemption for utilities and will require them to implement the maximum available technology to limit emissions of hazardous air pollutants.

This bill is not simply crafted to cut emissions, however, without regard for the economic effects of shifting away from fossil fuels. Instead, it recognizes that, to make clean energy economically as well as environmentally successful, we must ease the transition from old technology to new. The bill contains grants for communities and workers who are affected by changes in fuel consumption. It also authorizes grants for property tax relief for towns that derive a large amount of their tax base from older power plants that will be replaced by cleaner technology.

Mr. Speaker, quality of our air is not just an environmental problem. It is an economic and public health issue as well. Whatever the initial costs of switching to new, clean generating technology, it pales compared to the cost of cleaning up mercury pollution, the cost of treating smog related illnesses, or the costs of a rapid rise in global temperature. I hope my colleagues will join me in this effort to level the playing field for clean energy and fulfill the promise of the Clean Air Act.

H.R. 2982, A BILL CALLING FOR THE HIRING OF 100,000 RESOURCE STAFF FOR STUDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce a very important piece of legislation, H.R. 2982.

This bill will provide $15 billion over a five year period specifically for states to hire resource staff in our public schools to help students cope with the stress and anxieties of adolescence.

Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado—all of these towns should conjure up images of small-town American life—quiet neighborhoods, friendly faces, and good, safe schools. However, today these towns bring to mind radically different images—children with guns, students fleeing schools in terror, and kids killing their classmates.

It is hard to forget the images of Columbine High School. Not because this shooting spree was more tragic than any of the others—all of these incidents have been undeniably jarring—but because the attackers were so calculated and so ruthless in their killings. Why did this happen? What could make children from seemingly typical upbringings turn so violent? And what can we do to ensure that our children will be safe at school?

I don't know if we will ever find all of the answers, and I am not suggesting that Washington is necessarily the place to look for them—I think that, ultimately, we must look to our culture and within our own families to find the answers—but I do know that this Congress owes it to our children to work on policies that can bring about change.

First, we must look to substantive preventive measures. Security guards, metal detectors, and expelling violent students—all have their place in addressing this problem, but they do nothing to prevent tragedies from occurring. Ultimately, we must work with children to ensure they can handle their anger and emotions without resorting to violence. Many of our children enter school with emotional, physical, and interpersonal barriers to learning. We need more school counselors in our schools, not only to help identify these troubled youth, but to work on developmental skill building.

The fact is today we have no real infrastructure of support for our kids when it comes to mental health services in our schools. We currently have only 90,000 school counselors for approximately 41.4 million students in our public schools. That is, on average, roughly 1 counselor for every 513 students. For many schools the ratio is even worse. In Hawaii, for instance, we have only 1 counselor for every 525 students. In California, there is only 1 counselor for more than 1,000 students. That is simply not enough.

With current school counselors responsible for such large numbers of students, they are unable to address the students' personal needs. Instead, their role is more often administrative, scheduling, and job and college counseling. The child is forfeited for different goals.

My legislation will put 100,000 new resource staff in our schools to focus on the mental health needs of students. Like the President's

100,000 new teacher initiative, this will make it easier for children to get the attention they need.

This resource staff assigned to work for and with students will be hired to address the personal, family, peer level, emotional, and developmental needs of students. By focusing on these personal needs, these staff members will pick up early warning signs of troubled youth. They will improve student interaction and school safety. In short, they can save kids' lives.

These resource staff can also provide consultation with teachers and parents about student learning, behavior and emotional problems. They can develop and implement prevention programs. They can deal with substance abuse. They can set up peer mediation, and they can enhance problem solving in schools. Resource staff will provide important support services to students, and to parents and teachers on behalf of the students.

By no means is this the only thing that needs to be addressed to prevent youth violence. This should be the cornerstone of a much larger proposal. We must also look at the media's impact on violence and the easy accessibility of guns. We must strengthen our programs for families and early childhood development, and we must develop character education programs.

If we are really serious about addressing school violence, we must address prevention. My bill does that, and I urge all of my colleagues to support this legislation.

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CONGRESSIONAL BLACK CAUCUS INITIATIVES DOMESTICALLY AND GLOBALLY REGARDING HIV/AIDS

The SPEAKER pro tempore (Mr. FLETCHER). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise this evening to speak about the initiatives of the Congressional Black Caucus in the fight against the HIV and AIDS epidemic.

I first want to thank the gentlewoman from California (Ms. WATERS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for their leadership in this effort. This epidemic is killing our community in unprecedented, terrifying numbers. Within our own country among African Americans and among Africans on the continent of Africa, the disproportionate infection rates of people of African descent are staggering.

In my district, which includes Oakland, California, the AIDS case rate for African Americans is five times that of whites. While the county has experienced a decline in the number of AIDS cases since 1994, African-American diagnoses have risen by 20 percent.

I wish that I could say that these frightening and disproportionate statistics are rare in our Nation, but unfortunately they are pervasive. We know that across our country, African Americans have the highest death rate from AIDS and chronic illnesses, higher than all other minority communities combined. African Americans who account for 13 percent of our Nation's population account for 56 percent of all newly reported HIV cases and 68 percent of new cases among adolescents.

What we have seen over the past several years has been the emergence of a crisis, and the failure on the part of our government to target resources where the disease is the greatest void has really compromised our ability to work effectively to decrease the number of HIV infections, to create strong prevention programs and to provide adequate services and care. We are now thankful, though, that the current funding is significantly higher. However, it remains grossly inadequate.

Last year, under the bold leadership of the gentlewoman from California (Ms. WATERS), the Congressional Black Caucus mobilized to call upon Secretary Donna Shalala to declare a state of emergency for HIV/AIDS in the African-American community. It is with determination that we as a caucus have taken the lead on this issue. And with pride I can also say that on a local level in my area, Alameda County has declared a public health emergency on HIV and AIDS in the African-American community, the first jurisdiction in the Nation to do so.

This week, the Congressional Black Caucus has taken the next step to put forth a $340 million emergency public health initiative on HIV and AIDS which will be distributed proportionately among African Americans and other communities of color. The plan is the next, necessary step to allow the continuation of initiatives within HHS and NIH and CDC that were created from fiscal year 1999 funding and to address new emergency needs. The Black Caucus has also been focused to bring to bear the resources so that African Americans also experience a decline in, and eventual end to, the HIV infection.

Furthermore, let me just mention how it is disproportionately devastating countries in the developing world, most drastically on the continent of Africa. UNAIDS reports that of the 33.4 million people living with HIV/AIDS in the world, 22.5 million, or 67 percent, are in sub-Saharan Africa; 7.8 million are children who have been orphaned with their parents who have died of AIDS. It is anticipated that this number will reach 40 million orphans by the year 2010. That is why I, along with 47 cosponsors, have introduced H.R. 2765, a bill to provide assistance for HIV/AIDS research, education, treatment and prevention in Africa.

Mr. Speaker, I ask my colleagues to recognize the demoralizing reality of HIV and AIDS, both in this country and throughout the world. We must not falsely and dangerously assume that because new combinations of therapies have improved the quality of life and extended the survival of some with HIV that the HIV/AIDS epidemic is now under control. The battle is far from over. I urge support for the Congressional Black Caucus' emergency public health initiative to combat this epidemic domestically and I urge support for the AIDS Marshall Plan to combat in a substantial way the AIDS epidemic globally.

COMBATTING HIV/AIDS IN THE BLACK COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I join with the gentlewoman from California (Ms. LEE) and others who are attempting to work at doing something about the problem of HIV/AIDS in the black community. Mr. Speaker, we have spent over a year working in a very concentrated way on trying to garner the resources and redirect them to communities that are highly at risk but have not had the resources follow the crisis.

Under my leadership as Chair of the Congressional Black Caucus last year, we organized an initiative where we were able to identify tremendous resources to begin to do what needed to be done. We discovered a number of things, Mr. Speaker. We discovered that the resources of government were not following the AIDS crisis because the face of the new AIDS had not been unveiled sufficiently in this Nation. Most people still think of AIDS as a white gay disease. It is not. It is not a white gay disease. If there is anything that I can share with you today, it is that the gay community has done a wonderful job in, number one, doing outreach, education and prevention and getting people involved in the new therapies that are causing them to have a better quality of life and being able to go back into the workplace. We need to follow that example. It certainly can be done.

What do we find when we look at the African-American community? We find, of course, that it is the leading cause of death for African Americans between the ages of 25 and 44. What do we find when we look at African-American women? We find that in the new AIDS cases, we are 30 percent of that population. We also find that we are infected 16 times more than white women. And so we see this increase, we see this crisis, we see this emergency, and we are trying to get everyone to understand that it is indeed an emergency, it is indeed an emergency that

we can do something about. And we need to continue to get the dollars to flow into outreach and education and research and therapy, all of those things that will help our community to do what can be done to stop the escalation of HIV and AIDS infection.

And so we got the $156 million and the RFPs went out and the responses came back and now we have community groups accessing dollars to do the kind of work that they so desperately have wanted to do that we have not given them the support for. They are saying to us, we have got to build and expand capacity, we have got to get more providers, we have got to make sure that we are doing the kind of creative outreach and education to get with that young population out there who we still have not been able to infiltrate. And so they are beginning to see that they can do these things and they can do them better.

Let us not stop now. Let us take the initiative that has been put together by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and others who are leading us in the Congressional Black Caucus to keep the resources moving. Let us take this opportunity to be on top of and in front of this funding so that we do not find ourselves having gotten $156 million, having the proposals responded to and people beginning to do the work and all of a sudden cut off because more money is not following. I think we can do that.

I am here today to add my voice to the efforts of the gentlewoman from California (Ms. LEE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and others who are working so hard to garner these resources.

Let me just say that the gentlewoman from Oakland, CA (Ms. LEE) got her county to declare the emergency that exists there. My county in Los Angeles was slow but they finally did it. They finally looked at the data, the statistics, and they finally understood that they should have done this a long time ago, that in Los Angeles County we have not done what could have been done. And so we have got a lot to straighten out in Los Angeles County. We have got to redo the entire process. We have got to make sure that our organization with its task forces and its RFP responsibilities, all of that, are done in such a way that the resources will get to where they must go.

Mr. Speaker, we will be back to talk a lot more about what must be done.

ADDRESSING HIV/AIDS PUBLIC HEALTH EMERGENCY IN MINORITY COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I want to thank the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE) who are members of the health brain trust of the Congressional Black Caucus for joining me here this evening.

Mr. Speaker, I rise to once again register our dissatisfaction with the funding that the committee is proposing to provide for the HIV/AIDS public health emergency in African-American communities and other communities of color. Mr. Speaker, people of color are represented in the AIDS epidemic in numbers that far exceed our representation in the general population. African Americans and Hispanics are the most severely affected groups, representing well over 60 percent of all AIDS cases in the United States. Of the estimated 40,000 new HIV infections each year, almost 50 percent are in African Americans, and 20 percent are in Hispanics. African Americans were 49 percent of new HIV infections in 1998 and Latinos were 11 percent.

In 1998, African Americans accounted for 45 percent of all total AIDS cases; 40 percent of all cases in men, 62 percent of all cases in women, and 62 percent of all cases in children. In 1998, the AIDS incidence rate among African Americans was eight times that of whites, and for Latinos the incidence rate was 3.8 times that of whites.

Mr. Speaker, if this does not represent an emergency in our community, I do not know what does. This is further compounded by the disparities that exist in all communities of color with respect to heart disease, cancer, diabetes and infant mortality among other diseases. But in all of these, African-American communities experience disparities that far exceed all other groups combined. We need to change these dire statistics. They are a blight on this great country. And we need to provide access to health care for all on a level that is equal to the majority population.

The CBC initiative seeks to do this by empowering communities with the resources they need to be agents of change themselves for better health. Yesterday, I spoke about the need to fund the offices of minority health within the agencies of the Department of Health and Human Services and the importance of elevating the office of minority health research at NIH to a center. Today, I just want to say a few words about the need to address this issue in our correctional facilities.

There are some statistics that we just cannot ignore. In 1995, over 1.5 million adult arrests and over 3 million juvenile arrests were made in the United States. The U.S. prison population increased threefold between 1980 and 1996. Today, there are approximately 1.7 million persons housed in correctional facilities, jails and prisons, in this country. That is the second largest incarcerated population in the developed world, behind only Russia. All told, there are more than 6 million people under some form of the criminal justice supervision, under some form of juvenile justice supervision in the United States on any given day. The majority of these individuals are arrested in, and returned to, urban, low-income communities.

Rates of HIV, STDs, sexually transmitted diseases, and tuberculosis are disproportionately high among the U.S. incarcerated population compared to the U.S. population at large. This presents challenges as well as opportunities. In addition to high rates of infectious diseases, the inmate population is also plagued by a number of chronic diseases such as diabetes, heart disease and substance abuse. In 1996, 63 percent of jail inmates belonged to racial or ethnic minorities, up slightly from 61 percent in 1989. 41.6 percent were white, and 41.1 percent were African American. Among Federal prisoners, 58.6 percent were white and 38.2 percent were African American.

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Looking specifically at HIV, correctional populations have the highest rates of HIV infection of any public institution. A 1995 report by the Bureau of Justice Statistics shows that the AIDS case rate in prisons is six times higher than the overall U.S. AIDS case rate. In fact, 23 percent of all State and Federal prison inmates were reported to be infected with HIV. In State prisons, 4 percent of female prisoners were HIV positive compared to 2.3 percent of male prisoners.

We must bring the needed funds to develop and implement strategies related to surveillance and reporting in correctional facilities. We must develop continuity of care programs and provide technical assistance to jails and communities dealing with these issues. We hope that this House will recognize the wide disparities in health care that exist for people of color in this country and the challenge it presents for us as we prepare to enter the 21st century.

Mr. Speaker, we ask that our colleagues join us in facing this challenge and addressing it successfully.

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, before we start I yield to the gentleman from Pennsylvania (Mr. BRADY).

CALLING FOR RECTIFICATION OF STATEMENTS MADE EARLIER TODAY ABOUT ED RENDELL, MAYOR OF PHILADELPHIA

Mr. BRADY. Mr. Speaker, I stand here tonight to clarify the RECORD. One

of my colleagues, the gentleman from Colorado (Mr. SCHAFFER), spoke this morning concerning my mayor and the mayor of the City of Philadelphia, and he alluded to the fact that our mayor was out there celebrating Chinese rule, Communist rule with Chinese Americans, and then because of that he became elected chairman of the National Democratic Committee. That is the furthest from the truth that there ever could be.

Mr. Speaker, our mayor is out there celebrating the heritage of Chinese Philadelphians, and he was there not to make a political statement, and I think that that should be rectified and cleared, that the person that made that derogatory statement today must be a little nervous because we do have, without question, one of the best people, one of the best Americans I know, that I know of for a fact, that can head and be Chairman of the National Democratic Committee.

Mr. Speaker, I rise to honor a great American, my mayor, Mayor Ed Rendell. We have been blessed to have Ed Rendell serve as mayor of the City of Philadelphia for the last 7½ years. In fact, he is the best argument that I can think of against term limits.

Mr. Speaker, we now have to share Ed because America's mayor was recently elected and was elected prior to the alleged demonstration that my colleague alluded to. He was elected chairman of America's Party, the National Democratic Party. They could not have made a better choice.

Mr. Speaker, I wish him well, I wish him all the best. He will not need any luck because he works as hard and as tenaciously as anybody that I know. Luck will follow him.

From one chairman to another, You go, boy.

Mr. ETHERIDGE. Mr. Speaker, I want to thank my colleagues who have joined me tonight to talk about a very important issue, and that is education in America.

Today marks the close of fiscal year 1999. All year my Democratic colleagues and I have been working to help pass legislation to strengthen our public schools, but this Congress has utterly failed to achieve that important goal in my opinion. We are at the end of the year; we have no appropriations bills for education. We have not passed the reauthorization of the Secondary School Act, and so many opportunities have been missed.

Rather than answer the call of the American people to pass legislation to improve education for our children, Republican leadership has spent the whole year doing a whole lot of other things and, in the end, moving to cut education funding. With 29 days left before the targeted adjournment date that they set themselves; we did not set it, Mr. Speaker, they set it for this Congress to adjourn; we have a lot of educational issues yet to be addressed.

Mr. Speaker, throughout the month of August, I visited many schools in my district and went into every county and every school district. I met with students, teachers, parents, staff. We talked about the tremendous challenges that they face today, and teachers are doing a wonderful job under some tough circumstances. We talked about school construction, we talked about school safety, teacher training; we talked about the need for more technology in the classroom, we talked about encouraging and enticing more African American students, more minority students, more female students, into math and science and into the technology area. Tremendous needs out there, and Congress can help with that.

I want to now recognize my colleague from California (Ms. WOOLSEY) who has been working on this area all year in the Committee on Science where we serve and on education. She has a deep interest in making sure that all these groups get an opportunity, and she has worked on legislation, and I would yield to her at this time.

Ms. WOOLSEY. I thank the gentleman from North Carolina very much for organizing this special order tonight. It is a particularly important issue when we talk about our children and their education, and believe me, you are a big voice in this country, having been the Superintendent of Schools for North Carolina. You know as much as anybody in the House of Representatives what we need to be doing to get our children ready for the 21st century.

I ask you, Mr. Speaker, what is wrong with this picture. Females make up slightly more than 50 percent of this country's population, yet less than 30 percent of America's scientists are women. Even fewer engineers are women, in fact, less than 10 percent. In 1994, there were 209 tenured faculty at the Massachusetts Institute of Technology; and only 15 of those 209 were female.

Of course, these figures are not surprising when we learn that in 1985 women earned less than 30 percent of the bachelors degrees in the physical sciences and less than 10 percent of the bachelors degrees in engineering. Colleagues will not even want to hear the percentage of Ph.D.'s in science- and mathematics-based fields that are earned by women; it is too depressing.

Just to give my colleagues an example:

About 8 percent of the Ph.D.'s in physics in 1988 were awarded to women.

My colleagues may be asking themselves: So what? Is this some national problem? And that was years ago, WOOLSEY.

Yes, well, this is a big problem; and in some fields, the numbers are worse today than they were 11 years ago. In fact, this is a big problem for employers, a big problem for women as future wage earners and a big problem for our Nation as we compete in the global marketplace.

The Bureau of Labor Statistics projects that between 1994 and the year 2005 the number of women in the labor force will grow twice as quickly as men. A recent study of school-to-work projects found 90 percent of the girls clustered in five traditionally female occupations. That has not changed over the last years. These occupations that are chosen by young women are elementary school teacher, nurse, retail sales, travel, hospitality service, and service industries.

My colleagues do not need me to tell them that careers in traditionally female occupations pay far less than careers in science, math, and technology. For example, Mr. Speaker, a data analyst can expect to make $45,000 a year while a licensed practical nurse earns less than $25,000 a year and a kindergarten teacher earns only $18,000 a year.

The National Science Foundation reports that today the jobs facing workers require higher skill levels in science, math, and technology than ever before. The NSF report is verified by a letter I received from the American Electronic Association, and I hereby introduce that letter into the RECORD:

AMERICAN ELECTRONICS ASSOCIATION,
April 27, 1999.

Hon. LYNN WOOLSEY,
439 Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOOLSEY: The American Electronics Association (AEA) is the nation's largest high-tech trade group, representing more than 3,000 U.S.-based high-technology companies. I am writing to inform you of the high-tech industry's growing concern about our nation's education system.

The U.S. high-tech industry has created 1 million new jobs since 1993, paying an average annual wage of more than $53,000. Recruiting skilled professionals is becoming increasingly difficult for most high-tech companies since the current unemployment rates for many key technology occupations are less than 2%. For instance, the unemployment for engineers is 1.6%; for computer scientists, 1.2%; and for computer programmers, 1.4%. Given the high salaries, rapid employment growth, and low unemployment, it would follow that more students should be entering these fields of study. Instead, the opposite is occurring.

The high-tech industry is facing a critical shortage of skilled workers. Simply put, our nation's educational system is not graduating enough students to fill the workforce needs of the high-tech industry. Further, we are not producing enough students that are prepared to meet the challenges of a technology-driven economy. This week, AEA released a new report—CyberEducation: U.S. Education and the High-Technology Workforce—that provides a comprehensive overview of the education trends that affect the high-tech industry. The report provides a

baseline for comparing high-tech education in each state. Key CyberEducation findings include:

The number of degrees awarded in computer science, engineering, mathematics and physics has declined since 1990. Workers with these degrees perform critical research, design and develop new products, and create new jobs for the high-tech industry.

Foreign nationals are earning a large percentage of high-tech degrees: 32% of all master's degrees and 45% of all doctoral degrees are awarded to foreign nationals.

Although the test scores of American students in math and science are improving, American high school seniors ranked 19th in math and 16th in science and when compared to students from 21 countries.

If these educational trends continue, the growth of the high-tech industry cannot be sustained. Congress has an opportunity to address the shortcomings in our nation's education system with the reauthorization of the Elementary and Secondary Education Act. AEA is currently developing a series of specific education improvement proposals focused on K–12 math and science and the use of technology in the classroom, which we will share with Congress in the near future. AEA and its high-tech member companies are prepared to work with Congress to improve our nation's education system.

Sincerely,

WILLIAM T. ARCHEY,
President and CEO.

AEA wrote to tell me that today the high-tech industry is facing a critical shortage of skilled workers and the future is even looking worse than it was in the past. Additionally, seven high-tech firms including Autodesk, Hewlett-Packard, and Microsoft sent a similar letter to all of the members of the Committee on Education, and I introduce that letter into the RECORD also, Mr. Speaker:

September 24, 1999.

Hon. WILLIAM L. CLAY,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CLAY: Research has shown that the earlier girls are introduced to mathematics and science, the more likely they are to enter information technology (IT) careers. As such, we are writing to express our strong support for H.R. 2387, ''The Getting Our Girls Ready for the 21st Century Act (GO GIRL!),'' introduced by Rep. Lynn Woolsey (D–CA). The bill seeks to encourage young female students' interest in mathematics and science, and ultimately, into high technology careers.

While the IT industry is thriving and continues to drive U.S. economic growth, we are in the midst of a critical high technology worker shortage. At the same time, 50% of the U.S. population is female yet women currently make up just 8% of the engineering workforce. Moreover, only 3 percent of top executive positions at Fortune 500 companies were held by women. Clearly, we are letting a valuable national resource go untapped. We need to work together to encourage more of our country's women to pursue carriers in technology.

The GO GIRL! Proposal establishes a program that works with girls beginning in the fourth grade and stays with them through high school. It funds mentors, tutors and events to encourage their interest in technology.

We support proposals that encourage young girls to be exposed to role models and develop an interest and self-confidence in mathematics and science as numerous empirical studies have suggested that girls tend to develop negative attitudes towards the ''hard sciences'' in middle school. While several of our companies employ a variety of mentoring, recruiting and training programs to encourage women to enter high technology fields, we strongly support federal initiatives that strike at the root of this issue in the formative years.

In your consideration of the Elementary and Secondary Education Act (ESEA), the high technology industry strongly encourages you to consider proposals that not only strengthen math and science education broadly but that aim to target women, minorities and other underrpresented groups to pursue these courses of study. We urge you to consider co-sponsoring Rep. Woolsey's proposal by calling Lynda Theil at 5–5161 and appreciate your consideration.

Sincerely,

Apple Computer, Inc., Autodesk, Inc., Compaq Computer Corporation, Hewlett-Packard Company, Intel Corporation, Microsoft Corporation, Motorola, Inc.

In their letter these companies told committee members that without measures like Go Girl we will be jeopardizing the success of Americans' thriving technology industry by letting a valuable national resource go untapped. Quite clearly there is no way that America will have technically competent work force if the majority of students, females, stay away from science, math and technology.

That is why I have introduced a bill to help schools encourage girls to pursue careers in science, math and technology. Although my bill is formally titled: Getting our Girls Ready for the 21st Century, it is known as Go Girl. Go Girl will create a bold new work force of energized young women in these technical fields. Go Girl is modeled on the TRIO program which has successfully encouraged 2 million low-income students whose parents never attended college, and these students now are attending and graduating from college.

Similarly, the lack of female role models hampers female interest in studying math, science, and technology. Girls and their parents first must be able to envision a career in these fields for themselves and for their daughters. Then they need practical advice on what to study and how to achieve the necessary academic requirements. Go Girl follows girls from the 4th Grade, the grade in which girls typically begin to fall behind boys in math and science, through high school. To encourage girls' interest in math, science, and technology in the early grades girls will participate in events and activities that increase their awareness of careers in these fields, and they will meet female role models.

Go Girl participants benefit from tutoring and mentoring, including programs using the Internet which is built on a program started by Carol Bartz, the President of Autodesk Software Company in my district. We can hardly turn on a TV or pick up a newspaper these days without hearing about the importance of Y2K preparations, but what good will Y2K preparation be if we do not invest in our future workers? And we have to ensure that all of our workers are ready for the 21st century.

American girls are close to 50 percent of America's future work force. If they turn away from careers in science, math and technology, we will be shortchanging our employers, and our young women will be shortchanged as well.

I hope that my colleagues will join me in sending a message to the Committee on Education that our young girls and young women must have careers in science, math, and technology. Say to these young women and young men: Go, girl. Go to a career in science, a career in math, a career in technology, and earn a livable wage so you will be able to raise your family comfortably.

So, Mr. Speaker, that is my speech for today because where we are undervaluing all children in our education system by not passing the reauthorization of elementary secondary acts for this Nation, we are particularly undervaluing our young women.

Mr. ETHERIDGE. Well there is no question that all children in our public schools have to be reached out to. We have to encourage them, and certainly today with the number of youngsters, the females of all ethnic backgrounds as well as those who are not represented in the technological areas, if we do not encourage them and get them into those areas, all of us will lose because they are the future workers of tomorrow, and you are absolute true, and as we think about that, this whole digital divide that we have, we also have to have a place to put them.

□ 1845

We need buildings in our communities. In the communities throughout my district, and I think this is true all across America, we see student enrollment continuing to grow at alarming rates. They are outstripping the local governments' abilities to keep up with the needs of quality schools.

This Congress has an opportunity to act and must act to help these communities cope with these very urgent problems. I have introduced legislation, many of you have signed it, we have something like 93 Members having signed it, and the Republican leadership refuses to bring it to the floor or bring it up in committee so we can take action on it.

I yield to the gentlewoman from California (Ms. LEE) for her comments, because really she has really been a hard worker and been on this floor and worked in committee to make sure that education is held high, recognizing that the bulk of the money for

education really comes from the state and local level. But we have a major responsibility at the Federal level to provide that kind of leadership.

Ms. LEE. I thank the gentleman for yielding. I just want to thank you once again for your leadership and your commitment to education to all of our children in this country and also for conducting this special order.

Mr. Speaker, I rise to talk about our national concerns about education. It is heartening to know that most people in this country want our budget surplus spent sensibly on preserving Social Security and securing our future by educating our children.

Think about it. Rather than getting an insignificant tax cut, which is what the majority of taxpayers would have received with the Republican tax bill that President Clinton just vetoed, they would rather have this money spent on improving our schools. I am very heartened by this. The American people have spoken. They want our educational system improved.

We recognize that as a result of over two decades of neglecting our schools, especially in communities of color and low-income communities, that they are in deplorable conditions. We know that solving these educational problems is not only having enough money, but that the money be spent to support programs that have clear objectives, that have curriculums that are suitable for a highly technical and competitive society, that have capable administrators and well-trained and well-paid teachers, that have basic support staff, like nurses, counselors, attendance clerks, and school secretaries that can call parents. The schools must have up-to-date textbooks, adequate laboratories, and computer technology, and that the physical structure, the schoolhouse, be decent, clean, and safe. Yes, provide an environment that is conducive to study and learning. Schools must be safe havens for our children, free from drugs and weapons.

What I have described is a basic educational package that is centered around the school. The American public school is one of the most powerful engines for uplift in this country.

We know that a strong educational system provides systems with the necessary background and training to survive in and to lead in this world. One significant aspect, however, of a successful school system is that it is also a powerful crime prevention tool.

We know that education is the best form of crime prevention. A California-based think tank recently released a study showing that crime prevention is the most cost effective way of making sure that we do not build prisons. Of all crime prevention methods, education is the most cost effective, not to mention that our children deserve to benefit from a good education rather than to be set up for a lifetime in and out of jail. Yet, rather than invest in education, some would have us funnel more money into prisons to fuel the prison construction industry, putting money into constructing new prisons and building new juvenile detention facilities, as if we are to prepare for the inevitable incarceration of our children.

This is wrong. In fact, the lack of investment in education actually contributes to the rise in incarceration rates. Nineteen percent of adult inmates are completely illiterate, and 40 percent are functionally illiterate. Nationwide, over 70 percent of all people entering State correctional facilities have not completed high school. In our juvenile justice system, youth at a median age of 15 read, on average, at the same level as most 9 year olds.

So it is imperative that we begin to refocus on education and prevention instead of constructing prisons. With children attending classes in trailers, being subjected to unheated and sometimes unsafe buildings or packed together 35 in a classroom, it is no wonder that too many students are not learning and receiving sound healthy starts that they need to succeed in a competitive, fast-paced working world.

My continued experience of working with the youth in my district gives me real hope in the knowledge that students have the vitality, knowledge, and intellect; and they have the wish to learn and succeed and to be good citizens in a healthy, supportive society. They have the will and the ambition to achieve.

Let me give you an example. At the beginning of this month, 2,000 students from different communities in my district coalesced to celebrate a ''Week of Unity: One Land, One People.'' These students are members of the Youth Together Project, a multiracial violence prevention and social justice project which operates in each of five schools to unite students of all races to promote unity and peace on school campuses.

To achieve their goal, they have drafted teachers, parents, and community leaders as allies in their effort. I am so proud that the students of Youth Together understand that Native Americans, African-Americans, Latinos, Asian Pacific Americans and Whites, all members of our rainbow culture, can work together for peace and justice in our schools and communities.

The children, the youth, will do their part, as will the local communities. It is now up to us in the Federal Government to step up to the plate. We must support the President's initiative to reduce class size by placing 100,000 extra teachers in our classroom. We must support our Democratic education agenda by supporting the School Modernization Initiative bill, H.R. 1660, and provide our children with essential counseling at critical times of their education by supporting H.R. 2567, which will bring counselors to the schools. Our teachers need to be freed up to do what they do best, and that is to teach. The children are doing their part, our teachers are doing their part, now we must do our part.

Mr. ETHERIDGE. I thank the gentlewoman from California for her comments and thank her for her efforts, her hard work on education and for the children of this country, and recognizing that she really is a leader in that area. We appreciate that.

As we talk about these issues this coming year, in the current school year we are in we have more school children in our classrooms than at any time in America's history, more than we had during the time that we talk about the baby-boom after World War II. It is only going to get worse.

Tonight, I can report that officials from the U.S. Department of Education have conducted a study, and the documentation of that study talks about the tremendous explosion we are having in our public schools all across this country. And we are going to experience it for the next decade. It is going to continue to come, and then fairly level out. We will not have a dip. They have confirmed the earlier estimates of what is called the baby-boom echo which has created a crisis in our schools, and it is certainly reflected in my State, one of the fastest growing states in the country.

I am disappointed that the Republican leadership has failed to meet what I think is its most basic responsibility, to pass the annual legislation needed to fund government and has ignored the needs in our community to help with school construction.

That same leadership has refused to act on my school modernization bill, but they have also failed to act on one that Congressman RANGEL has put in that the administration is working with. My Democratic colleagues, along with me, have signed a discharge petition, and for those folks we need to remind each other what a discharge petition is. If we cannot get a bill out of committee, we march up here and sign a petition. If we get 218 signatures on it, we can get the bill out. Hopefully we can get that done.

But as we think of that, we need that to make sure children have a place to learn, but we also need it to have a place to put the technology that is needed in those classrooms for children to be ready for the 21st Century, because if we do not put the computers and technology in the classroom, there is going to be a tremendous digital divide for all of our children.

I want to thank my friend from Connecticut (Mr. LARSON) who has worked

so hard in this area. He has worked on it in the Committee on Science where we served, and he worked on it on the floor and other committee. He has taken it as a mission. I thank you for your leadership in this area.

I yield to the gentleman for his comments on this really important issue of the digital divide.

Mr. LARSON. Thank you very much, Representative ETHERIDGE, and thank you for your leadership and again for putting forward this very important hour to discuss this issue.

As you have already recognized, school buildings across this Nation represent about a $2 trillion investment in brick and mortar, and it is an asset we cannot overlook. While I am as disappointed as several are that we have not been able to address fundamentally the issues of education in this session, I believe that this issue is going to be driven forward, ironically not by the Congress, ironically not by educators, but by businessmen.

It is the Commerce Department that most recently issued a report, a very startling report, called ''falling through the net.'' In that report, what they found is that the gap, the so-called digital divide, is increasingly growing worse along the lines of race, gender, geography and wealth.

What that means in this Nation is that at a time when the economy is surging and roaring forward, that there is not the pipeline of well-trained, well-educated individuals to come forward and fill the jobs that will continue to fuel this great economic growth that we are experiencing. So we fundamentally have got to address issues.

As was pointed out by the gentleman from North Carolina (Mr. ETHERIDGE), there are important things that have to be done with respect to modernizing our schools. But as we modernize the schools as well, it is equally as important that we make sure that they are technologically sufficient.

The people who came before not only the Committee on Science and Committee on Commerce, the business community projected that currently we have about 350,000 jobs that are going unfilled because we do not have people that are coming out of our public school system that are digitally fluent and competently trained. The problem is a huge one, and it is one where this Nation and Congress, quite frankly, has had its head in the sand, and we have to wake up.

As I suggested earlier, I think it is going to be the business community that drives this issue, because primarily they are concerned about that workforce in the future. But what the Commerce Department's report also demonstrated is this huge gap that exists between those who have access to information and those who do not.

In a digital economy we cannot afford to leave anyone behind. That gap has grown worse in the midst of this great economy and has grown worse, especially for those children in our rural communities and in our cities. We have got the ability, we have the technology. What we have lacked is a universal ubiquitous plan to make sure we are delivering technology in the classroom.

We have proposed legislation in the Committee on Science that is going to address this issue. We hope desperately that it gets taken up on the floor, because it is so important that we come up with the most efficient means of making sure that fundamentally the transmission of voice, video and data in a classroom can be integrated into daily lesson plans and into the curriculum.

As a former schoolteacher myself, I know the importance of making sure that we are more diagnostic in our approach to teaching, that we are able to be more prescriptive in terms of what children's needs are, and ultimately that the goal of every teacher is to individualize instruction.

But if we do not have the basic tools that are going to be necessary to compete in a global economy, then shame on us for having our heads in the sand and not making sure that we are making the kind of fundamental changes within our schools that we need to move forward. We cannot do that, as you pointed out on several different occasions, without well-trained teachers.

We have proposed legislation, several of us here, to make sure that we provide tax incentives for teachers, teachers who are willing to go out and spend the extra money to purchase a computer on their own, a laptop, so they can go home and incorporate that into their daily lesson plans; a tuition tax credit for teachers that will go back and get the kind of education that they need to be technologically up to par with their 5th grade students; and, of course, providing incentives for business as well, so that they, when they buddy up with school systems, when they buddy up with fellow teachers, for the hours that they put in, they receive a particular tax credit.

Fundamentally, it is recognizing that we need to retool our schools. We all know what happened in the automobile industry when we did not retool. We lost. We lost ground, we lost in competition, we lost market share.

This is far more important than an automobile industry. This is our future growth. These are our future students. To compete in the global economy, we have to make sure that these students are well-trained. Every economist worth his salt has said look, when you are dealing with this economy, knowledge and currency, knowledge translates into currency, and information will provide the growth in the future.

□ 1900

We have to retool our schools. We have to retrain our students. One way that I believe that we can, and this is going to take time, and I think most of us understand that, is as we are rebuilding and refurbishing schools and making sure they are technologically up to speed, as we are retraining our teachers we need, according to Secretary Riley some 2 million teachers over the next 10 years, we also have to make sure that we make as part of this culture, part of this information culture, our youngest students.

We have called for the creation of a youth technology corps to be a part of the arm of VISTA, to be part of AmeriCorps, to serve this country starting in the fifth grade, to put a civic face on technology but having at that very young age kids become imbued with the responsibility of service, service to their fellow students, helping them with the basics of reading, writing and arithmetic, helping elderly people who are shut-ins or in nursing homes send e-mails to their sons and daughters and their grandchildren. There is a higher calling here and it is one where if we integrate and take a look at these issues from a universal perspective, this Nation is going to be better served.

I am also reminded as well, at the end, and I think it is something that served me well and I know many of my colleagues have talked about this, there is no piece of legislation, there is no technology, that reads to a child at night, that tucks them in, that offers them the kind of nurturing and help that a loving and caring parent can. Beyond that, there is a responsibility, fundamentally, that resides with this Congress. There is no State, there is no community, that has the wherewithal technologically to provide universal, ubiquitous service to all of our children. We have that responsibility. We created a national highway system. Surely we can create a national information superhighway system.

I thank the gentleman so much for the opportunity today to speak.

[From the Hartford Courant, Sept. 21, 1999]

CLOSING THE DIGITAL DIVIDE IN OUR SCHOOLS

(By John B. Larson)

The nation's economy is surging to unprecedented levels. The productivity of small business start-ups, driven by technology and American ingenuity, is bursting with entrepreneurial capital and the creation of unparalleled wealth.

Yet amid the euphoria, there is growing concern about the alarming trend of limited access to the benefits of this ''digital'' economy. In its July report ''Falling Through the Net,'' the Department of Commerce confirmed these fears about the information haves and have-nots, citing a persisting ''digital divide'' between the information-rich and the information-poor—a divide characterized by a disparity of race, gender, wealth and geography that grows disturbingly further apart.

The great irony of this technology enterprise is that it's running out of a vital fuel source: skilled workers. American corporations are now in the position of asking Congress to help import a work force from foreign countries.

Congress needs to reinforce a crucial pipeline for this needed fuel so that our technological enterprises can feel secure in their ability to grow.

That pipeline has been and continues to be public education. Unfortunately, the pipeline is clogged because our policies are floundering with piecemeal, patch-worked solutions instead of a solidly constructed plan. We cannot meet the demands of a digital economy with inadequate infrastructure, untrained teachers, resistant universities, indecisive government and a private sector that thinks donating its old computers is the solution to the problem.

Congress must recognize a fundamental need to rethink how we deliver education in our classrooms. It needs to light up the desktops of our students and the blackboards of their teachers, and provide students with the training and skills they need to be contributing members of our future work force. Specifically, it needs to bring the information superhighway into our schools and libraries, giving students the opportunity to participate in the global economy.

For this opportunity to be seized by Congress, it will take more than a 30-second sound bite. It will require a long-term plan. Congress must forge a new alliance of the nation's talented technological sector and leading academic and government agencies, to develop a strategic plan with appropriate implementation benchmarks. The information infrastructure needed for classrooms and public libraries must be examined to ensure that it provides the most efficient and cost-effective results. Yet, we must also realize that while a high-tech education system is critical, it won't work without trained professionals.

As a parent of three and a former teacher, I understand that no act of Congress ever reads to a child at night, tucks him in or offers him the kind of nurturing growth that comes from caring parents. Similarly, no piece of technology can replace a highly trained teacher. There can be no high-tech without high touch.

According to U.S. Secretary of Education Richard Riley, over the next 10 years, this country will need 2 million new teachers. These new teachers must be digitally fluent and prepared to integrate technology into their daily lesson plans and curriculum. Our colleges and universities must be prepared to provide this outcome, and Congress must be prepared to provide incentives. These incentives would include tax credits for equipment purchases, tuition credits to acquire new skills and incentives for business to buddy with teachers and adopt schools.

The third component of how Congress can integrate high-tech learning into our society relates to creating a civic culture that will encourage young people with computer talent to share their knowledge with their community. The best way to make that happen will be through a youth technology corps.

A national tech corps starting in the fifth grade and continuing through high school will be of technological service to peers and adults and expose young people to the importance of community service, learning the important lesson that serving is as important as being served.

Congress has a responsibility to leave no one behind in the digital economy. It must provide the opportunities needed to help Americans attain personal and financial security in a global economy. It can make this happen, or it can be remembered as the Congress that squandered an unprecedented educational moment.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON) for his comments. He is absolutely right, and I thank him for his leadership in this area because we have more who feel that our children need not only the technology but need a place to put that technology, and that is where we have to make sure that we have the facilities to put them in and have quality education for our children. I thank the gentleman for his efforts.

As we talk about the technology needs and the other needs, this year we will have over 53 million children who are attending public schools, as we talked about a few minutes ago, and too many of these children, as has already been stated, are stuck in trailers, in converted bathrooms for classes, in gyms, in hallways, and the list goes on. This is not conducive, and it is not what we ought to have to have a quality facility and certainly we cannot get technology in those kind of places.

Our communities need help to get quality buildings, to upgrade them, to get them up to standard, and make children understand that it is education we are about. We really do believe in it. We do need to provide for them a quality facility and a quality environment. As a former State superintendent, I certainly know that, and I urge this Congress to stop playing partisan politics; to deal with our children first and get on and get the job done. It makes no sense.

When we talk about programs that is fine, but the truth is, buildings and all of these other things, the important thing is we have good people in the classroom and we have good programs to deal with children.

My good friend, the gentleman from Maryland (Mr. CUMMINGS), has been working in this area his whole career here in Congress and he has become an excellent leader, and we have had a chance to talk on this floor about it. He has a couple of excellent programs that he has worked on.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS) AT THIS TIME.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. ETHERIDGE) for what he has done. Being the leader that he is, and I was sitting here and listening to him and I listened to our colleague, the gentleman from Connecticut (Mr. LARSON), I could just feel the passion and compassion that they all have.

I know my other colleagues, the gentlewoman from California (Ms. LEE) and others who will come before us tonight, have that same kind of passion.

I just want to remind the gentleman from North Carolina (Mr. ETHERIDGE) of a little story, and I will be very brief, about my visiting a classroom and a teacher is going over the information and she is saying, look, we are going over the things that we tested on Friday. This was a Monday. And I said, why are you going over the matters that you tested on on Friday? The children have gotten their results back and everything. Why are you not moving on?

Her response to that was that not everybody got an ''A.'' I want to make sure that everybody gets an ''A.''

I think that is a fitting introduction for a program that was started in Baltimore just recently this past summer where we intensified our summer school program, and we took these 12,000 students who had not made the grade and put them in this program and we discovered some very interesting things. At the end of the summer, at least 50 percent of those children had gotten up to grade level. The other thing that we discovered is that of the schools that they came from, 19 of these schools, because of their overall testing rate, have come up from the bottom to mid-level.

It is because of that intensity we had three factors going there. We had smaller classrooms because we had less children. We had good teachers because they picked the best teachers that had time to plan, time to plan, and they set very high standards. So when we think about that scenario that I just brought up, of all the children rising together and no one being left behind, this is what this was all about.

They did a little bit more research and they discovered something that was very interesting. What they discovered is that although the children would learn pretty much at the same rate during the school year, when the summer came a lot of times the kids that were in the city and the poorer areas did not have access to books, did not have summer camp opportunities, and did not have various exposures that more affluent students might have. So what they discovered was that because of that summer lack of educational experience that they fell behind. Nobody ever talks about that.

So we feel in Baltimore that we are moving into that right direction. But guess what? It takes money to do that. It takes money to do that. I always hear folks talk about, well, money is not what is really needed. Other things are needed. Goodwill is needed, and all of that.

Yes, we do need all of those good things but we also need money. Let one person who has their child in private school tell me that money does not make a difference, tell me that it does not make a difference, and they will not convince me. So I just want to raise that issue.

I want to thank the gentleman again for what he is doing. We have to do the things that he just talked about. We have to make sure that this legislation is passed and these authorizations are made and this money is appropriated so that no one will be left behind, and I thank the gentleman again.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman very much for his comments. He is absolutely correct.

When we think about leaving no one behind, as the gentleman said, we have to have a quality facility. We have to have the tools to teach. Then we get parents engaged, and we have to have well trained people, and we have to let them know we are going to pay them, and we should encourage them to come into the profession and honor the profession and stop downgrading and bad-mouthing it, because people tell me they support it and then they come to the floor and bad-mouth teachers and bad-mouth schools and do not support them.

Mr. CUMMINGS. And do not pay them.

Mr. ETHERIDGE. Yes, and they understand that. We have to have the funds to have quality training and ongoing quality training. In the industry, the one thing they spend their money on is making sure their people are up to speed with the skills.

The one thing we say in education that always bothered me, the first thing that gets cut is we call it staff development or retraining or whatever one wants to call it, or we say to teachers they have to have their skills to this point but they have to pay for it. I cannot imagine an industry trying that and getting away with it.

As the gentleman knows, and I do, the gentleman from New Jersey (Mr. HOLT) has worked hard on this whole area of staff development and training and the issues dealing with teacher training and recruitment, and he has come to this Congress and he has hit the ground running very quickly and really become a leader in this area.

Mr. Speaker, I would yield to the gentleman from New Jersey (Mr. HOLT) at this time.

Mr. HOLT. Mr. Speaker, before my colleague, the gentleman from Maryland (Mr. CUMMINGS), leaves, I would like to underscore something that he said. I hear from teachers all the time that they say the first many weeks of the school year are spent relearning what the students have lost over the summer; it is a time when the divide between the privileged and the not so privileged students grows wider. The summer is an important time, and I think we should develop programs of summer schools such as the gentleman from Maryland (Mr. CUMMINGS) described.

I want to thank the gentleman from North Carolina (Mr. ETHERIDGE) very much for his championing education all along. We all look to him because of his experience as a State superintendent, and because of his wisdom in the area of education that really works.

The gentleman has said it. We should be outraged. America should be outraged. Here we get near the end of the fiscal year, in fact today is the last day of the fiscal year, we have a number of appropriations bills not yet dealt with and we save the education bill for last. So education gets the scraps in the appropriations process. Inexcusable.

The gentleman referred to the school modernization and construction bills. We have to resort to parliamentary procedure, discharge petitions, to even get a debate on the floor. Inexcusable. America should be outraged.

I would like to talk for a minute or two, if I may, about teachers and the support that we owe them. We ask a lot of our teachers. We ask a great deal of them. We should give them what they need to do the jobs.

As the gentleman knows, many of today's teachers, especially in elementary school, say they do not feel prepared to teach science and math. Science and math classes are the gateway for our children to the opportunities of tomorrow. Twenty-eight percent of New Jersey's science teachers do not have a major or a minor in the subject they teach and a third of math teachers across the country are not licensed to teach math.

We need to work on the pipeline to encourage teachers, to get science and math teachers to go into the field, and we need to give them the support once they get there. We need professional development for these teachers. The fact remains that it is not happening as it should.

I just received this week a study from the American Association of Physics Teachers under the American Institute of Physics. It showed that only one half of all physics teachers around the country have received even one day of physics training in the past year.

Science teachers need classroom support. Teachers talk about their need personally to stop at the local hardware and to fund lab experiments out of their own pockets. These physics teachers say that schools now are spending ten percent less on equipment and supplies in physics classes than they were a decade ago. It is a problem.

The gentleman has talked a lot about the need to be connected. Our colleague the gentleman from Connecticut (Mr. LARSON) has also spoken about this, the need to be connected to the Internet. Although 90 percent of the schools in this country are connected to the Internet, only one teacher in ten has identified software to help him or her teach their subject in the classroom, to actually use this equipment educationally. If teachers feel unprepared to use the technology, then we are not doing right by them.

A recent study by the Department of Education told us that only 20 percent of teachers feel qualified to use modern technology and to teach using computers that are available to them; just 20 percent.

Some of us are sponsoring a bill to provide grants for training teachers in how to use and integrate technology in the classroom, and I think all of us here this evening are supporting programs like the Eisenhower funds for training and education of teachers in science and math. We entrust our most precious resources to the teachers. We should equip these teachers. We owe it to the teachers, but even more we owe it to the children of America.

We should treat them as professionals, these teachers.

Mr. ETHERIDGE. Mr. Speaker, I could not agree more, and I thank the gentleman from New Jersey (Mr. HOLT) for his comments. I thank him for his leadership because it is with that kind of leadership and that kind of energy we are going to make a difference, and we just have to keep chipping away, knocking on the door. Eventually it will get open and we will do the job for our teachers that will ultimately wind up enriching our children all across this country.

Mr. HOLT. We must keep pushing so education is not the last thing we take up at the end of the fiscal year.

Mr. ETHERIDGE. It should be the first.

As we think about this whole issue of technology and training, we always come back to the need for modernization of facilities in areas where people cannot make it; areas that are really growing so fast they are having a difficult time meeting it.

I want to recognize and yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY). She came to this place and hit the ground running. She has been on fire for education and the people in her district and she has worked so hard, and I thank her for her leadership.

Ms. SCHAKOWSKY. Mr. Speaker, I really appreciate what a great champion my colleague from North Carolina has been for quality education.

I would like to share some of my experiences. Earlier this month, I visited Boone school in Chicago, in a community called Rogers Park, a bungalow Chicago community in my district, and I witnessed firsthand what kind of overcrowding was happening in my neighborhoods.

□ 1915

This school has 1,100 children. It is built for 800 children. In one of the classrooms that I went to which was a

converted teachers' lunchroom, really a small area, kind of a teachers' lounge, there was a classroom of children.

One of the students handed me a picture that they had done. I would like to just show it to colleagues. This is, ''Thank you for caring about Boone students.'' These are Boone students, and they are all kind of overlapping each other. We have got Freddie under Matthew, and Monserrat laying over Brenda here. Rudy is yelling ''help''. We have got Jose over here and Mrs. Duarte kind of squished in the corner over there. She is the teacher.

This was typical of what was going on. There was a classroom out in the hall. There were three classes in one room, three different languages. It was packed in there, and it was noisy because they were talking all different languages. Their teachers and the children were saying it was really hard to concentrate in a room like that.

Walking down the hall, there was paint, I am not talking about a few chips, but paint pealing off the walls. They had done their best to rehab one of the corridors, but this one was terrible. Every morning, they would have to come in and sweep the floor to get the paint chips off. This is not because the school district, the Chicago public schools, have not done their best.

I wanted to quote from the testimony of Gary Chico, president of the Chicago School Reform Board of Trustees when he came to Washington.

He said,

> Since 1995, Chicago has committed close to $2 billion in primarily local funding for 575 separate projects at 371 schools. That money has built 8 new schools and 48 additions or annexes, adding 632 new classrooms to the district, which serves 430 school children.
>
> But more needs to be done, and Chicago cannot do it alone. We're doing our part, but we need partners at the Federal level to meet all the needs.
>
> We've conservatively identified another $1.5 billion in additional improvements needed before we can say that our schools are truly the kinds of learning environments that we know will make a difference.
>
> The fact is, improving the learning environment improves performance. When kids are in crumbling school buildings with outdated equipment, they're getting the message that education isn't important.
>
> When they're in overcrowded classrooms or taking class in hallways or basements because the classrooms are full, they figure school isn't important.
>
> We can't afford to send that message to our children. We're entering a new century. Every forward-thinking industry knows they can pack up and move anywhere on earth and conduct their business.
>
> If we want them to stay here and invest in America, we have to give them a workforce that can deliver in Chicago and in schools throughout the Nation.

In Illinois, 89 percent of the schools reported a need to upgrade or repair their buildings, 62 percent reported at least one inadequate building feature. It could be a roof or plumbing or electricity or windows or pealing paint. Seventy percent reported at least one unsatisfactory environmental factor.

So I am urging my colleagues to support the President's school modernization bill introduced by the distinguished gentleman from New York (Mr. RANGEL). That bill would provide $24.8 billion in interest-free funding over the next 2 years for school construction and modernization projects, allowing Illinois to issue $1.125 billion in bond.

Chicago alone would be able to issue $676 million in bonds and save up to $333 million in interest payments. It is unacceptable to send our children to 19th Century schools as we go into the 21st Century. Investment in the children today will pay dividends to generations to come.

Mr. ETHERIDGE. Mr. Speaker, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is absolutely correct, and I could not agree more.

I yield to the gentleman from New York (Mr. CROWLEY), another colleague who has just been a real leader in this whole issue, education and all the areas, and we have been enriched by him coming to Congress.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE) for holding the special order this evening.

There are many issues that affect my community. I could argue that I probably have the most diverse community in the United States, most ethnically diverse district in the country. This is the number one issue, the status of our schools in New York City.

We are able to build roads. This Congress helps to build roads. It helps to build bridges. It helps to build tunnels. It helps to build airports. It even helps to build hospitals. But the most important infrastructure our country knows, our public schools, this Federal Government does not do enough in terms of helping build and modernize old schools in this country.

The average school age in New York City is 55 years of age. One out of every five schools is over 75 years of age. Schools start to deteriorate after 30 years of age. So my colleagues can have a sense and idea of the state of the schools in New York City.

I have shown pictures here on the floor of children in closets, in bathrooms, in hallways. It is just incredible. I want to applaud Reverend Jackson. Reverend Jackson went to Chicago and took inner city schools and took them out to the suburbs and showed them what they had. They were awed. But more than importantly, he took suburban children back into Chicago and showed them what inner city children do not have. It caused some of those children to come to tears. Because they think children are very fair minded, and they know when something unfair is happening. I think they recognize what was happening in Chicago.

The same thing is happening in Queens and in the Bronx. We have a school, a high school in the Bronx, Truman High, that has a swimming pool that has not had water in it for the past 3 years. It is almost as bad as having no swimming pool at all, the idea that one has a swimming pool, but it is not being used. It is incredible, but that is what we are living in in New York City. Those are the circumstances. It is only getting worse.

We project 30,000 students each year in New York City public school system. In Queens alone, we expect a 66 percent rise by the year 2007. We are looking at almost 60,000 more students in Queens alone. If we build all the schools that the city and State want to build, we are still going to be 20,000 seats shy. That is why we have to do something in this House, Mr. Speaker. I appreciate the help of the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, the gentleman is right, and we have got to do it this year. I thank the gentleman from New York (Mr. CROWLEY) for his leadership.

As we wind down, this evening, I think it is important to sort of step back for a moment and talk about why education needs to be such a high priority in this Congress for this country.

In the new economy of the 21st Century, we have learned, and we know that what one learns will determine what one earns. The truth is the new economy is already here.

I met this week with a leader to the Information Technology Industry Council, and he talked about this digital divide. Alan Greenspan has talked about it, how the economy had just boomed, and we do not really know what kind of impact this has. But unless we make sure that every child is involved in it, we have buildings to put them in, and our teachers are up to speed, and we give them the resources to teach and get them up to doing it, we are going to be in trouble.

According to the U.S. Chamber of Commerce, high-tech will drive more than a quarter of all economic growth or has driven more since 1993. By the year 2006, half of the U.S. work force will be employed by industries that are either major producers or users of information technology products and services. That is why it is imperative that we act now, this year, not next year, and not down the road. I will not go into the others. I am going to enter this into the RECORD.

But the jobs that pay the most money are technology jobs. My State tonight is facing a real challenge. Part of eastern North Carolina is under water, four congressional districts. Mr. Speaker, we have schools that have not opened. I include for the RECORD the

Adopt a School Program because that is on the Internet so that those who want to help can, as follows:

NCDPI'S ADOPT A SCHOOL PROGRAM

Description—Many schools have been hit hard by Hurricane Floyd. Some schools have lost textbooks while some have lost almost everything. In order to try and meet some of these needs we have organized the ''Adopt a School'' program. We are encouraging school leaders, classes, PTA organizations, and concerned citizens to link up with schools in need and provide needed assistance throughout this year.

How do you Adopt a School? On this page is a list of schools that have expressed a desire to be adopted. Simply contact the school at the phone number or address listed. Find out what their needs are and how you can help. Then maintain contact with them throughout the year as needs will change with the passing of time.

Some ideas once you have adopted a school:

Contact your adopted school and find out if they have immediate needs such as: tennis shoes, clothing, or other essential items. Have your class or school hold a campaign to collect these items.

After the crisis has passed, there will still be a need for emotional support. A class or a school could write letters of support. You could even form a pen pal program between your school and the adopted school.

The idea is that you partner with this school for the rest of this year to provide support in any way that you can.

Read a description from teacher Marshall Matson of current conditions in Edgecombe county in regards to schools. (9–23–99)

Below is a list of schools who would like to be adopted. If you wish to adopt one of them, please contact them directly at the information listed. Please check back often as this list will be updated regularly as soon as we are made aware of schools in need.

School Name—Location	Contact Information	List of Current Needs
Jones Middle School—Jones County	Ethan Lenker, Principal, Phone: 252–448–3956; Fax: 252–448-1044; E–mail: elenker@hotmail, com.	Please contact school for up to date list. The school is taking financial contributions. Make checks payable to Jones Middle School Relief Fund, Jones Middle School, 1350 Old New Bern Rd, Trenton, NC 28585
Trenton Elementary School—Jones County	Philip Griffin, Principal, Phone: 252–448–3441; Fax: 252–448–1449; E–mail: pkg@alwaysonline.com.	Please contact school for up to date list.
Jones Senior High School—Jones County	Dr. James A. Buie, Principal, Phone: (252) 448–2451; Fax: (252) 448–1034	Please contact school for up to date list.
Princeville Montessori, Pk–3—Edgecombe County	Kathy Harris, Resource Personnel, Phone: (252) 823–4449; Fax: (252) 641–5741; E–mail: kharris1@earthlink.net.	Please contact school for up to date list.
Patillo Elementary, 4–5—Edgecombe County	Kathy Harris, Resource Personnel, Phone: (252) 823–4449; Fax: (252) 641–5741; E–mail: kharris1@earthlink.net.	Please contact school for up to date list.
Pitt County Schools	Arlene Ferren, Pupil Personnel Director, Phone: (252) 830–4237	Please contact school at the number given for an up to date listing of schools and needs.
Nash-Rocky Mount Schools	Lela Chesson, Community Relations, Phone: (251) 459–5243	Anyone wishing to make donations to schools in the system should contact Lela at the number listed.
Nash-Rocky Mount Schools Employee Disaster Fund—For employees of the system who have losses.	You may send a check to: NRMS Disaster Fund for Employees Community Relations Office, Nash Rocky Mount Schools, 930 Eastern Ave., Nashville, NC 27856.	For employees of the system who have losses.
Greene County Family Literacy Center—an Even Start Program	Cassie Faulkner Greene County Family Literacy Center, 602 West Harper Street, Snow Hill, NC 28580; Phone: 252–747–8257; email: Cassielota@hotmail.com.	School was flooded. Will need new carpet, books, and furniture.
Rocky Mount Charter School	Dr. John von Rohr, Director, Phone: (252) 443–9923	School was located in the Tarrytown Mall which had five feet of water. School has lost everything. It was the largest public charter school in NC with 800 students and 70 staff.

My district was affected by this tremendous devastation that has wrecked many schools, homes, businesses, and lives; but the district of the gentlewoman from North Carolina (Mrs. CLAYTON) is one of the worst affected in eastern North Carolina.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON) who has been a leader also in education.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding to me. I want to say, educationally, the gentleman from North Carolina (Mr. ETHERIDGE) has certainly been a leader. I thank him for providing continuous leadership in education, not only in the State of North Carolina and this Nation, but now providing it here in the U.S. Congress.

As the gentleman speaks about education, the infrastructure that leads to the future, many of our schools in Edgecombe County, in fact two of them, will not be able to be used perhaps the rest of this year because they have been seriously damaged by the flood.

The infrastructure I hope that we were talking about improving our school under the modernization act will now need to be looked at in terms of FEMA providing some monies for that.

But, Mr. Speaker, I hope that, as we have opportunity to look at eastern North Carolina, that we put education as one of the infrastructure that, not only we bring back to the status quo before the flood, but that we try to improve those facilities so that the young people in eastern North Carolina, not only can survive this storm, but be prepared for the 21st Century, and that they can have the kind of facility that allows them to prepare for that future.

Also, the infrastructure has been greatly disadvantaged throughout eastern North Carolina. Some estimate that just the electricity alone will cost more than $80 million. The water system has not yet been assessed.

So schools and other infrastructure that have been damaged by the storm need to be restored. But in education, we do not just need to restore it, we need to improve the facility.

So the gentleman is absolutely right for the bills that he had that would have improved the school must go forward, not only for people in eastern North Carolina, but for this Nation, because we need to find a way where we make sure that the equal divide, the equal opportunity that levels the playing field for the future is actual education. So we have to find for the facilities for that.

I just say educational facilities have been greatly damaged by the flood. Many of our schools have been damaged. But I know several of our schools in two counties we will not be able to restore them. I understand FEMA will come back and try to perhaps restore them. But think about the other schools that need that kind of opportunity to improve.

Mr. ETHERIDGE. Mr. Speaker, the gentlewoman from North Carolina (Mrs. CLAYTON) is absolutely right. As we think of this whole issue of digital divide she was just talking about, the information technology is really the largest job creating engine in the history of the world. To leave a group of people behind is unacceptable, unforgivable, and criminal when we have within our power the ability to do something about it.

We can provide the facility to put it in. We can work together to make sure every child has access to the technology. When we think about currently almost 70 percent do not have access in some ways in this digital divide, that is unacceptable as we approach the 21st Century.

The richest nation in the history of the world, we must do more, we can do more. This is inexcusable that we do not do more. I think, as a Congress, we have an obligation to make sure that we leave no one behind as we approach the 21st Century.

We need to provide scholarship for science and math and greater support for technology training. Our greatest challenge is to take educational excellence, not just into the suburbs, but to every inner city, into the rural areas as well. We need to improve education for all children in all parts of America.

We need to encourage our people to be more demanding of their government leaders so that we can get the job done. Industry needs to push harder. Not enough pressure is being put, in my opinion, in the right places to get it done.

Finally, let me conclude by saying that this Congress still has the opportunity to do something great for America's future, and we need to do it this year.

MIAMI RIVER CLEANUP

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, for the first time, we have been able to obtain Federal assistance for a long sought dream, the cleanup of the Miami River.

□ 1930

This was included in the Fiscal Year 2000 Energy Water Appropriations bill which Congress has just passed. This is a major victory in preserving a key part of our environment, as well as allowing the Miami River to become a major contributor to international trade and economic growth. This is the beginning of a 4-year phase dredging project proposed by the Miami River Commission with the assistance of the U.S. Army Corps of Engineers.

It provides a $5 million initial appropriations to begin maintenance dredging of the river, which eventually will cost $64 million from Federal, State and local sources.

This cleanup will eliminate a significant pollution threat to Biscayne Bay, which used to be one of the Nation's most pristine environments. It will also ensure the continued growth of the Miami River as one of our Nation's critical shipping links to the Caribbean and to South America.

Thanks to the tremendous bipartisan teamwork of the South Florida Congressional Delegation and a broad-based coalition of community leaders, decision interests, and officials at the Federal, State and local levels, we have been able to achieve this goal, which is vitally important for both the future of our growing trade with our neighbors to the south and the Caribbean, as well as preserving a waterway which is a key part of our ecosystem.

We thank on behalf of the South Florida Congressional Delegation all of our colleagues this week for passing the bill in the House, for passing the bill in the Senate. It is on the President's desk, and we hope that he signs it soon to make this dream a reality for all of South Florida.

EDUCATION, THE ARTS, AND NATURAL RESOURCES IN AMERICA

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I want to talk about a number of different subjects. I was not going to talk about education until I heard some of the previous comments, and I think it is important to clarify some of those comments that were made and talk about the direction that the Republican party is going in regards to education. Those remarks will be somewhat brief.

I then want to cover the topic that we have seen with the Brooklyn Museum in New York City. I am going to move from that subject to a subject that I think will be very uplifting to all of my colleagues, and that is the Third Congressional District of Colorado.

We are going to talk about natural resources, as we can see with this picture I have behind me. That is what that district looks like. We are going to get into much more detail about that, cover the water issues, cover the Federal land management issues, and so on. So I think it is going to be a very interesting hour. I look forward to the participation of my colleagues.

But let me begin, first of all, by talking about the preceding comments. First of all, it is important that our friends and our colleagues on both sides of the aisle from North Carolina understand that everybody across this country, 49 States across this country, are going to pitch in for that one State that got hit as devastating as North Carolina.

North Carolina, you are not alone. You are in the United States; and in the United States of America, we are a team and we stick together and we help the other States when the other States are in need of help.

I would expect the other States to help me in Colorado if we had some sort of a disaster. That is why we are the United States of America. So the preceding speaker who spoke on North Carolina, bless her. I understand the tragedies that she is going through. I do not live there, but we are willing to help make it right. Everybody in this chamber is willing to help make it right for North Carolina.

But let me talk just for a moment about the kind of disaster aid. And when we do this, we must be careful. We still have a fiduciary responsibility to the people who have elected us to make sure that that money gets to the people that need it. We have a fiduciary responsibility to minimize, if not eliminate, Government waste.

So if we ask for accountability on these disaster funds, do not come back at us and say, my gosh, you do not care about the poor people who have suffered these tragedies. You know, that often happens in government business. The minute you question a program for accountability, for efficiency, to see whether or not you have got waste, to see whether or not those dollars are going to the people that need the dollars or the people for whom the dollars were intended, the minute you question it, all of a sudden you are cold and heartless and you do not care about these people that are in these tragic situations.

We have an obligation to make sure that money goes where it is needed and where it is going to do the most good. So do not be upset or offended if we ask some pretty tough questions about how these dollars are being spent.

Which leads me into education. It is amazing to me that the Democrats can stand up here on this House floor and say that they are the only ones for education and that this side is anti-education.

How many people, think of it, how many people have you ever run into that will tell you they are against education? You do not run into people that are against education. Education is a critical mass for the success of this country. It is absolutely essentially for the future of this country. It is what gave many of us in this country a base from which to operate because we learned something because the generations ahead of us taught us and made sure we had good schools. We on the Republican side and the Democrat side feel an obligation to make sure that education is the best.

Well, let me tell my colleagues, there are some things we need to do in the classroom. And some people disagree with that. But on the Republican side, we feel we have to put discipline back in the classroom. And if you do not believe me, take a look at what the disciplinary problems were 20 years ago and take a look at what they are today and take a look at the difference in discipline allowed to the school teacher who has a very difficult job, take a look at the discipline he or she is allowed to exercise in her classroom compared to the discipline that he or she was allowed 20 years ago.

I can tell you, when I was in the 7th grade, I got in a fight on the school ground. It meant an automatic swat on the butt with a board. I remember that to this day. Now, I cannot tell you I did not get in any more fights, but I sure did not get in any more fights on school grounds. Because we had some discipline in the classroom. The Republicans feel that is an important issue, and we do not think that you are anti-education if you say let us give the teachers the tools they need to have discipline in the classroom.

I urge the Democrats to join with us. Frankly, some of the conservative Democrats do. There is nothing wrong with telling our young people, you must behave, there are certain behavioral standards that you have to live up to; and if you do not live up to these standards, there are consequences,

there is punishment, because our primary purpose is to educate you to the highest degree possible.

A second point we should make about some of the previous comments early in this last hour. You know, you do not make schools better by just necessarily throwing more money at all. What happens around here the minute you question a budget for education, the minute you stand up and question are we wasting the money, is the money producing results, is the money accounted for, is the money getting down to the classroom and not being spent in the administration, is it really going to the classroom, the minute you ask those questions, and primarily those questions are asked by Republicans, the Democrats primarily rush right up and put a label on you ''anti-education.''

You know what, we can make a better educational system in this country if we demand accountability, if we see where those dollars are going and make sure they are being spent efficiently, if we allow those dollars to get into the classroom. That is how we are going to make a difference in education.

I think it is very important that we also recognize that there are alternatives to public education. Now, I am not against public education. I have three children. My youngest child, Andrea, is a senior in high school. My son Dax is a junior at Colorado State University. And my daughter Tessa is a junior at Bryant College in Providence, Rhode Island. My point is this: All three of Lori's, my wife, and my children, all three of those children went to public schools.

Now, they had the option to go to private school, but we were very confident in our local public schools and in the schools that they went to throughout their schooling career. But the point is we should not take away from the people who want to home-school.

I want to say to my Democrat colleagues who were criticizing the Republicans, it was your side of the aisle just a few short years ago that went out and said, if you are a home-schooler, you should have to be licensed in every subject you teach. In other words, a father or a mother who wants to stay home and home-school their children would have to be licensed or certified in math or science or physical education. Whatever they taught that child, they had to be certified. What did that mean? It meant the elimination of home-schooling. That is exactly what it meant.

I am saying to my colleagues on the Democratic side, come work with us in a bipartisan fashion. Do not just think that public education is the only way to go. Obviously, it is the most significant mode of education in this country. And, obviously, we need to make it as good as we can. And, obviously, it is going to cost us a lot of dollars.

On the other hand, I think I can use the word ''obviously'' in most cases, home-schooling is doing a darn good job. Look at the test results. Obviously, asking for accountability of these dollars that are being spent in the classroom should be done. I do not know one Democrat or one Republican who does not look for accountability or efficiency or ask for a balance in their own checkbook.

We all have a fiduciary duty to the citizens, whether they vote or not, of this country to be prudent in our fiscal decisions, to be prudent in how we spend the taxpayer dollars, to be prudent that when we spend those dollars we get the biggest bang for our dollars, to be prudent that when we spend those dollars that these kids are getting an education off those dollars. There is no question on either side of the aisle, no question that education right now is the highest priority in this country. And rightfully it should be.

But do not discount a commitment by a Republican education because they stand up and say, hey, track for me or trace for me where these dollars are going. We want the biggest bang.

Let me move on to another subject and tell my colleagues where I am extremely disappointed, extremely disappointed, in a particular aspect of the arts community in this country. I want you to know at the very onset here, I am a supporter of the arts. I think arts are very important in our community.

Now, I know some people, some of my good friends, disagree with me, but I think it is very important and I think there are certain arts programs that the Government has an obligation to be involved in. But if you want to know what gives a black eye to the arts, it is when you use taxpayer dollars to offend the public in such a way you know it is not just an offense, it is a horrible offense to them.

What am I talking about? Let us lay out the facts right here of the New York City Brooklyn Museum, a museum which has benefactors of great wealth. This museum gets government dollars from the City of New York and, as I understand it, government dollars from the Federal Government. What do they choose to do with a portion of those dollars? They are opening tomorrow a show which has a portrait of the Virgin Mary with dung, and where I come from, in the mountain country, we call it crap, thrown right on the face of the portrait of the Virgin Mary. And they call that art.

Well, let me say this to you: What they are trying to do right now, the prima donnas on that board of directors of that Brooklyn Museum, what they are trying to say to the American people or frame this argument as is an issue of First Amendment rights, the freedom of speech.

In this country, we believe very firmly in the right for freedom of speech and in the First Amendment of our Constitution. We believe very strongly in that amendment. What are they trying to say? They are saying, that, well, our opportunity to use taxpayer dollars to pay for a display, a portrait of the Virgin Mary, to throw crap on it, that is our right to express First Amendment rights.

□ 1945

Let me say, this is not to be framed as a first amendment argument. It is not a first amendment argument. Those of us who are opposed, and obviously I am deeply opposed to what they are doing, but those of us who are opposed to this are saying, Look, you have a right to display that kind of art, but you do not have a right, we have to draw a limitation somewhere, you do not have a right to do it with taxpayer dollars. Nobody is taking away your right of freedom of expression under the first amendment. You can go downtown and show that, you can carry a picture of it in your wallet, you can carry it on the subway, you can carry it on horseback out in the mountains if you want to show people. Nobody is denying that you have the right to do that. But you do not have the right to take taxpayer dollars to display a portrait of the Virgin Mary with crap thrown all over it.

I wonder what the reaction would be of these liberal prima donnas if somebody put up a portrait of Martin Luther King and threw crap on it. They would do something. Of course it would be horribly offensive. Would they be standing up today saying, well, it is the first amendment, we in the Brooklyn museum ought to display something like that?

I wonder what these prima donnas would say if with public dollars, taxpayer dollars, we got a Nazi swastika and put it in a park for public display? I wonder what these prima donnas would say if somebody got an AIDS quilt, those beautiful quilts made in memory of the people who have died as a result of AIDS, I wonder what they would think if they hung an AIDS quilt and somebody threw crap on it?

It is wrong. You know it is wrong. You should not be using taxpayer dollars for this display. So what do they do? It is not in them. It is not in them to stand up to the American public and say, you know, we were wrong. We made a mistake. This portrait of the Virgin Mary with crap splashed all over it should not be displayed with taxpayer dollars. But they do not do it. They are not going to do it. So what happens? We as publicly elected officials and specifically a publicly elected mayor in the city of New York, Mayor Guiliani, steps forward and says, you are not going to use taxpayer dollars for that kind of display. That is off-limits. You went across the line. He did

not say you could not display it anywhere. He did not put a ban on the portrait. He just said with taxpayer dollars in this tax-paying institution, you are not going to display the portrait of the Virgin Mary with crap splashed all over it.

So what happens? Well, the liberal community, the prima donnas, they decide this is where we are going to draw a line in the sand. Today it is a Catholic symbol. Tomorrow they will go after a Jewish symbol. Where do we draw the limit with taxpayer dollars? When do we say enough is enough? You have got to use some common sense.

Today I was on a radio talk program. It was pretty interesting. I had the commentator say to me, ''SCOTT, how can you tell what's offensive or not?'' I said, ''What do you mean how can I tell what's offensive? Common sense ought to tell you.'' You think a Nazi swastika in a public park is offensive? The most reasonable man concept, and I say that generically obviously, your common sense, your gut reaction, your gut tells you, that is offensive. We should not have taxpayer dollars doing that. That is not a violation of the Constitution. It is not a violation of the Constitution at all. We say to TV broadcasters, you cannot show certain things on TV. That is not a violation of the first amendment. It is taxpayer dollars.

My point that I am making here is that it is important for all of us to understand that it is really pretty easy to decide what is obscene art and what is not. What the Brooklyn museum could have done and should have done is to call one of their private benefactors, many of whom are very wealthy, and ask them to put up the private dollars to display this somewhere, fund it with private dollars. By the way, anybody that funds this kind of display is sick in my opinion and do not get me wrong. I do not think this is acceptable in any form of the word. But constitutionally it is permitted. But not with taxpayer dollars. This Brooklyn museum should have gone to those benefactors and said, put up private dollars, not the taxpayer dollars, private dollars and display it with private dollars.

What happens? All of a sudden the politics get involved. Hillary Clinton, First Lady, steps in, she is running for the United States Senate. Well, she says, this museum ought to be entitled to do this. She has taken the side of the museum. There is a pretty clear difference right there between what the mayor of New York City is saying, no taxpayer dollars, and this display is deeply offensive, and what the Senate candidate over there is saying. It is common sense.

Can you imagine our forefathers, the generations of the people who fought in wars for us, or the Catholics in this country, and, as I said, it may be the Buddhists next, it may be the Jews next, it may be some other group next, can you imagine our fathers and mothers, our grandmothers and grandfathers, the Founding Fathers of this country, what they would have done if they saw that today, under the guise of the Constitution, we were paying with taxpayer dollars to display a portrait of the Virgin Mary with crap splashed on it? Of course you know what your gut reaction tells you that those people would say. They would not believe it. They would be stunned. They could not believe that this great country did not have the restraint with taxpayer dollars to say, Enough is enough. We have certain standards in this country and one of those standards is we are not going to use taxpayer dollars to put a Nazi swastika in a park, we are not going to use taxpayer dollars to destroy or insult the Virgin Mary, which is a huge Christian symbol, by throwing crap all over it, we are not going to display a portrait of Martin Luther King and throw crap all over it, we are not going to display an AIDS quilt and throw crap over it. We have standards in this country. And it is not asking too much to say out there, ''Don't do it.''

How does it affect the Third District of the State of Colorado out where I live, out where I represent? Because of the attitude of these prima donnas on the board of directors of the Brooklyn museum in New York City, it puts a black eye on the arts clear across this country. Do you know how many of my constituents are going to say to me, ''SCOTT, if we're putting an art display in Colorado somewhere, is it going to be this kind of display? Is it going to be taxpayer dollars?'' I am begging these people on the board of directors of the Brooklyn museum, look what you are doing to the art industry across this country, in the little communities of Colorado or the little communities of Utah or up in Washington State or down in Nevada or in North Dakota or in Wyoming, or Kansas or Texas. Do you think this story is isolated in New York City? Of course it is not isolated in New York City. It is all over the country. And here we have so-called patrons of the arts standing up and saying we are justified under the Constitution to display a portrait of the Virgin Mary with taxpayer dollars and have crap thrown on it. It is wrong. You are hurting everybody in the art business, in the art profession.

I know I am going to get a bunch of angry phone calls this evening, people opposed. I went to law school. I have got experience with this. The Constitution does not protect the right for you to use taxpayer dollars and have that kind of display. I hope for the sake of everybody, because it is really a losing deal. You may get a lot more people to your show, Brooklyn museum, and maybe you are doing this for the money, but in the long run it is the arts that suffer. It is the very community that you profess to protect. It is the very community that you profess to stand up for. It is the very community that probably in your heart you feel very deeply about. It is that community, the art community, that you are helping destroy through this kind of action in New York City with your display of the Virgin Mary with crap thrown all over it. You ought to grow up, and you ought to get one of your private benefactors and pay for it with private dollars. It is a disgrace. More than anything else, you in your heart know it is a disgrace. You in your heart know, and mark my word for it, the next time either this evening before you go to bed or tomorrow when you wake up and you look in that mirror, you look in that mirror and say, it is art, to do this to a portrait of the Virgin Mary with the taxpayers' dollars.

Let us move on to another subject. Obviously after the last couple of comments, I want to lighten it a little. I want to talk about the natural resources, kind of the layout of the United States. In order to do that, I need to give a little description of where I live and the district that I represent. I am very proud of my district. I think every Member in here, both Democrat and Republican, obviously are proud of their districts. My family has lived in this district, they were pioneers in the mid to late 1800s, and through all the generations we have been there.

I will tell you a little story. When I went to law school, my wife and I wanted our oldest daughter born in Colorado. I went to law school in Texas. We felt so strongly about our heritage in Colorado, she stayed behind to deliver our baby, so that she was born in Colorado. So we feel strongly about that.

I will give you an idea of the Third Congressional District of Colorado. It is geographically larger than the State of Florida. Looking to my left, here is this portrait. That is what most of my district looks like. It is beautiful, mountainous terrain and these mountains you see up here, we have in Colorado over 56 mountains above 14,000 feet. I would guess that this peak right here, with the red dot on it, is probably above 14,000 feet. What is interesting is a lot of these mountains have snow year round. In fact, I am sure many of you saw, and of course we are big Bronco fans, but I am sure many of you saw last week that in Denver, it snowed in Denver. Very interesting geographical locations and lots of beauty obviously up in these mountains. You can see these trees right here, we call those Aspen trees, they are in my opinion some of the most beautiful trees, certainly in my district and probably in the entire world.

Now, a lot of this land that we have, by the way, let me show you the blue

sky. I am going to do a little promotion here about Colorado. That blue sky right there in Colorado, we have over 300 days a year of sunshine, 300 days a year of sunshine in the State of Colorado. My district takes up a little more than half of the State of Colorado. But one of the things you have got to remember about the West is water. That is a pretty boring subject, water. It is real boring unless all of a sudden it is not coming out of your faucet, or it is not there to flush the toilet or they do not have it to serve you in the restaurant. Water is a critical resource obviously. By the way, it is the only resource that regenerates itself. It is the only natural resource, I guess the better way would be to say that it has got automatic renewal, it automatically renews itself.

Here are some interesting statistics. Ninety-seven percent of the water in this country is saltwater. Of the remaining 3 percent of water in this country, 75 percent of that is tied up in the ice caps. Actually only .05 percent of that water is in our lakes and our river for drinking and consumption by humans. When you break that out, 73 percent, and I know I am throwing a lot of statistics out to you but just kind of picture it as we go along. Picture the United States, a map, imagine the United States, a map in front of you. Imagine a line going down between Kansas and Missouri. Seventy-three percent of the water in this country is east of that line. About 13 percent, actually 12.7 percent, around there, about 13 percent, we will round off, 13 percent on our imaginary map right here is up in the Pacific Northwest. And 14 percent is located, almost 15 percent, is located in what we call the mountainous west. That is 14 States. Those 14 states have one-half of the continental nation's land mass. Half of the land mass in this country, in the continental States is located in 14 States, and those 14 States have 14 percent of the water. Water is a critical resource.

In the East, one of the problems in the East is getting rid of water. Remember, 73 percent of the water lies east of the Kansas-Missouri line, so your problem out in the East, if you live in the East, in a lot of aspects is how you drain off the water, how do you get rid of the water. Our problem in the West is how do we save the water.

Of those 14 States that I talked about, Colorado is at the top of those 14 States. Colorado has been called the mother of rivers. Colorado has four major rivers which originate out of those mountains and they originate, of course, as the result of the snowfall. So all of that snow that you see throughout those mountain ranges, and this of course is a small fraction, the red dot on the picture, that snow is what provides the water for those four rivers. That is why Colorado has the title, The Mother of Rivers. It has got the Colorado River, the Rio Grande River, the Platte River, and the Arkansas River.

As I mentioned earlier, in the West we have got to have the capability to store our water.

□ 2000

You see, we do not have heavy rains like in Washington, D.C. I never experienced the kind of rains that you have back here. I mean when it rains here, it rains and rains and rains.

Now we get evening rains in the mountains a lot, but we do not have a lot of quantity of rain. So what happens, because of that we are called an arid State. We do not get a lot of water, we do not accumulate a lot of rain. I think in Colorado our average water is 16 inches a year.

So where we focus on the water is the snow in the mountains. Now how do we get the snow on the mountains converted into the water, and how do we get ahold of it? Well, it is a natural process, you all know it. It happens in the spring; it is called spring run off. Melts the snow down for a period of time.

Now we have problems with spring run off. If it gets too warm too early in the spring, then the water runs off before we are able to use it for agricultural purposes because we are not quite ready yet. If we do not get the snow accumulation, then we have a drought year. If it stays too cold, then the rain, although the water comes down, it can be too late especially in regards to agriculture.

So we are very dependent upon the weather out there, but once this run off contains, that run off goes for about, oh, 60 to 90 days; 60 to 90 days in the spring is when we get the run off from those mountains. So for 60 to 90 days we literally have all of the water we could possibly want. But after that 90 days, what do we have to do with that water? We have to store the water.

Now I know that some of my colleagues get kind of a charge out of criticizing dams and water storage in the west. I want many of my friends in the east to understand we are different than you are back here as far as water conditions are concerned. In the east you have got to get rid of it. In the west we have got to preserve it.

If we did not have dams, and by the way the first dam was not in the Roosevelt era, it was clear back in about 1000 AD in Mesa Verde. It is when the cliff dwellers out in Mesa Verde, which is near Cortez, near the four corners, and the four corners are where four States come together in one spot; it is where the cliff dwellers were; again, a thousand AD. The thought is by the historical studies that the reason the cliff dwellers disappeared from the Mesa Verde dwellings is because they had a drought and their dam did not store enough water. That is how serious water is in the west and that is why we have to have dams.

So, before you buy onto some of these people who condemn dams or water storage, understand in the west just how critical it is, and in Colorado we have an interesting situation. In Colorado one half of the State, the western half, the part I represent, the Third Congressional District, produces 80 percent of the water, but 80 percent of the population lives on the other side of the State. So you can even see that even at the State level within our own State boundaries water is a very, very important subject, and there are a lot of things we can talk about, but I think some statistics on water and how important water in our life is important for us to look at.

An acre foot of water. A lot of times you hear people talk about an acre foot of water. An acre foot of water is about 326,000 gallons of water, to be exact 325,900 gallons of water. Traditionally it has been considered enough water for a family of four people, a family of four people for 1 year. One acre foot of water is enough for a family of four for 1 year. But now that we have brought in some very helpful conservation efforts, we have expanded that. Now I think in today's language one acre foot of water, or 325,000 gallons of water, is enough really to extend a family of four for 2 years. Conservation has paid off, but we have to use conservation in the right fashion.

Now just talk for a minute about how much water is needed; for example, for a cow. A steer drinks 4.2 gallons of water a day. If you are going to have milk, the jersey cow that produces the milk needs 12 gallons of water a day. For a holstein producing a lot of milk it is 23 gallons of water a day. An acre of corn, one acre of corn, gives off 4000 gallons of water per day just in evaporation. So an acre of corn, 4000 gallons of water evaporate off that acre a day. To grow one bushel of wheat you need 11,000 gallons of water. One bushel of wheat; can you imagine, one bushel of wheat, 11,000 gallons of water. You need 135,000 gallons of water to grow one ton of alfalfa. Thank goodness that resource is an automatic renewal.

These are numbers you probably never heard of before. They are numbers that surprise me, and I spent half my professional career in water.

About 1,400 gallons of water are used to produce a meal of a quarter-pound hamburger, an order of fries and a soft drink. So when you go to the store and you get a quarter pounder and order fries and a soft drink, to grow that, to get everything ready for it, took 1,400 gallons of water.

About 48,000 gallons of water, 48,000 gallons of water are necessary to produce the typical American thanksgiving dinner for 8 people. So those of

you who are going to have thanksgiving dinner at your house and you have got 8 people, keep in mind that about 48,000 gallons of water were necessary to produce everything at that dinner table.

About 1800 gallons of water are needed to produce the cotton in one pair of jeans, 1,800 gallons of water for one pair of jeans. Four hundred gallons just to produce the cotton in a shirt; 400 gallons for your shirt.

Takes 39,000 gallons of water to produce the average domestic automobile including tires. Listen to that: 39,000 gallons of water to produce the average domestic automobile.

So you can see that water plays obviously a very important part in our lives, and I know that recently there has been a lot of criticism about water and about our water management in the west, and a lot of this criticism comes from special interest groups frankly in the east. So I want to say to the average person out there: Before you join on with some of these people that criticize us, understand our differences.

Now one thing we all have in common when it comes to water is we all use, for example, an acre foot of water every year for a family of four whether you live in New York City or whether you live in Denver. So we have a lot of things in common with the water, with the use of water. But the retention of water is different in those western States than it is in the east.

Now a couple of other things that I thought that I would point out about water that are important:

One of the fun things to think about of course are the physical characteristics that I told you about the State of Colorado, and as I mentioned, in the State of Colorado about half of our State has most of the water, 80 percent of the water, and the other half of the State has 80 percent of the population. It requires a lot of cooperation between those two geographical areas of the State of Colorado, but we have been able to do it for many, many years, and we intend to continue to be able to do that.

What I hope to do is come back again. I have given a lot of statistics this evening on water, and I am going to come back to this House floor to talk to my colleagues to address this water, but I am going to do it in a series of speeches because you can take in too much in one evening, or I can put out too much. I guess you can take all you can handle, but I can put out too much in one evening about water.

I just want you to leave this evening thinking about water is a automatically renewable resource. There is a difference in water retention in the east versus the west. Most of the water lies in the east, 73 percent of the water lies east of the Kansas-Missouri line. Only 14 percent of the water lies in half the land mass of the United States; those are the western States. Ninety-seven percent of the water is salt water. Only 3 percent is the kind clear water, and of that 3 percent, 75 percent of that 3 percent, so 75 percent of the 3 percent is tied up in the ice polar caps. So you can see for all the water we have in the world, only a small small fraction of that water is actually good for consumption.

Let me move very quickly, and then I intend to turn over the remainder of my time to a colleague of mine who would like to make some comments on another subject. I want to talk to you about something that happened very exciting this last week here on the House floor.

Now we have all heard several discussions in the last few days about all kinds of subjects, but one of the things that happened on a bipartisan basis out of this House of Representatives is for the first time in 85 years we have a new national park in the State of Colorado. It is called the Black Canyon National Park. We passed it out of the House. Senator BEN CAMPBELL was the sponsor in the Senate, I was the sponsor in the House. We passed it out. I fully expect the President to sign it, and I think within the next month the Black Canyon National, what I am calling now National Park was a national monument in Gunnison, Colorado, will be a thing of reality. It is spectacular, it is incredible, and I hope that you have an opportunity to go to Montrose, Colorado, and visit the Black Canyon National Park.

This is a picture right here. Notice my red dot. These are sheer walls, and the Black Canyon, by the way, it is the color of these walls which have very black rock on them; that is where the Black Canyon got its name. Clear at the very top here, right up there where the red dot is in the right hand corner of that picture, those are trees up there. So a human being would actually be about a fourth the size of that red dot. Look at the sheerness of this cliff.

Those cliffs, and that gorge and that canyon, as we go down through here, are as high as 2,000 feet, 2,000 feet. These are some of the oldest rocks known to mankind, and what is neat about this project is a lot of people came together to make it happen. This was not a mandate by the Federal Congress, it was not an outside-of-the-area group that came in and said you do not know how to take care of this country, we are going to come in here and make this a national park. It was local people who cared about their local community who felt the responsibility to their local people, to the State people and to the people of the United States to do something to allow people to really see and understand the magnitude and the magnificence of the Black Canyon in the State of Colorado.

Now I want to thank publicly here the gentleman from Texas (Mr. ARMEY),the majority leader who helped us get it on the floor. I want to thank the gentleman from Alaska (Mr. YOUNG), chairman of the House Committee on Resources. I want to thank the gentleman from Utah (Mr. HANSEN) who was the House subcommittee chairman on national parks, and Tod Hull. He is a legislative staff on the public lands. I like to also thank Cindy Bowen; she is a county commissioner out in Montrose, Colorado; Sheridan Steele. Sheridan is the Superintendent of the Black Canyon, and they are very proud out there about what has happened. I want to thank Siobhan McGill, Floor Assistant, Office of the Majority Leader; Ken Gale who is the interim director of the Montrose Economic Development, and Ken has been back here numerous times. This is a pet project for Ken. Ken, congratulations; you got a lot to be proud of. I want to thank Steve Aquafresca, the former State representative out of the State of Colorado representing that area. I want to thank Wayne Keith, and I want to thank the currently-elected officials that represent that area, Kaye Alexander, Jim Dyer and many of the other elected local officials and so on, the communities of Crawford, Paonia, Montrose, Olathe, Cedar Ridge, Hotchkiss, Delta; the counties, Club 20. There are a lot of people, the staff members of the BLM, Dave Roberts, the Forest Service. They all pitched in to help us show off to all of you the spectacular beauty of the Black Canyon National Park.

Now amongst all of those walls right there, and here you can see the river up close. Now let me tell my colleagues, our water, water sports in Colorado on the hottest day of the summer will still make your teeth chitter, but there is a lot of excitement in seeing this kind of water, pure water. It is said to be so pure; look at the second picture here; that you can stand up on some of these cliffs, obviously not at 2,000 feet, but you can stand up on some of these cliffs and actually spot trout in the clear water in the pools down below.

This is also the home for habitat of bears, bobcats, all kinds of animal species. It is beautiful, and you should take that opportunity to come out and see Colorado.

□ 2015

One more quick picture before it falls. Look at the walls here again. Two thousand feet, you can see the walls here. There is a tree right there where the red dot is, straight down.

Let me wrap up my remarks by telling you, of course, all throughout our country the fall is a beautiful season, the colors, the smell, the blue sky. But if you have an opportunity, come out and enjoy our State.

Finally, as my final remarks, let me reemphasize my remarks at the beginning of my discussion with you this evening, and that is to our friends, our family, to people we do not know in the state of North Carolina: The other 49 states of this country will not abandoned you. The other 49 states of this country will be there to help you through the tragedy that you recently suffered. I know that it may seem remote at this time, that kind of help, but there are prayers from all across the country coming your direction. There are resources, including monetary resources and everything from generators to lanterns to batteries to fresh water, resources from all across this country, coming to help you out.

Again, North Carolina, you will not be forgotten.

WHITE HOUSE APPEASING CASTRO REGIME

The SPEAKER pro tempore (Mr. HAYES). Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. BURTON) is recognized for 15 minutes as the designee of the Majority Leader.

Mr. BURTON of Indiana. Mr. Speaker, I just want to say I just got back from Colorado Springs a couple of weeks ago, and what the gentleman said about Colorado is absolutely true. It is a gorgeous state.

Mr. Speaker, once again I underestimated the lengths to which the White House would go appease the Castro regime, the most violent sponsor of terrorism in the Western Hemisphere.

If you think freeing over one dozen FALN terrorists responsible for the deaths of his own countrymen is unexplainable, what the White House is doing right now is baffling.

Mr. Speaker, today I am disturbed by reports that as the White House was preparing to grant clemency to 16 imprisoned terrorists, it told the State Department to grant a visa to a notorious Cuban spy named Fernando Garcia Bielsa. This visa would allow Mr. Bielsa to work under diplomatic cover at the Cuban Interests Section just blocks from the White House.

Ironically, Mr. Bielsa is a high-ranking Cuban communist party official in charge of supporting the very terrorist groups to which the prisoners belonged. President Clinton is asking the State Department to issue a visa to Bielsa, in spite of the evidence in intelligence reports linking him with the FALN terrorists and other terrorist groups.

I was particularly impressed by reports that the FBI strongly objected to granting a visa to him. Yet, apparently when the State Department pressured the FBI, the Bureau had to drop its objections.

It has been reported that Mr. Bielsa serves as the chief of the American Department of the Cuban Communist Party Central Committee. The American Department, known by its initials DA, has a long tradition of being Castro's main instrument for coordinating terrorism in the Western Hemisphere, including agent influence activity and support for Puerto Rican terrorism against the United States.

Mr. Speaker, the State Department continues to classify Cuba as a state sponsor of international terrorism. In fact, the State Department's report, Patterns of Terrorism Report for 1998, Cuba reportedly maintains, ''close ties to other state sponsors of terrorism and leftist insurgent groups in Latin America. For instance, Columbia's two main terrorist groups, the FARC and the ELN, maintain representatives in Cuba. Moreover, Havana continues to provide a safe haven to a number of international terrorists and U.S. terrorist fugitives.''

Make no mistake about it: Cuba believes what the FALN stands for and has a history of supporting them in very material ways. Senate hearings in 1982 revealed that Cuban intelligence helped organize the FALN terrorists and other related groups. Here are a few examples.

Cuba continues to provide asylum to FALN terrorist fugitives, including William Morales, who escaped in 1979 while serving a 99 year sentence for bombing and murder. He fled to Mexico, where he fled a policeman and was finally granted asylum by the Castro government.

Just last year, in 1998, Mr. Bielsa flew to Puerto Rico to meet with leaders of a Puerto Rican terrorist group. What I want to know is why did not the Clinton Administration automatically refuse Mr. Bielsa's visa application? Under U.S. law, the State Department cannot independently issue visas to foreigners believed to be entering the country for the purpose of hostile intelligence activity.

A 1981 State Department report says the DA was created to ''centralize Cuban control over covert activities'' in support of revolutionary groups in our hemisphere. Who pressured the State Department to grant this visa for Mr. Bielsa? Was it the National Security Council? If so, who pressured the NSC?

Mr. Speaker, Castro has spies here in the U.S. For example, last year 10 people allegedly operating as a spy ring for Castro were arrested and accused of collecting information on U.S. military installations and anti-Castro groups in Florida. At the same time, the arrests ended the most extensive espionage effort involving Cuban agents ever uncovered in the U.S.

U.S. Attorney Thomas Scott was quoted as saying, ''In scope and in depth, it is really unparalleled in recent years. This was an attempt to strike at the very heart of our national security system.''

Investigators said it was the first time in memory that a Cuba-sponsored spy ring had been dismantled in Southern Florida, even though between 200 and 300 operatives are believed to have worked with impunity in the Miami area for decades.

Our intelligence has uncovered new construction and an expansion of a Russian spy base near Havana that could endanger U.S. military operations overseas. The number of satellite dishes has doubled from three to six. Workers built new buildings, new parking lots and a swimming pool for the Russian military technicians who are now running the base. From this facility, Moscow has intercepted communications from the White House, the State Department, Washington-based international financial institutions and private U.S. companies.

In fact, the Russians had intercepted advanced word on U.S. military movements during the 1991 Persian Gulf War. And, Mr. Speaker, if that doesn't frighten the American people, China's defense minister visited Havana last year to negotiate the construction of an electronic spy base next to this Russian facility. This is not fiction from a paperback novel, Mr. Speaker.

So it is obvious why U.S. counterintelligence believes that the Castro government is placing their agents where they can influence policy decisions on issues affecting the Castro regime.

What decisions, you may ask?

How about granting clemency and allowing terrorists back on the streets, the FALN terrorists? Many in Congress have opinions about why that offer was made. Some feel it has a lot to do with what is going on New York politics today, but maybe there is more to it.

What other kinds of policy decisions would Castro want to influence? How about easing the restrictions on the U.S. embargo on Cuba? The U.S. embargo was instituted to pressure the Castro regime to abandon its dictatorial and subversive ways. Castro has been able to stay in power because the embargo was not strong enough and because of massive Soviet subsidies.

The collapse of the USSR triggered a 60 percent contraction of the Cuban economy, proving the utter bankruptcy of Castro's policies. In addition, passage of both the Cuban Democracy Act of 1992 by this Congress, the Toricelli Act, and the Cuban Liberty and Democratic Solidarity Act of 1995, the Helms-Burton law, have further tightened U.S. policy on the totalitarian dictatorship of Fidel Castro.

These factors, as well as the complete weariness and disgust of the Cuban people with Castro, indicate that time is running out on the dictatorship in Cuba, but not if Castro can

send his highest ranking spy to Washington and influence key officials to ease that embargo.

Is it working? Well, let us just see.

Earlier this year the White House expanded commercial flights to Cuba. The President allowed U.S. residents, not just those with family in Cuba, to send larger amounts of money to individual households, which simply gives Castro the hard currency he needs to prop up his communist regime. He allowed direct mail service between our countries, the President did, and finally he has authorized the sale of food and agriculture products to ''private companies'' in Cuba.

One more policy decision that could be influenced should be considered. Only December 3, 1998, a 7.2 metric ton cocaine shipment bound for a state-owned company, Union del Plastico, in Havana, Cuba, was seized by Colombian National Police in Cartegena, Colombia. The consigned company was a joint venture with two minority Spanish partners, who contend they were not partners, but rather shipping and purchasing agents for the Cuban government.

Cuban ''spin'' started the day after the seizure with Castro's anti-narcotics police searching the company's premises with drug dogs and coming up with no traces of drugs there whatsoever.

Cuban police claimed the shipment was destined for Spain, without any proof. Castro made a speech on January 4, 1999, identifying the two Spaniards as the culprits in this scheme which had been alleged to operate without his government's knowledge and complicity. That is baloney. The U.S. State Department has bought this story from Castro and accepted his claims as evidence and proclaims the shipment was headed for Spain.

However, two House committees and one Senate committee have conducted a thorough investigation into this shipment and determined the shipment was likely headed to the United States, 7.2 metric tons of cocaine through Mexico. The Cuban company has a subsidiary, Plastimex. There is a company bearing that name located right across the U.S. border in Juarez, Mexico.

Regardless of the final destination, the 7.2 tons of cocaine, Cuba, as a recipient of this shipment, should meet the criteria to be placed on the major list of countries who traffic or transit illicit narcotics.

The Cuban government has been complicit in drug trafficking for decades as a method of collecting much-needed hard currency to keep Fidel Castro's regime in power.

As a matter of fact, Raul Castro, Fidel's brother, is under indictment for drug trafficking in Miami, Florida. So, influencing decisions to keep Cuba off the major's list and look the other way on drug trafficking would sure help Castro, and it is working.

The Clinton Administration is assisting Castro in his coverup by sending two Coast Guard personnel to Havana to help promote the image that Fidel Castro is getting tough on drugs, and this is simply not the case. It is a public relations campaign by the Castro regime to repair its tarnished image on the drug front.

The Clinton Administration is doing nothing but strengthening Castro's position. Clearly this 7.2 ton drug seizure should place Cuba squarely on the major's list.

Not to mention the increased overflights of Cuba by drug trafficking planes, which have been unchallenged by Fidel Castro. Also drug trafficking fast boats into Cuban territorial water go without a challenge from the Cuban navy.

It seems strange that the Cuban Air Force can shoot down two unarmed American civilian planes out of the sky and Castro's Navy can sink a tugboat full of innocent women and children, yet they cannot respond to the hundreds of increased drug trafficking activities in Cuban air space and territorial waters.

Mr. Speaker, the granting of a visa for Mr. Garcia Bielsa is an affront to the national security of the United States. The American people will be outraged when they learn that a top Cuban spy known for his support of terrorism and espionage is allowed to set up shop real close to the White House here in Washington.

Why should Mr. Bielsa be allowed to live and work in Washington, D.C.? The Cuban Interests Section, as I said, is not in need of personnel. Quite the opposite. Prior to 1994, the Cuban Interests Section contained 24 staff and, according to the Cuban-American National Foundation, nearly all of whom were intelligence agents.

According to the Congressional sources today, the espionage presence in the Cuban Interests Section is nearly doubled. Granting a visa to Mr. Garcia Bielsa is more than misguided, because this man and his mission here pose a real threat to our Nation's security right here in the United States.

Mr. Garcia Bielsa is not just an ordinary Cuban citizen or a visiting diplomat. He is a principal spy and a leader within Castro's inner circle. With Mr. Bielsa using Washington, D.C. as a base of operations, Castro's campaign to discredit the U.S. and our commitment against communism has been invigorated.

I believe Mr. Garcia Bielsa's presence in Washington, D.C. will, without a doubt, enhance Castro's ongoing operations against the United States. That is why I sent a letter, along with four of my colleagues, to Secretary of State Madeleine Albright expressing our concerns over these troubling reports. We also asked her to provide us with answers to a few simple questions.

First, why were the views of the Federal Bureau of Investigation not respected in the decision to grant a U.S. visa to Mr. Bielsa?

□ 2030

Second, has any representative of the Department of Justice or the FBI provided any information to the State Department regarding Mr. Garcia Bielsa's anti-U.S. espionage spying or pro-terrorism activities? Did this information talk of his contact with Puerto Rican terrorists or so-called nationalist groups?

Three, if the State Department did have knowledge of Mr. Garcia Bielsa's activities, who instructed his visa be accepted?

Mr. Speaker, in closing, I hope we receive accurate and helpful responses to these questions because we now know that China has stolen classified information on every thermonuclear warhead in the U.S. ballistic missile arsenal, including the W–88 warhead, our most modern warhead; we also know that Chinese penetration of our national weapons labs spans at least the past several decades and certainly continues today; finally, because the Chinese Government used illegal fundraising channels in this country to influence the 1996 presidential elections.

Mr. Speaker, I believe that the time has come for our government to cease and desist with these shortcuts that have led to a breach of our national security and initiate a more rigorous system of scrutinizing the campaigns of hostile nations against the U.S., and I believe that Mr. Bielsa's visa should not be approved.

MESSAGE FROM THE SENATE

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

H.R. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

INDONESIA'S SHAMEFUL MILITARY OCCUPATION OF EAST TIMOR AND WEST PAPUA NEW GUINEA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 60 minutes as the designee of the minority leader.

Mr. FALEOMAVAEGA. Mr. Speaker, I have entitled my remarks tonight to my colleagues and to my fellow Americans as Indonesia's Shameful Military Occupation of East Timor and West Papua New Guinea, or also known as Irian Jaya.

Mr. Speaker, this week the House of Representatives considered legislation,

House Resolution 292, expressing its position with regards to the tragic crisis in East Timor, Indonesia.

I want to commend the chairman and ranking member of the Committee on International Relations of the House, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), for bringing to the floor this important measure regarding the recent dire developments in East Timor.

I would further deeply commend the chairman and ranking member of the House Committee on International Relations Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), for introducing the resolution and their considerable work on it. I am honored to be an original cosponsor of House Resolution 292.

Mr. Speaker, I also want to commend the gentleman from Rhode Island (Mr. KENNEDY) for introducing H.R. 2895, a bill that will cut off all U.S. bilateral and multilateral agreements with Indonesia if the Indonesian government fails to implement and support the United Nation's supervised plebescite which resulted in a vote of over 78 percent of the voters of East Timor in favor of total independence from the government of Indonesia.

The bill of the gentleman from Rhode Island (Mr. KENNEDY) has strong bipartisan support by both Republicans and Democrats, and I am honored to have also been an original cosponsor of this legislation.

Mr. Speaker, like many of our colleagues, I am greatly disturbed and saddened by the brutal, violent response of the pro-Jakarta militia and Indonesian military to the overwhelming force for independence demonstrated by the courageous people of East Timor. However, I am not at all surprised at the rampant killings, Mr. Speaker, as the Indonesian military has routinely used violence as a tool of repression.

Although the Timorese struggle for self-determination has received much publicity, Mr. Speaker, scant attention has been paid to the people of West Papua New Guinea who have similarly struggled to throw off the yoke of Indonesian colonialism.

As in East Timor, Indonesia took West Papua New Guinea by force in 1963. In a truly pathetic episode, the United Nations in 1969 sanctioned a fraudulent referendum where only 1,025 delegates that were handpicked and paid off by the Jakarta government were permitted to participate in a so-called independence vote. The rest of the West Papua New Guinea people, well over 800,000 strong, Mr. Speaker, had absolutely no voice in the undemocratic process.

Since Indonesia subjugated West Papua New Guinea, the native Papuan people have suffered under one of the most repressive and unjust systems of colonial occupation in the 20th century.

Like in East Timor where 200,000 East Timorese have died, the Indonesian military has been brutal in West Papua New Guinea. Reports estimate that between 100,000 to 200,000 West Papuans have died or simply vanished at the hands of the Indonesian military.

While we search for justice and peace in East Timor, Mr. Speaker, we should not forget the violent tragedy that continues to play out today in West Papua New Guinea.

I would urge our colleagues and our great Nation and the international community to revisit the status of West Papua New Guinea to ensure that justice is also achieved there.

Mr. Speaker, with respect to the events of the past weeks, the Indonesian government should be condemned in the strongest terms for allowing untold atrocities to be committed against the innocent, unarmed civilians of East Timor. I commend President Clinton for terminating all assistance to and ties with the Indonesian military. United Nations estimates that there are over 300,000 Timorese, in excess of a third of the population of East Timor, have been displaced and it remains to be seen how many hundreds, if not thousands, have been killed in the mass bloodletting and carnage by the Indonesian military and its militia.

Mr. Speaker, a couple of days ago, the United Nations Human Rights Commission voted for an international inquiry into the atrocities committed in East Timor. The call for an international war crimes tribunal to punish those responsible for the atrocities should be heeded, even if it implicates the top military leadership of Jakarta.

I strongly supported the intervention of the United Nations-endorsed multinational force in East Timor, and I am heartened at their arrival in Dili last week. Although only 5,000 of the 7,500 troop peacekeeping is presently there in East Timor, they have already had a significant effect in stabilizing the situation and restoring order in Dili.

Mr. Speaker, I want to commend the government of Australia for its leadership with the multinational force and recognize the important and substantial troop contributions of Thailand to the peacekeeping effort.

While I believe America's role in the peacekeeping mission should have been greater, certainly the contribution of the U.S. airlift and logistical support has been invaluable. If Australia, Thailand and our allies call upon us and it is necessary that the United States play a more substantial role in the peacekeeping effort, I submit, Mr. Speaker, even if it means the contribution of a small contingency of ground troops which could easily be drawn from our reserves of the U.S. Marines in Okinawa, after all, Mr. Speaker, is this not the very reason why we have troops located in the Asia-Pacific region, and that is to provide stability and order in that region of the world?

Mr. Speaker, with Indonesia being the fourth largest nation and the largest Muslim country in the world, which sits astride the major sea-lanes of communications and trade, certainly we do have a substantial national interest in preserving stability in Indonesia and Southeast Asia as well.

Mr. Speaker, I am honored to join my colleagues in adoption of legislation that touches on all of the foregoing concerns. It is appropriate that the House finally speak as a body in addressing the tremendous evil perpetrated against the free citizens of East Timor by the Indonesian military.

Mr. Speaker, we and our colleagues must do all we can to assist the recovery of the Timorese people and to support their struggle for freedom, economic self-sufficiency and democracy.

Mr. Speaker, if I may borrow the words of Dr. Martin Luther King, Jr., who said in part, ''I refuse to accept despair as the final response to the ambiguities of history. I refuse to accept the idea that the isness of man's present nature makes him morally incapable of reaching up for the eternal oughtness that forever confronts them.''

As a nation and as a world we have watched as East Timor and West Papua New Guinea have struggled for independent and self-determination. As a government, we have known the ambiguities of colonialist history. Indonesia, a former Dutch colony, was granted independence by the Netherlands in 1949. In its own act of colonial aggression, Indonesia then demanded all former territories of the Dutch East Indies and the Portuguese Colonial Empires, including West Papua New Guinea and East Timor. When Indonesia's demands were not met, the Indonesian military troops slaughtered and murdered some 100,000 West Papua New Guineans and also slaughtered and murdered over 200,000 East Timorese. The world stood in silence while the slaughter continued.

Mr. Speaker, we have known the isness and the oughtness of what now confronts our collective conscience.

Like Conrad notes in the book, the Heart of Darkness, and I quote, ''The conquest of the earth, which mostly means the taking it away from those who have a different complexion or slightly flatter noses than ourselves, is not a pretty thing when you look into it too much.''

Mr. Speaker, ''when you look into it too much,'' the world ought to be a better place than what it is.

Mr. Speaker, I know much has been written and said about what now confronts us in the conflict of East Timor. As Mahatma Ghandi once said, and I quote, ''I have nothing new to say. The principles of truth and nonviolence are as old as mountains.''

Sometimes, Mr. Speaker, it serves us well to be reminded of the principles of goodness espoused by those who have lived the struggle and overcome. So today, I speak not as a representative with something new to say, but as a human being who wants to associate himself with a brotherhood and sisterhood of good.

To the people of East Timor who seek to be free, I add my voice of support and condemn the government of Indonesia for denying East Timor its inalienable right to self-determination. To the good people of West Papua New Guinea, who also seek to be free from Indonesian colonial rule, I rise to share some 36 years of your pain and your suffering and of the slaughter and the murderings of your people by the Indonesian military.

Mr. Speaker, there is consensus that the Island of New Guinea was settled by a people from West Africa. In 1883, the Island of New Guinea came under colonial rule and was partitioned by three western powers. The Dutch claimed the western half while the British and the Germans divided the eastern half.

In 1949, the Dutch granted independence to the colonies of the former Dutch East Indies, including the Republic of Indonesia, but the Dutch retained West Papua New Guinea and in 1950 supposedly prepared the territory for independence.

Indonesia, however, under the leadership of military Dictator Sukarno sent troops over and militarily occupied West Papua, and to this day West Papua continues to exist under military rule.

Mr. Speaker, in 1962, the United States mediated an agreement between Indonesia and the Netherlands, minus West Papuan representation, of course. Under terms of the agreement, the Dutch would leave West Papua and transfer sovereignty to the United Nations Temporary Executive Authority, known as UNTEA, for a period of 6 years, after which time a national election would be held to determine West Papua's political status. But almost immediately after this agreement was reached, Indonesia violated the terms of the transfer and took over the administration of West Papua from the UNTEA.

In 1969, Indonesia orchestrated an election that many regarded as a brutal military operation. In what came to be known as an ''act of no-choice,'' where 1,025 elders under heavy military surveillance were selected to vote on behalf of 809,327 West Papuans on the territory's political status. United Nations Ambassador Ortiz-Sanz, who was sent to West Papua to observe the process, issued the following statement, and I quote, ''I regret to have to express my reservation regarding the implementation of article XXII of the Agreement relating to the rights, including the rights of free speech, freedom of movement and of assembly of the inhabitants of the area. In spite of my constant efforts, this important provision was not fully implemented and the Indonesian administration exercised at all times a tight political control over the population.''

Mr. Speaker, despite Ambassador Ortiz-Sanz' report, the United Nations sanctioned Indonesia's position and on September 10, 1969, West Papua became a province of the Indonesian military rule.

□ 2045

Mr. Speaker, there is some speculation surrounding the extent of U.S. involvement with respect to the West Papua/Indonesian settlement. In late 1961, a Robert H. Johnson of the National Security Council staff wrote a letter to Mr. Bundy, the President's Special Assistant for National Security Council Affairs, concerning the conflict between Indonesia and the Netherlands.

Mr. Johnson wrote in part, and I quote, ''The U.S. has a general interest in eliminating this irritant in international relations involving two free world countries. But its more basic interests are two: (a) to eliminate this issue from Indonesian politics where it has diverted the country from constructive tasks, has been used by Sukarno as a means of frustrating opposition to himself, and has been exploited by the large local Communist party'' and by the Soviet Union ''(b) to avoid a military clash because such a clash would probably strengthen Communist forces within Indonesia. The loss of Indonesia could be as significant as the loss of mainland Southeast Asia and would make defense of the latter considerably more difficult. If the above analysis is correct, we must conclude that it is in our interests that a solution be devised which will lead to accession of West New Guinea to Indonesia.''

Mr. Speaker, in other words, it was our national policy to sacrifice the lives and future of some 800,000 West Papua New Guineans to the Indonesian military in exchange, supposedly, for Sukarno and Sukarto to become our friends, and yet organize the most repressive military regimes ever in the history of Indonesia.

Mr. Speaker, this event is perhaps the worst example of what the United Nations did by sanctioning this act of no choice against the people of west Papua New Guinea. Mr. Speaker, I call upon the United Nations Secretary General Kofi Annan to take appropriate action to correct this shameful act of the United Nations took against the people of West Papua. The United Nations should call and supervise a real pleviscite like the one given to people of East Timor.

Mr. Speaker, in his 1990 statement before the United Nations Special Committee Against Apartheid, Nelson Mandela of South Africa said, ''It will forever remain an indelible blight on human history that the apartheid crime ever occurred. Future generations will surely ask, what error was made that this system established itself in the wake of the adoption of a Universal Declaration on Human Rights.''

''It will forever remain an accusation and a challenge to all men and women of conscience that it took as long as it has been before all of us stood up and to say, enough is enough.''

Mr. Speaker, I cannot help but feel similarly about our own stance towards West Papua during the height of the Cold War and our continued stance at present. Geo-politics aside, since the Indonesian government seized control of West Papua, the Pupuans have suffered blatant human rights abuses, including extrajudicial executions, imprisonment, torture and, according to Afrim Djonbalic's 1998 statement to the United Nations, ''environmental degradation, natural resource exploitation, and commercial dominance of immigrant communities.''

Sadly, Mr. Speaker, a U.S.-based company mining copper, gold, and silver in west Papua New Guinea allegedly shares in the exploitation and abuse of Papuan lands and its people.

In West Papua, New Guinea, Mr. Speaker, Freeport-McMoRan, an American company in partnership with the Indonesian leaders and leading Australian and British mining companies, operates the world's largest gold mine and the world third largest copper mine in West Papua, New Guinea. Conservative estimates suggest that the copper reserves of Freeport are worth well over $23 billion. The gold reserves are worth around $15 billion. As it currently stands, the Indonesian government has approximately an 8.5 percent share in Freeport mining and Freeport pays Indonesia more money than any other company in the entire country.

Mr. Speaker, from 1969 to 1971, Freeport built a 63-mile road from the southern coast of West Papua to the Ertsberg Mountain, moving 12 million tons of earth. As Mr. Wilson describes it in his book called Conquest of Copper Mountain, ''At one point, we literally had to chop off the top half of a mountain.'' Draft author James Lang in Irian Jaye case number 157, notes that, in 1967, Freeport signed a contract with the Indonesian government to mine for copper in 10,000 hectares,

not acres, Mr. Speaker, hectares, of land belonging to the indigenous Amungme tribal people. Yet, to date, this report was in 1996, Mr. Speaker, Freeport's control has extended over three times as much land, and the company has no policy of commitment or royalty distribution to the local community.

With the construction of a new city for its employees, Freeport mining company will take an additional 25,000 hectares of land from the Amungme tribe. Furthermore, Mr. Speaker, Freeport recently opened a new mind and Grasberg just two kilometers from the Timika site. Resting on 2.6 million hectares, again, Mr. Speaker, not acres, hectares of land acquired from Indonesia in 1991, the new mine will increase its output to 900 million pounds of copper and 1.1 million ounces of gold, making it the world's single biggest mining operation.

In 1977, Mr. Speaker, the Amungme Tribe put in a claim for compensation for their lost land which the Indonesian government promptly and simply rejected. As spokesman for the Free Papua Movement summarized the situation, and I quote, ''Since Freeport signed contracts in 1967, it has regarded this land as not belonging to our people . . . the Indonesia Constitution considers it state land and any companies made by the Amungme people'' are declared ''as terrorist action.''

Mr. Speaker, Mr. Robert Bryce, contributing editor for the Austin Chronicle, noted in Mother Jones, this is an article in 1996, ''Freeport's Grasberg mine is essentially grinding the Indonesian mountain into dust, skimming off the precious metals, and dumping the remainder into the Ajkwa River. The pulverized rock (called 'tailings') has created a wasteland in the river valley below. By its own estimates, the company will dump more than 40 million tons of tailings into the river this year alone,'' Mr. Speaker.

''The mine's tailings have already 'severely impacted' more than 11 square miles of rainforest, according to the 1996 Dames & Moore environmental audit. The report, endorsed by Freeport, also estimates that over the life of the mine some 3.2 billion tons of waste rock, a great part of which generates acid, will be dumped into the local river system.''

''At present,'' Mr. Speaker, ''the company mines 125,000 tons of ore each day. The company intends to increase that amount to 190,000 tons per day. At that rate, Mr. Speaker, Freeport will dump enough tailings in the Ajkwa River to fill Houston's Astrodome every 3 weeks.''

Mr. Speaker, from the University of Chicago, Mr. Marina Peterson writes in a stated report in 1996, ''Specific allegations have been made to Freeport's direct association with human rights abuses undertaken by the Indonesian government on Freeport land. Freeport facilities are policed both by Freeport security and the Indonesian military; Freeport feeds, houses, and provides transportation for the Indonesian military; and after any incidence of indigenous resistance against Freeport, the military responds while Freeport looks on.

''In 1977, when West Papuans attacked Freeport facilities, the Indonesian military bombed the natives using U.S.-made Broncos and a Freeport employee sent an anonymous letter to Tapol on August 6, 1977, writing 'any native who is seen is shot dead on the spot.' The Obliteration of a People,'' dated 1983. Although Freeport likes to shift blame onto the Indonesian government, Press reports that 'One recent Western traveler was told by a Freeport security employee that he and his coworkers amuse themselves by shooting randomly at passing tribesmen and watching them scurry in terror into the woods and Amnesty International reported that the military used steel containers from Freeport to incarcerate indigenous people.''

Mr. Speaker, it might be fair at this point to note that West Pupuans differ racially from the majority of Indonesians. West Papuans are Melanesian, believed to be of African descent. In 1990, Nelson Mandela reminded the United Nations that when ''it first discussed the South African question in 1946, it was discussing the issue of racism.'' I cannot help but wonder, Mr. Speaker, if what we are now discussing is the issue of racism in West Papua New Guinea. As Mahatma Gandhi said, ''Till we are fully free, we are slaves.''

Mr. Speaker, ultimately I believe in the goodness of people and in the goodness of the Members of this body. I believe that, as we are made aware of human suffering and gross injustice, we will rise to say enough is enough.

It was not so long ago that Nelson Mandela stood before us in a joint session of Congress, some 9 years ago as I recall, Mr. Speaker, and commented on our stand against apartheid. ''The stand you took established the understanding among the millions of our people that here we have friends, here we have fighters against racism, who feel hurt because we are hurt, who seek our success because they, too, seek the victory of democracy over tyranny.''

Mr. Speaker, let the people of West Papua know that here, too, they have friends, here, too, they have fighters against racism, who feel hurt because they are hurt. Let them know that we seek their success because we, too, seek the victory of democracy over tyranny. Let us go out this evening with that determination, Mr. Speaker.

Again, I love to share with my colleagues another quote from Martin Luther King, Jr. who said in part, ''I refuse to accept the view that mankind is so tragically bound to the starless midnight of racism and war, that the bright daybreak of peace and brotherhood can never become a reality. I have the audacity to believe that peoples everywhere have dignity, equality, and freedom for their spirits. I believe that what self-centered men have torn down, men other-centered can build up. I still believe that one day mankind will bow before the alters of God and be crowned triumphant over war and bloodshed, and nonviolent redemptive goodwill will proclaim the rule of the land. I still believe that we shall overcome.''

That quote, by the way, Mr. Speaker, was part of Martin Luther King, Jr.'s speech that he made when he accepted the Nobel Prize for the promotion of peace in 1964.

Mr. Speaker, I was in high school then. It was a little high school in the State of Hawaii. It was named Kahuku High School. My high school is among the smallest in number in the State of Hawaii, but Kahuku High School never lacked in size and fierceness when it came to football players.

I was in high school, and our Nation had just elected a new President. I remember well the most profound statement that, to this day, is quoted by people and leaders throughout the world. It was President Kennedy who did not mince his words when he said it in his inaugural address, and I quote, ''Let every Nation know that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty.''

Mr. Speaker, there are close parallels between our country and the colonies of East Timor and West Papua New Guinea. Our Nation was founded under the yoke of British colonialism. East Timor was formerly a colony of Portugal, and West Papua New Guinea was a colonial possession of the Dutch or the Netherland. But there is a slight difference, however. Unlike the 13 colonies that eventually won its independence from England, immediately following the withdrawal of Portuguese and Dutch influence from East Timor and West Papua New Guinea, respectively, the Indonesian military became the new colonial master of these two colonies.

So when we talk about colonies, Mr. Speaker, our Nation has a very real sense of appreciation what colonies are like: a constant fear of military rule by a military dictatorship, absolutely no freedom of expression, one's family and friends are not free to meet and to congregate, and even the right or privilege to petition the government for wrongdoings. One can forget about the privilege of voting freely for people of one's choice to represent you.

□ 2100

Simply put, Mr. Speaker, just kiss goodbye to democracy.

Mr. Speaker, our Nation currently is the most powerful, the most prosperous, and the only superpower remaining now since the fall of the former Soviet Union. There are those who argue that we should stop being the policeman of the world. But if we do not assist territories like East Timor and West Papua New Guinea should we let countries like China, Iran, and Iraq to take our place?

We have actively supported the concept of regional security organizations like NATO. Why not revive the Southeast Asian Treaty Organization to serve similar functions that NATO currently provides in Europe?

Mr. Speaker, let us give heed to President Kennedy's challenge to the world and to all our fellow Americans. Let us support the cause of freedom and democracy wherever and whenever any people who live under repressive military governments seek our help.

I commend the people and the good leaders of East Timor for their long-last struggle to become a free people after some 25 years of military rule. Now I challenge my colleagues in the United Nations to do the same for the people of West Papua New Guinea who continue to live in fear of Indonesian military rule for the past 36 years, and that repressive rule still continues.

RECESS

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

Accordingly (at 9 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

□ 2206

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HAYES) at 10 o'clock and 6 minutes p.m.

RECESS

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

Accordingly (at 10 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2336

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REYNOLDS) at 11 o'clock and 36 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–356) on the resolution (H. Res. 317) waiving points of order against the conference report to accompany the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–357) on the resolution (H. Res. 318) waiving points of order against the conference report to accompany the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEKS of New York (at the request of Mr. GEPHARDT) for today and October 1 on account of the birth of a child.

Ms. HOOLEY of Oregon (at the request of Mr. GEPHARDT) for today on account of personal business.

Mrs. CHENOWETH (at the request of Mr. ARMEY) for after 1:00 p.m. today and October 1 on account of her wedding.

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:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

(The following Members (at the request of Mr. BARTON of Texas) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 249—An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

ADJOURNMENT

Mr. DIAZ-BALART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Friday, October 1, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4575. A letter from the Administrator, Marketing and Regulatory Programs, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Decreased Assessment Rate [Docket No. FV99–993–3 FR] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4576. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron; Pesticide Tolerances for Emergency Exemptions [OPP–300921; FRL–6382–1] (RIN: 2070–AB78) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4577. A letter from the Director, Office of Regulatory Management and Information,

Environmental Protection Agency, transmitting the Agency's final rule—Pymetrozine; Pesticide Tolerance [OPP–300929; FRL–6385–6] (RIN: 2070–AB78) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4578. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerance [OPP–300923; FRL–6383–6] (RIN: 2070–AB78) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4579. A communication from the President of the United States, transmitting a request for funds for the Department of Agriculture and the Department of the Interior to be used to address the urgent needs arising from the consequences of the severe and numerous fires on Federal public lands throughout the western United States; (H. Doc. No. 106–136); to the Committee on Appropriations and ordered to be printed.

4580. A communication from the President of the United States, transmitting notification of funding for the Department of the Interior and the United States Information Agency to support environmental protection activities with India in the national interest of the United States; (H. Doc. No. 106–137); to the Committee on Appropriations and ordered to be printed.

4581. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California Plan Revision, San Luis Obispo County Air Pollution Control District South Coast Air Quality Management District [CA 198–0175a; FRL–6445–6] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4582. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Oklahoma Regulatory Program [SPATS No. OK–020–FOR] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4583. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transporation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 99–NM–118–AD; Amendment 39–11328; AD 99–19–41] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4584. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 98–NM–328–AD; Amendment 39–11329; AD 99–20–01] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4585. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 99–NM–110–AD; Amendment 39–11327; AD 99–19–40] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4586. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 99–NM–91–AD; Amendment 39–11325; AD 99–19–38] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4587. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 99–SW–46–AD; Amendment 39–11331; AD 99–17–17] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4588. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Bombardier Model DH C–8–100 and -300 Series Airplanes [Docket No. 97–NM–58–AD; Amendment 39–11321; AD 99–19–34] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4589. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–100 and -300 Series Airplanes [Docket No. 98–NM–384–AD; Amendment 39–11324; AD 99–19–37] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4590. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–366–AD; Amendment 39–11323; AD 99–19–36] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4591. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 98–NM–344–AD; Amendment 39–11322; AD 99–19–35] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4592. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100) Series Airplanes [Docket No. 99–NM–92–AD; Amendment 39–11326; AD 99–19–39] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4593. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Sugar Land, TX [Airspace Docket No. 99–ASW–01] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4594. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone: Presidential Visit and United Nations General Assembly, East River, New York [CGD01–99–167] (RIN: 2115–AA97) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4595. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Santa Barbara Channel, CA [COTP Los Angeles-Long Beach, CA; 99–005] (RIN: 2115–AA97) received September 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4596. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportion, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 98–NM–329–AD; Amendment 39–11330; AD 99–20–02] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4597. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—RJR Nabisco, Inc., et al., v. Commissioner [T.C. Memo. 1998–252 (Dkt No. 3796–95)] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4598. A letter from the Chair, Medicare Payment Advisory Commission, transmitting the June 1999 Report to the Congress: Selected Medicare Issues; 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. STUMP: Committee on Veterans' Affairs. H.R. 1663. A bill to designate as a national memorial the memorial being built at the Riverside National Cemetery in Riverside, California to honor recipients of the Medal of Honor; with amendments (Rept. 106–351). Referred to the House Calendar.

Mr. STUMP: Committee on Veterans' Affairs. House Joint Resolution 65. Resolution commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes; with amendments (Rept. 106–352 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1300. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote brownfields redevelopment, to reauthorize and reform the Superfund program, and for other purposes; with an amendment (Rept. 106–353 Pt. 1). Ordered to be printed.

Mr. SKEEN: Committee of Conference. Conference report on H.R. 1906. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–354). Ordered to be printed.

Mr. WOLF: Committee of Conference. Conference report on H.R. 1906. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–355). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 317. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–356). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 318. Resolution waiving points of order to accompany the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–357). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 354. A bill to amend title 17, United States Code, to provide protection for certain collection of information; with an amendment; referred to the Committee on Commerce for a period ending not later than October 8, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 106–349, Pt. 1).

Mr. BLILEY: Committee on Commerce. H.R. 1858. A bill to promote electronic commerce through improved access for consumers to electronic databases, including securities market information databases; with an amendment; referred to the Committee on the Judiciary for a period ending not later than October 8, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 106–350, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLILEY:

H.R. 2978. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through October 31, 1999; to the Committee on Commerce.

By Mr. LAZIO:

H.R. 2979. A bill to amend title XVIII of the Social Security Act to make refinements in the Medicare prospective payment system for outpatient hospital services; 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. ALLEN (for himself, Mr. SAXTON, Mr. BALDACCI, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. CAPUANO, Mr. DELAHUNT, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. VENTO, and Mr. WEYGAND):

H.R. 2980. A bill to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide from fossil fuel-fired electric utility generating units operating in the United States, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, Transportation and Infrastructure, Banking and Financial Services, and Science, 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. BLILEY:

H.R. 2981. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000; to the Committee on Commerce.

By Mrs. MINK of Hawaii (for herself, Mr. CLAY, Mr. KILDEE, Mr. PASTOR, Ms. WOOLSEY, Mr. PAYNE, Mr. MARTINEZ, Mr. ANDREWS, Mr. OWENS, Mr. SCOTT, Mr. FORD, Mr. STARK, Ms. SANCHEZ, Mr. HINOJOSA, Mr. GEORGE MILLER of California, Mr. TIERNEY, and Mr. MENENDEZ):

H.R. 2982. A bill to provide grants to States and local educational agencies to recruit, train, and hire 100,000 school-based resource staff to help students deal with personal state of mind problems; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2983. A bill to amend the Public Health Service Act with respect to the participation of the public in governmental decisions regarding the location of group homes established pursuant to the program of block grants for the prevention and treatment of substance abuse; to the Committee on Commerce.

By Mr. BARRETT of Nebraska:

H.R. 2984. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska; to the Committee on Resources.

By Mr. BASS (for himself, Mr. BARTON of Texas, Mr. BILBRAY, Mr. CALLAHAN, Mr. CASTLE, Mr. EHLERS, Mr. ENGLISH, Mr. GANSKE, Mr. GREEN of Wisconsin, Mr. HERGER, Mrs. MORELLA, Mrs. MYRICK, Mr. NEY, Mr. SCHAFFER, Mr. THORNBERRY, Mr. UPTON, Mr. WAMP, and Mr. WHITFIELD):

H.R. 2985. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the responsibility, efficiency, and performance of the Federal Government; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO (for herself, Mr. BILBRAY, Mr. BRYANT, Mr. BUYER, Mr. CALVERT, Mr. CAMPBELL, Mr. CANNON, Mr. CRANE, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DREIER, Mr. FOLEY, Mr. GALLEGLY, Mr. GRAHAM, Mr. GOODLATTE, Mr. HAYWORTH, Mr. HERGER, Mr. HUNTER, Mr. HYDE, Mr. JENKINS, Mr. KUYKENDALL, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. GARY MILLER of California, Mr. PACKARD, Mr. POMBO, Mr. ROGAN, Mr. ROHRABACHER, Mr. SALMON, Mr. SHADEGG, Mr. SPENCE, Mr. SWEENEY, Mr. OSE, Mr. THOMAS, and Mr. RADANOVICH):

H.R. 2986. A bill to provide that an application for an injunction restraining the enforcement, operation, or execution of a State law adopted by referendum may not be granted on the ground of the unconstitutionality of such law unless the application is heard and determined by a 3-judge court; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. HUTCHINSON, Mr. ROGAN, Mr. MCCOLLUM, Mr. SESSIONS, Mr. PICKERING, Ms. LOFGREN, Mr. BERMAN, Mr. CANADY of Florida, Mr. GIBBONS, Mr. CALVERT, Mr. GALLEGLY, and Mr. SALMON):

H.R. 2987. A bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself, Mr. BONILLA, Mr. ORTIZ, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 2988. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; to the Committee on Resources.

By Mr. TANNER (for himself, Mr. JENKINS, Mr. FORD, and Mr. CLEMENT):

H.R. 2989. A bill to amend title XVIII of the Social Security Act to accelerate payments to hospitals under the Medicare Program with respect to costs of graduate medical education for Medicare+Choice enrollees; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT:

H.R. 2990. A bill to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX (for himself and Mr. SESSIONS):

H. Con. Res. 190. Concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple, and discriminatory taxation of electronic commerce; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 170: Mr. WAXMAN.
H.R. 218: Mr. BLILEY.
H.R. 323: Mr. DIAZ-BALART.
H.R. 357: Mr. REYES.
H.R. 363: Mr. PALLONE.
H.R. 371: Mr. WATT of North Carolina, Mr. TIAHRT, and Mr. WELDON of Pennsylvania.
H.R. 443: Ms. BALDWIN, Mr. BARCIA, Mr. FRANKS of New Jersey, Mr. TOWNS, and Mr. PHELPS.
H.R. 521: Mr. ROTHMAN.
H.R. 721: Mr. GOODLATTE.
H.R. 750: Mr. TERRY and Mr. THOMPSON of California.
H.R. 838: Mr. MS. PELOSI and Mr. RUSH.
H.R. 870: Mr. VITTER.
H.R. 914: Mr. WATT of North Carolina.
H.R. 961: Mr. OWENS and Mr. HINOJOSA.
H.R. 976: Ms. MCCARTHY of Missouri.
H.R. 1041: Mr. VITTER.
H.R. 1070: Mr. BEREUTER.
H.R. 1071: Mr. MARTINEZ.
H.R. 1178: Mr. TIAHRT, Mr. DEFAZIO, Mr. WALDEN of Oregon, and Mr. WELDON of Florida.
H.R. 1180: Mrs. MINK of Hawaii, Mrs. FOWLER, and Mr. SALMON.
H.R. 1195: Mr. HAYWORTH, Mr. HILLIARD, Mr. BURTON of Indiana, Mr. TOOMEY, Mr. PETRI, Mr. LIPINSKI, and Mr. CUMMINGS.
H.R. 1221: Mr. SHERWOOD.
H.R. 1271: Mr. CONYERS, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, and Mr. WAXMAN.
H.R. 1283: Mr. SESSIONS, Mr. PETERSON of Pennsylvania, Mr. TALENT, Mr. MCCOLLUM, Mr. WAMP, and Mr. CAMP.
H.R. 1300: Mrs. NAPOLITANO and Mr. MCCOLLUM.
H.R. 1305: Mrs. CLAYTON.
H.R. 1322: Mr. CALVERT.
H.R. 1355: Mr. EVANS.
H.R. 1399: Mr. CUMMINGS and Mr. MOAKLEY.
H.R. 1456: Mrs. MALONEY of New York.
H.R. 1485: Mr. LANTOS and Mr. TIERNEY.
H.R. 1494: Mr. WELDON of Pennsylvania.
H.R. 1496: Mrs. NORTHUP and Mr. HOSTETTLER.
H.R. 1520: Mr. GALLEGLY, Mr. LUCAS of Oklahoma, and Mr. MCINTOSH.
H.R. 1592: Mr. BOSWELL and Mr. RYAN of Wisconsin.
H.R. 1630: Mr. BLUMENAUER.
H.R. 1640: Mr. BLAGOJEVICH, Ms. SLAUGHTER, Mr. LEVIN, Mr. MATSUI, Mr. LEWIS of Georgia, and Mr. CARDIN.
H.R. 1650: Mr. HASTINGS of Washington and Mr. REYNOLDS.
H.R. 1689: Mr. PALLONE.
H.R. 1746: Mr. LINDER.
H.R. 1791: Mr. EVANS.
H.R. 1876: Mr. MCINTOSH, Mr. BARR of Georgia, Mr. SCHAFFER, Mr. SANDLIN, Mr. BRADY of Texas, and Mr. GOODE.
H.R. 2059: Mrs. KELLY.
H.R. 2162: Mr. STUPAK.
H.R. 2235: Mrs. MEEK of Florida, Mr. SPRATT, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2260: Mr. ISAKSON.
H.R. 2265: Mr. BECERRA, Mr. METCALF, Mr. MCHUGH, Mr. CRAMER, and Mr. WYNN.
H.R. 2282: Mr. HILL of Montana.
H.R. 2286: Ms. MCCARTHY of Missouri.
H.R. 2418: Mrs. THURMAN, Mr. BOYD, and Mr. MATSUI.
H.R. 2420: Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. CALVERT, Mr. RODRIGUEZ, and Mr. GIBBONS.
H.R. 2498: Ms. GRANGER, Mrs. FOWLER, and Mr. BILIRAKIS.
H.R. 2544: Mrs. CUBIN.
H.R. 2548: Mr. MARTINEZ, Mr. PRICE of North Carolina, and Mr. SOUDER.
H.R. 2622: Mr. HILL of Montana, Mr. SHERWOOD, and Mr. FLETCHER.
H.R. 2640: Ms. STABENOW, Mr. STUPAK, Mr. EWING, and Mr. DINGELL.
H.R. 2662: Mr. HINCHEY.
H.R. 2697: Mr. ENGLISH and Mr. STUPAK.
H.R. 2698: Mr. CALVERT.
H.R. 2709: Mr. COBURN, Mr. SWEENEY, Mr. HOBSON, Mr. DEMINT, Mr. PICKETT, Mr. GARY MILLER of California, Mrs. KELLY, Mr. MASCARA, and Mr. CANADY of Florida.
H.R. 2720: Mr. BURR of North Carolina and Mr. BARRETT of Wisconsin.
H.R. 2723: Mr. THOMPSON of California, Mr. VENTO, Mr. HOLDEN, Mr. CUMMINGS, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. MCNULTY, Mr. PRICE of North Carolina, Mr. BECERRA, Mr. RODRIGUEZ, Mr. HILLIARD, Mr. FALEOMAVEAGE, Mr. SAWYER, and Mr. KIND.
H.R. 2725: Mr. HILL of Montana.
H.R. 2726: Mr. REYES.
H.R. 2788: Mr. BEREUTER.
H.R. 2807: Mr. BOUCHER and Ms. RIVERS.
H.R. 2808: Mr. WU.
H.R. 2814: Mr. EVANS, Mr. Gilman, and Mr. CALVERT.
H.R. 2824: Mr. SMITH of New Jersey.
H.R. 2838: Ms. MCKINNEY.
H.R. 2877: Ms. LOFGREN.
H.J. Res. 65: Mr. ROGAN.
H. Con. Res. 77: Mr. KINGSTON.
H. Con Res. 89: Mr. HOLDEN, Mr. SAXTON, Mr. LATHAM, Mr. THUNE, Mr. OSE, Mr. SKELTON, Mr. MCKEON, Mr. UDALL of New Mexico, Mr. KIND, Mr. LAFALCE, and Mr. ROEMER.
H. Con. Res. 186: Mr. STUMP, Mr. SESSIONS, and Mr. DIAZ-BALART.
H. Con. Res. 189: Mr. PETERSON of Minnesota, Mrs. TAUSCHER, and Mr. THOMPSON of California.
H. Res. 17: Ms. BERKLEY.
H. Res. 134: Mr. LIPINSKI, Mr. HOUGHTON, Mr. INSLEE, Ms. DEGETTE, Mrs. MYRICK, Mr. OXLEY, and Mr. CONDIT.
H. Res. 224: Mr. MANZULLO.
H. Res. 287: Mr. WU, Mr. KENNEDY of Rhode Island, Ms. VELÁZQUEZ, and Mr. MCNULTY.
H. Res. 303: Mr. FOSSELLA, Mr. MCCRERY, Mr. ROYCE, Mr. EHLERS, Mr. COOKSEY, Mr. BUYER, Mr. BURR of North Carolina, Mr. FRANKS of New Jersey, Mr. CHABOT, Ms. GRANGER, Mr. SOUDER, Mr. WELDON of Pennsylania, Mr. GUTKNECHT, Mr. MANZULLO, and Mr. TANCREDO.

DELETIONS 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. 1760: Mrs. BIGGERT.

CONFERENCE REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. WOLF submitted the following conference report and statement on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H.REPT. 106–355)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) ''making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,867,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $600,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,824,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,650,000: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,870,000, including not to exceed $45,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,039,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $17,767,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,800,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,102,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $520,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,222,000.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,454,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $5,075,000.

OFFICE OF INTERMODALISM

For necessary expenses of the Office of Intermodalism, $1,062,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $7,200,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $3,300,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $148,673,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: Provided further, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2001: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,781,000,000, of which $300,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: Provided further, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: Provided further, That notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer certain parcels of real property located at Sitka, Japonski Island, Alaska to the State of Alaska for the purpose of airport expansion, provided that the Commandant determines that the Coast Guard has been indemnified for any loss, damage, or destruction of any structures or other improvements on the lands to be conveyed. No other provision of law shall otherwise make the real property improvements on Japonski Island ineligible for Federal funding by virtue of any consideration received by the Coast Guard for such improvements: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That the Secretary of Transportation may use any surplus funds that are made available to the Secretary, to the maximum extent practicable, for drug interdiction activities of the Coast Guard.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $389,326,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $134,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; $44,210,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; $51,626,000 shall be available for other equipment, to remain available until September 30, 2002; $63,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; $50,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001; and $44,200,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2002: Provided, That the Commandant of the Coast Guard is authorized to dispose of, by sale at fair market value, all rights, title, and interest of any United States entity on behalf of the Coast Guard in HU–25 aircraft and Coast Guard property, and improvements thereto, in South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Portsmouth, New Hampshire; Station Clair Flats, Michigan; and Aids to Navigation Team Huron, Ohio: Provided further, That all proceeds from the sale of properties listed under this heading, and from the sale of HU–25 aircraft, shall be credited to this appropriation as offsetting collections and made available only for the Integrated Deepwater Systems program, to remain available for obligation until September 30, 2002: Provided further, That obligations made pursuant to the provisions of this Act for the Integrated Deepwater Systems program may not exceed $50,000,000 during fiscal year 2000: Provided further, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $730,327,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,000,000: Provided, That no more than $21,500,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,900,000,000 from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for

processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be for the contract tower cost-sharing program and $600,000 shall be for the Centennial of Flight Commission: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That no more than $24,162,700 of funds appropriated to the Federal Aviation Administration in this Act may be used for activities conducted by, or coordinated through, the Transportation Administrative Service Center: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of the FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,075,000,000, of which $1,780,000,000 shall remain available until September 30, 2002, and of which $295,000,000 shall remain available until September 30, 2000: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the amount provided under this heading in Public Law 105–66, $30,000,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $156,495,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs; for administration of programs under section 40117; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $1,750,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $1,950,000,000 in fiscal year 2000, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than $45,000,000 of funds limited under this heading shall be obligated for administration : Provided further, That, notwithstanding any other provision of law, in the event of a lapse in authorization of the grants program under this heading, funding available under Federal Aviation Administration, ''Operations'' may be obligated for administration during the time period of the lapse in authorization, at the rate corresponding to the maximum annual obligation level of $45,000,000: Provided further, That total obligations from all sources in fiscal year 2000 for administration may not exceed $45,000,000.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $376,072,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That $70,484,000 shall be available to carry out the functions and operations of the Office of Motor Carriers: Provided further, That of the funds available under section 104(a) of title 23, United States Code: $6,000,000 shall be available for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105–178, as amended; $5,000,000 shall be available for Nationwide Differential Global Positioning System program, as authorized; $8,000,000 shall be available for National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105–178, as amended; $15,000,000 shall be available to the University of Alabama in Tuscaloosa, Alabama, for research activities at the Transportation Research Institute and to construct a building to house the Institute, and shall remain available until expended; $18,300,000 shall be available for the Indian Reservation Roads Program under section 204 of title 23, United States Code; $16,400,000 shall be available for the Public Lands Highways Program under section 204 of title 23, United States Code; $11,000,000 shall be available for the Park Roads and Parkways Program under section 204 of title 23, United States Code; $1,300,000 shall be available for the Refuge Road Program under section 204 of title 23, United States Code; $10,000,000 shall be available for the Transportation and Community and System Preservation pilot program under section 1221 of Public Law 105–178; and $7,500,000 shall be available for ''Child Passenger Protection Education Grants'' under section 2003(b) of Public Law 105–178, as amended.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000: Provided, That within the $27,701,350,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $391,450,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2000; not more than $20,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105–178) for fiscal year 2000, of which not to exceed $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2000: Provided further, That within the $211,200,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:

Albuquerque, New Mexico, $2,000,000;

Arapahoe County, Colorado, $1,000,000;
Branson, Missouri, $1,000,000;
Central Pennsylvania, $1,000,000;
Charlotte, North Carolina, $1,000,000;
Chicago, Illinois, $1,000,000;
City of Superior and Douglas County, Wisconsin, $1,000,000;
Clay County, Missouri, $300,000;
Clearwater, Florida, $3,500,000;
College Station, Texas, $1,000,000;
Central Ohio, $1,000,000;
Commonwealth of Virginia, $4,000,000;
Corpus Christi, Texas, $1,500,000;
Delaware River, Pennsylvania, $1,000,000;
Fairfield, California, $750,000;
Fargo, North Dakota, $1,000,000;
Florida Bay County, Florida, $1,000,000;
Fort Worth, Texas, $2,500,000;
Grand Forks, North Dakota, $500,000;
Greater Metropolitan Capital Region, DC, $5,000,000;
Greater Yellowstone, Montana, $1,000,000;
Houma, Louisiana, $1,000,000;
Houston, Texas, $1,500,000;
Huntsville, Alabama, $500,000;
Inglewood, California, $1,000,000;
Jefferson County, Colorado, $1,500,000;
Kansas City, Missouri, $1,000,000;
Las Vegas, Nevada, $2,800,000;
Los Angeles, California, $1,000,000;
Miami, Florida, $1,000,000;
Mission Viejo, California, $1,000,000;
Monroe County, New York, $1,000,000;
Nashville, Tennessee, $1,000,000;
Northeast Florida, $1,000,000;
Oakland, California, $500,000;
Oakland County, Michigan, $1,000,000;
Oxford, Mississippi, $1,500,000;
Pennsylvania Turnpike, Pennsylvania, $2,500,000;
Pueblo, Colorado, $1,000,000;
Puget Sound, Washington, $1,000,000;
Reno/Tahoe, California/Nevada, $500,000;
Rensselaer County, New York, $1,000,000;
Sacramento County, California, $1,000,000;
Salt Lake City, Utah, $3,000,000;
San Francisco, California, $1,000,000;
Santa Clara, California, $1,000,000;
Santa Teresa, New Mexico, $1,000,000;
Seattle, Washington, $2,100,000;
Shenandoah Valley, Virginia, $2,500,000;
Shreveport, Louisiana, $1,000,000;
Silicon Valley, California, $1,000,000;
Southeast Michigan, $2,000,000;
Spokane, Washington, $500,000;
St. Louis, Missouri, $1,000,000;
State of Alabama, $1,300,000;
State of Alaska, $3,000,000;
State of Arizona, $1,000,000;
State of Colorado, $1,500,000;
State of Delaware, $2,000,000;
State of Idaho, $2,000,000;
State of Illinois, $1,500,000;
State of Maryland, $2,000,000;
State of Minnesota, $7,000,000;
State of Montana, $1,000,000;
State of Nebraska, $500,000;
State of Oregon, $1,000,000;
State of Texas, $4,000,000;
State of Vermont rural systems, $1,000,000;
States of New Jersey and New York, $2,000,000;
Statewide Transcom/Transmit upgrades, New Jersey, $4,000,000;
Tacoma Puyallup, Washington, $500,000;
Thurston, Washington, $1,000,000;
Towamencin, Pennsylvania, $600,000;
Wausau-Stevens Point-Wisconsin Rapids, Wisconsin, $1,500,000;
Wayne County, Michigan, $1,000,000:

Provided further, That, notwithstanding Public Law 105–178 as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000, except that before such apportionments are made, $90,000,000 shall be set aside for projects authorized under section 1602 of Public Law 105–178 as amended, and $8,000,000 shall be set aside for the Woodrow Wilson Memorial Bridge project authorized by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 as amended. Of the funds to be apportioned under section 110 for fiscal year 2000, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2000 but for this section: Provided further, That, notwithstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 of Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 ''Widen I–15 in San Bernardino County'', section 1602 of Public Law 105–178.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $105,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $105,000,000 for ''Motor Carrier Safety Grants''.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $87,400,000 of which $62,928,000 shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000 are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $206,800,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $152,800,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $10,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $36,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, $8,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $7,640,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,800,000 of the funds made available for section 410, and not to exceed $400,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, U.S.C.: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $94,288,000, of which $6,800,000 shall remain available until expended: Provided, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $22,464,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $27,200,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $10,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended: Provided, That none of the funds made available under this head shall be obligated until the enactment of authorizing legislation for the ''Rhode Island Rail Development'' program.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $571,000,000 to remain available until expended: Provided, That the Secretary shall not obligate more than $228,400,000 prior to September 30, 2000.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000: Provided, That no more than $60,000,000 of budget authority shall be available for these purposes: Provided further, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General $1,500,000 for costs associated with the audit and review of new fixed guideway systems.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $619,600,000, to remain available until expended: Provided, That no more than $3,098,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178, the $50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $21,000,000, to remain available until expended: Provided, That no more than $107,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,368,000 is available for state planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314): Provided further, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Zinc-air battery bus technology demonstration, $1,000,000;

Electric vehicle information sharing and technology transfer program, $750,000;

Portland, ME independent transportation network, $500,000;

Wheeling, WV mobility study, $250,000;

Project ACTION, $3,000,000;

Washoe County, NV transit technology, $1,250,000;

Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, $1,500,000;

Palm Springs, CA fuel cell buses, $1,000,000;

Gloucester, MA intermodal technology center, $1,500,000;

Southeastern Pennsylvania Transit Authority advanced propulsion control system, $3,000,000;

Advanced transportation and alternative fuel technology consortium (CALSTART), $3,250,000;

Safety and security programs, $5,450,000;

International program, $1,000,000;

Santa Barbara Electric Transit Institute, $500,000;

Hennepin County community transportation, Minnesota, $1,000,000;

Pittsfield economic development authority electric bus program, $1,350,000; and

Citizens for Modern Transit, Missouri, $300,000.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,929,270,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $1,960,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $490,200,000, to remain available until expended: Provided, That no more than $2,451,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $490,200,000, together with $50,000,000 transferred from ''Federal Transit Administration, Formula grants'', to be available for the following projects in amounts specified below:

No.	State	Project	Conference
1	Alaska	Anchorage Ship Creek intermodal facility	$4,500,000
2	Alaska	Fairbanks intermodal rail/bus transfer facility	2,000,000
3	Alaska	Juneau downtown mass transit facility	1,500,000
4	Alaska	North Star Borough-Fairbanks intermodal facility	3,000,000
5	Alaska	Wasilla intermodal facility	1,000,000
6	Alaska	Whittier intermodal facility and pedestrian overpass	1,155,000
7	Alabama	Alabama statewide rural bus needs	2,500,000
8	Alabama	Baldwin Rural Area Transportation System buses	1,000,000
9	Alabama	Birmingham intermodal facility	2,000,000
10	Alabama	Birmingham-Jefferson County buses	1,250,000
11	Alabama	Cullman, buses	500,000
12	Alabama	Dothan Wiregrass Transit Authority vehicles and transit facility	1,000,000
13	Alabama	Escambia County buses and bus facility	100,000
14	Alabama	Gees Bend Ferry facilities, Wilcox County	100,000
15	Alabama	Marshall County, buses	500,000
16	Alabama	Huntsville Airport international intermodal center	3,500,000
17	Alabama	Huntsville, intermodal facility	1,250,000

No.	State	Project	Conference
18	Alabama	Huntsville Space and Rocket Center intermodal center	3,500,000
19	Alabama	Jasper buses	50,000
20	Alabama	Jefferson State Community College/University of Montevallo pedestrian walkway	200,000
21	Alabama	Mobile waterfront terminal complex	5,000,000
22	Alabama	Montgomery Union Station intermodal center and buses	3,500,000
23	Alabama	Valley bus and bus facilities	110,000
24	Arkansas	Arkansas Highway and Transit Department buses	2,000,000
25	Arkansas	Arkansas state safety and preventative maintenance facility	800,000
26	Arkansas	Fayetteville, University of Arkansas Transit System buses	500,000
27	Arkansas	Hot Springs, transportation depot and plaza	1,560,000
28	Arkansas	Little Rock, Central Arkansas Transit buses	300,000
29	Arizona	Phoenix bus and bus facilities	3,750,000
30	Arizona	Phoenix South Central Avenue transit facility	500,000
31	Arizona	San Luis, bus	70,000
32	Arizona	Tucson buses	2,555,000
33	Arizona	Yuma paratransit buses	125,000
34	California	California Mountain Area Regional Transit Authority fueling stations	80,000
35	California	Culver City, CityBus buses	1,250,000
36	California	Davis, Unitrans transit maintenance facility	625,000
37	California	Healdsburg, intermodal facility	1,000,000
38	California	I–5 Corridor intermodal transit centers	1,250,000
39	California	Livermore automatic vehicle locator program	1,000,000
40	California	Lodi, multimodal facility	850,000
41	California	Los Angeles County Metropolitan transportation authority buses	3,000,000
42	California	Los Angeles County Foothill Transit buses and HEV vehicles	1,750,000
43	California	Los Angeles Municipal Transit Operators Coalition	2,250,000
44	California	Los Angeles, Union Station Gateway Intermodal Transit Center	1,250,000
45	California	Maywood, Commerce, Bell, Cudahy, California buses and bus facilities	800,000
46	California	Modesto, bus maintenance facility	625,000
47	California	Monterey, Monterey-Salinas buses	625,000
48	California	Orange County, bus and bus facilities	2,000,000
49	California	Perris bus maintenance facility	1,250,000
50	California	Redlands, trolley project	800,000
51	California	Sacramento CNG buses	1,250,000
52	California	San Bernardino Valley, CNG buses	1,000,000
53	California	San Bernardino train station	3,000,000
54	California	San Diego North County buses and CNG fueling station	3,000,000
55	California	Contra Costa County Connection buses	250,000
56	California	San Francisco, Islais Creek maintenance facility	1,250,000
57	California	Santa Barbara buses and bus facility	1,750,000
58	California	Santa Clarita bus maintenance facility	1,250,000
59	California	Santa Cruz buses and bus facilities	1,755,000
60	California	Santa Maria Valley/Santa Barbara County, buses	240,000
61	California	Santa Rosa/Cotati, Intermodal Transportation Facilities	750,000
62	California	Westminster senior citizen vans	150,000
63	California	Windsor, Intermodal Facility	750,000
64	California	Woodland Hills, Warner Center Transportation Hub	625,000
65	Colorado	Boulder/Denver, RTD buses	625,000
66	Colorado	Colorado Association of Transit Agencies	8,000,000
67	Colorado	Denver, Stapleton Intermodal Center	1,250,000
68	Connecticut	New Haven bus facility	2,250,000
69	Connecticut	Norwich buses	2,250,000
70	Connecticut	Waterbury, bus facility	2,250,000
71	Dist. of Columbia	Fuel cell bus and bus facilities program, Georgetown University	4,850,000
72	Dist. of Columbia	Washington, D.C. Intermodal Transportation Center, District	2,500,000
73	Delaware	New Castle County buses and bus facilities	2,000,000
74	Delaware	Delaware buses and bus facility	500,000
75	Florida	Daytona Beach, Intermodal Center	2,500,000
76	Florida	Gainesville hybrid-electric buses and facilities	500,000
77	Florida	Jacksonville buses and bus facilities	1,000,000
78	Florida	Lakeland, Citrus Connection transit vehicles and related equipment	1,250,000
79	Florida	Miami Beach, electric shuttle service	750,000
80	Florida	Miami-Dade Transit buses	2,750,000
81	Florida	Orlando, Lynx buses and bus facilities	2,000,000
82	Florida	Orlando, Downtown Intermodal Facility	2,500,000
83	Florida	Palm Beach, buses	1,000,000
84	Florida	Tampa HARTline buses	500,000
85	Georgia	Atlanta, MARTA buses	13,500,000
86	Georgia	Chatham Area Transit Bus Transfer Center and buses	3,500,000
87	Georgia	Georgia Regional Transportation Authority buses	2,000,000
88	Georgia	Georgia statewide buses and bus-related facilities	2,750,000
89	Hawaii	Hawaii buses and bus facilities	2,250,000
90	Hawaii	Honolulu, bus facility and buses	2,000,000
91	Iowa	Ames transit facility expansion	700,000
92	Iowa	Cedar Rapids intermodal facility	3,500,000
93	Iowa	Clinton transit facility expansion	500,000
94	Iowa	Fort Dodge, Intermodal Facility (Phase II)	885,000
95	Iowa	Iowa City intermodal facility	1,500,000
96	Iowa	Iowa statewide buses and bus facilities	2,500,000
97	Iowa	Iowa/Illinois Transit Consortium bus safety and security	1,000,000
98	Illinois	East Moline transit center	650,000

No.	State	Project	Conference
99	Illinois	Illinois statewide buses and bus-related equipment	8,200,000
100	Indiana	Gary, Transit Consortium buses	1,250,000
101	Indiana	Indianapolis buses	5,000,000
102	Indiana	South Bend Urban Intermodal Transportation Facility	1,250,000
103	Indiana	West Lafayette bus transfer station/terminal (Wabash Landing)	1,750,000
104	Kansas	Girard, buses and vans	700,000
105	Kansas	Johnson County, farebox equipment	250,000
106	Kansas	Kansas City buses	750,000
107	Kansas	Kansas Public Transit Association buses and bus facilities	1,500,000
108	Kansas	Girard Southeast Kansas Community Action Agency maintenance facility	480,000
109	Kansas	Topeka Transit downtown transfer facility	600,000
110	Kansas	Wichita, buses and bus facilities	2,500,000
111	Kentucky	Transit Authority of Northern Kentucky (TANK) buses	2,500,000
112	Kentucky	Kentucky (southern and eastern) transit vehicles	1,000,000
113	Kentucky	Lexington (LexTran), maintenance facility	1,000,000
114	Kentucky	River City, buses	1,500,000
115	Louisiana	Louisiana statewide buses and bus-related facilities	5,000,000
116	Massachusetts	Attleboro intermodal transit facility	500,000
117	Massachusetts	Brockton intermodal transportation center	1,100,000
118	Massachusetts	Greenfield Montague, buses	500,000
119	Massachusetts	Merrimack Valley Regional Transit Authority bus facilities	467,500
120	Massachusetts	Montachusett, bus and park-and-ride facilities	1,250,000
121	Massachusetts	Pioneer Valley, alternative fuel and paratransit vehicles	650,000
122	Massachusetts	Pittsfield intermodal center	3,600,000
123	Massachusetts	Springfield, Union Station	1,250,000
124	Massachusetts	Swampscott, buses	65,000
125	Massachusetts	Westfield, intermodal transportation facility	500,000
126	Massachusetts	Worcester, Union Station Intermodal Transportation Center	2,500,000
127	Maryland	Maryland statewide bus facilities and buses	11,500,000
128	Michigan	Detroit, transfer terminal facilities	3,963,000
129	Michigan	Detroit, EZ Ride program	287,000
130	Michigan	Menominee-Delta-Schoolcraft buses	250,000
131	Michigan	Michigan statewide buses	22,500,000
132	Michigan	Port Huron, CNG fueling station	500,000
133	Minnesota	Duluth, Transit Authority community circulation vehicles	1,000,000
134	Minnesota	Duluth, Transit Authority intelligent transportation systems	500,000
135	Minnesota	Duluth, Transit Authority Transit Hub	500,000
136	Minnesota	Greater Minnesota transit authorities	500,000
137	Minnesota	Northstar Corridor, Intermodal Facilities and buses	10,000,000
138	Minnesota	Twin Cities metropolitan buses and bus facilities	10,000,000
139	Missouri	Columbia buses and vans	500,000
140	Missouri	Southeast Missouri transportation service rural, elderly, disabled service	1,250,000
141	Missouri	Franklin County buses and bus facilities	200,000
142	Missouri	Jackson County buses and bus facilities	500,000
143	Missouri	Kansas City Area Transit Authority buses and Troost transit center	2,500,000
144	Missouri	Missouri statewide bus and bus facilities	3,500,000
145	Missouri	OATS Transit	1,500,000
146	Missouri	St. Joseph buses and vans	500,000
147	Missouri	St. Louis, buses	2,000,000
148	Missouri	St. Louis, Bi-state Intermodal Center	1,250,000
149	Missouri	Southwest Missouri State University park and ride facility	1,000,000
150	Mississippi	Harrison County multimodal center	3,000,000
151	Mississippi	Jackson, maintenance and administration facility project	1,000,000
152	Mississippi	North Delta planning and development district, buses and bus facilities	1,200,000
153	Montana	Missoula urban transportation district buses	600,000
154	North Carolina	Greensboro multimodal center	3,339,000
155	North Carolina	Greensboro, Transit Authority buses	1,500,000
156	North Carolina	North Carolina statewide buses and bus facilities	2,492,000
157	North Dakota	North Dakota statewide buses and bus-related facilities	1,000,000
158	New Hampshire	New Hampshire statewide transit systems	3,000,000
159	New Jersey	New Jersey Transit alternative fuel buses	5,000,000
160	New Jersey	New Jersey Transit jitney shuttle buses	1,750,000
161	New Jersey	Newark intermodal and arena access improvements	1,650,000
162	New Jersey	Newark, Morris & Essex Station access and buses	1,250,000
163	New Jersey	South Amboy, Regional Intermodal Transportation Initiative	1,250,000
164	New Mexico	Albuquerque West Side transit facility	2,000,000
165	New Mexico	Albuquerque, buses	1,250,000
166	New Mexico	Las Cruces buses and bus facilities	750,000
167	New Mexico	Northern New Mexico Transit Express/Park and Ride buses	2,750,000
168	New Mexico	Santa Fe, buses and bus facilities	2,000,000
169	Nevada	Clark County Regional Transportation Commission buses and bus facilities	2,500,000
170	Nevada	Lake Tahoe CNG buses	700,000
171	Nevada	Washoe County transit improvements	2,250,000
172	New York	Babylon Intermodal Center	1,250,000
173	New York	Buffalo, Auditorium Intermodal Center	2,000,000
174	New York	Dutchess County, Loop System buses	521,000
175	New York	Ithaca intermodal transportation center	1,125,000
176	New York	Ithaca, TCAT bus technology improvements	1,250,000
177	New York	Long Island, CNG transit vehicles and facilities and bus replacement	1,250,000
178	New York	Mineola/Hicksville, LIRR intermodal centers	1,250,000
179	New York	New York City Midtown West 38th Street ferry terminal	1,000,000

No.	State	Project	Conference
180	New York	New York, West 72nd St. Intermodal Station	1,750,000
181	New York	Putnam County, vans	470,000
182	New York	Rensselaer intermodal bus facility	6,000,000
183	New York	Rochester buses and bus facility	1,000,000
184	New York	Syracuse, buses	3,000,000
185	New York	Utica Union Station	2,100,000
186	New York	Westchester County DOT, articulated buses	1,250,000
187	New York	Westchester County, Bee-Line transit system fareboxes	979,000
188	New York	Westchester County, Bee-Line transit system shuttle buses	1,000,000
189	Ohio	Cleveland, Triskett Garage bus maintenance facility	625,000
190	Ohio	Dayton, Multimodal Transportation Center	4,125,000
191	Ohio	Ohio statewide buses and bus facilities	9,010,250
192	Oklahoma	Oklahoma statewide bus facilities and buses	5,000,000
193	Oregon	Corvallis buses and automated passenger information system	300,000
194	Oregon	Lane County, Bus Rapid Transit, buses and facilities	4,400,000
195	Oregon	Lincoln County Transit District buses	250,000
196	Oregon	Portland, Tri-Met bus maintenance facility	650,000
197	Oregon	Portland, Tri-Met buses	1,750,000
198	Oregon	Salem Area Mass Transit District natural gas buses	500,000
199	Oregon	Sandy buses	100,000
200	Oregon	South Metro Area Rapid Transit (SMART) maintenance facility	200,000
201	Oregon	Sunset Empire Transit District intermodal transit facility	300,000
202	Pennsylvania	Allegheny County buses	1,500,000
203	Pennsylvania	Altoona bus testing	3,000,000
204	Pennsylvania	Altoona, Metro Transit Authority buses and transit system improvements	842,000
205	Pennsylvania	Armstrong County-Mid-County, bus facilities and buses	150,000
206	Pennsylvania	Bethlehem, intermodal facility	1,000,000
207	Pennsylvania	Cambria County, bus facilities and buses	575,000
208	Pennsylvania	Centre Area Transportation Authority buses	1,250,000
209	Pennsylvania	Chester County, Paoli Transportation Center	1,000,000
210	Pennsylvania	Erie, Metropolitan Transit Authority buses	1,000,000
211	Pennsylvania	Fayette County, intermodal facilities and buses	1,270,000
212	Pennsylvania	Lackawanna County Transit System buses	600,000
213	Pennsylvania	Lackawanna County, intermodal bus facility	1,000,000
214	Pennsylvania	Mid-Mon Valley buses and bus facilities	250,000
215	Pennsylvania	Norristown, parking garage (SEPTA)	1,000,000
216	Pennsylvania	Philadelphia, Frankford Transportation Center	5,000,000
217	Pennsylvania	Philadelphia, Intermodal 30th Street Station	1,250,000
218	Pennsylvania	Reading, BARTA Intermodal Transportation Facility	1,750,000
219	Pennsylvania	Robinson, Towne Center Intermodal Facility	1,500,000
220	Pennsylvania	Somerset County bus facilities and buses	175,000
221	Pennsylvania	Towamencin Township, Intermodal Bus Transportation Center	1,500,000
222	Pennsylvania	Washington County intermodal facilities	630,000
223	Pennsylvania	Westmoreland County, Intermodal Facility	200,000
224	Pennsylvania	Wilkes-Barre, Intermodal Facility	1,250,000
225	Pennsylvania	Williamsport bus facility	1,200,000
226	Puerto Rico	San Juan Intermodal access	600,000
227	Rhode Island	Providence, buses and bus maintenance facility	3,294,000
228	South Carolina	Central Midlands COG/Columbia transit system	2,700,000
229	South Carolina	Charleston Area regional transportation authority	1,900,000
230	South Carolina	Clemson Area Transit buses and bus equipment	550,000
231	South Carolina	Greenville transit authority	500,000
232	South Carolina	Pee Dee buses and facilities	900,000
233	South Carolina	Santee-Wateree regional transportation authority	400,000
234	South Carolina	South Carolina Statewide Virtual Transit Enterprise	1,220,000
235	South Carolina	Transit Management of Spartanburg, Incorporated (SPARTA)	600,000
236	South Dakota	South Dakota statewide bus facilities and buses	1,500,000
237	Tennessee	Southern Coalition for Advanced Transportation (SCAT) (TN, GA, FL, AL) electric buses	3,500,000
238	Texas	Austin buses	1,750,000
239	Texas	Beaumont Municipal Transit System buses and bus facilities	1,000,000
240	Texas	Brazos Transit Authority buses and bus facilities	1,000,000
241	Texas	El Paso Sun Metro buses	1,000,000
242	Texas	Fort Worth bus replacement (including CNG vehicles) and paratransit vehicles	2,500,000
243	Texas	Forth Worth intermodal transportation center	3,100,000
244	Texas	Galveston buses and bus facilities	1,000,000
245	Texas	Texas statewide small urban and rural buses	5,000,000
246	Utah	Ogden Intermodal Center	800,000
247	Utah	Salt Lake City Olympics bus facilities	2,500,000
248	Utah	Salt Lake City Olympics regional park and ride lots	2,500,000
249	Utah	Salt Lake City Olympics transit bus loan project	500,000
250	Utah	Utah Transit Authority, intermodal facilities	1,500,000
251	Utah	Utah Transit Authority/Park City Transit, buses	6,500,000
252	Virginia	Alexandria, bus maintenance facility	1,000,000
253	Virginia	Richmond, GRTC bus maintenance facility	1,250,000
254	Virginia	Statewide buses and bus facilities	8,435,000
255	Vermont	Burlington multimodal center	2,700,000
256	Vermont	Chittenden County Transportation Authority buses	800,000
257	Vermont	Essex Junction multimodal station rehabilitation	500,000
258	Vermont	Killington-Sherburne satellite bus facility	250,000
259	Washington	Bremerton multimodal center—Sinclair's Landing	750,000
260	Washington	Sequim Clallam Transit multimodal center	1,000,000

No.	State	Project	Conference
261	Washington	Everett, Multimodal Transportation Center	1,950,000
262	Washington	Grant County, Grant Transit Authority	500,000
263	Washington	Grays Harbor County, buses and equipment	1,250,000
264	Washington	King County Metro King Street Station	2,000,000
265	Washington	King County Metro Atlantic and Central buses	1,500,000
266	Washington	King County park and ride expansion	1,350,000
267	Washington	Mount Vernon, buses and bus related facilities	1,750,000
268	Washington	Pierce County Transit buses and bus facilities	500,000
269	Washington	Seattle, intermodal transportation terminal	1,250,000
270	Washington	Snohomish County, Community Transit buses, equipment and facilities	1,250,000
271	Washington	Spokane, HEV buses	1,500,000
272	Washington	Tacoma Dome Station	250,000
273	Washington	Vancouver Clark County (C–TRAN) bus facilities	1,000,000
274	Washington	Washington State DOT combined small transit system buses and bus facilities	2,000,000
275	Wisconsin	Milwaukee County, buses	6,000,000
276	Wisconsin	Wisconsin statewide bus facilities and buses	14,250,000
277	West Virginia	Huntington intermodal facility	12,000,000
278	West Virginia	Parkersburg, intermodal transportation facility	4,500,000
279	West Virginia	West Virginia Statewide Intermodal Facility and buses	5,000,000;

and there shall be available for new fixed guideway systems $980,400,000, to be available as follows:

$10,400,000 for Alaska or Hawaii ferry projects;

$45,142,000 for the Atlanta, Georgia, North line extension project;

$1,000,000 for the Austin, Texas capital metro northwest/north central corridor project;

$4,750,000 for the Baltimore central LRT double track project;

$3,000,000 for the Birmingham, Alabama transit corridor;

$1,000,000 for the Boston Urban Ring project;

$500,000 for the Calais, Maine branch rail line regional transit program;

$2,500,000 for the Canton-Akron-Cleveland commuter rail project;

$2,500,000 for the Charleston, South Carolina Monobeam corridor project;

$4,000,000 for the Charlotte, North Carolina, north-south corridor transitway project;

$25,000,000 for the Chicago METRA commuter rail project;

$3,500,000 for the Chicago Transit Authority Douglas branch line project;

$3,500,000 for the Chicago Transit Authority Ravenswood branch line project;

$1,000,000 for the Cincinnati northeast/northern Kentucky corridor project;

$3,500,000 for the Clark County, Nevada, fixed guideway project, together with unobligated funds provided in Public Law 103–331 for the ''Burlington to Gloucester, New Jersey line'';

$1,000,000 for the Cleveland Euclid corridor improvement project;

$1,000,000 for the Colorado Roaring Fork Valley project;

$50,000,000 for the Dallas north central light rail extension project;

$1,000,000 for the Dayton, Ohio, light rail study;

$3,000,000 for the Denver Southeast corridor project;

$35,000,000 for the Denver Southwest corridor project;

$25,000,000 for the Dulles corridor project;

$10,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

$1,500,000 for the Galveston, Texas rail trolley extension project;

$10,000,000 for the Girdwood, Alaska commuter rail project;

$7,000,000 for the Greater Albuquerque mass transit project;

$500,000 for the Harrisburg-Lancaster capital area transit corridor 1 commuter rail project;

$3,000,000 for the Houston advanced transit program;

$52,770,000 for the Houston regional bus project;

$1,000,000 for the Indianapolis, Indiana Northeast Downtown corridor project;

$1,000,000 for the Johnson County, Kansas, I–35 commuter rail project;

$1,000,000 for the Kenosha-Racine-Milwaukee rail extension project;

$500,000 for the Knoxville-Memphis commuter rail feasibility study;

$2,000,000 for the Long Island Railroad East Side access project;

$1,000,000 for the Los Angeles-San Diego LOSSAN corridor project;

$4,000,000 for the Los Angeles Mid-City and East Side corridors projects;

$50,000,000 for the Los Angeles North Hollywood extension project;

$1,000,000 for the Lowell, Massachusetts-Nashua, New Hampshire commuter rail project;

$703,000 for the MARC commuter rail project;

$1,500,000 for MARC expansion projects—Silver Spring intermodal and Penn-Camden rail connection;

$1,000,000 for the Massachusetts North Shore corridor project;

$2,500,000 for the Memphis, Tennessee, Medical Center rail extension project;

$1,500,000 for the Miami-Dade Transit east-west multimodal corridor project;

$1,000,000 for the Nashville, Tennessee, commuter rail project;

$99,000,000 for the New Jersey Hudson Bergen project;

$5,000,000 for the New Jersey/New York Trans-Hudson Midtown corridor;

$1,000,000 for the New Orleans Canal Street corridor project;

$12,000,000 for the Newark rail link MOS–1 project;

$1,000,000 for the Norfolk-Virginia Beach corridor project;

$4,000,000 for the Northern Indiana south shore commuter rail project;

$2,000,000 for the Oceanside-Escondido, California light rail system;

$10,000,000 for temporary and permanent Olympic transportation infrastructure investments: Provided, That these funds shall be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games: Provided further, That none of these funds shall be available for rail extensions;

$1,000,000 for the Orange County, California, transitway project;

$5,000,000 for the Orlando Lynx light rail project (phase 1);

$500,000 for the Palm Beach, Broward and Miami-Dade counties rail corridor;

$4,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;

$1,000,000 for the Philadelphia SEPTA cross-county metro;

$5,000,000 for the Phoenix metropolitan area transit project;

$2,500,000 for the Pinellas County, Florida, mobility initiative project;

$10,000,000 for the Pittsburgh North Shore-central business district corridor project;

$8,000,000 for the Pittsburgh stage II light rail project;

$11,062,000 for the Portland Westside light rail transit project;

$25,000,000 for the Puget Sound RTA Link light rail project;

$5,000,000 for the Puget Sound RTA Sounder commuter rail project;

$8,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;

$25,000,000 for the Sacramento south corridor LRT project;

$37,928,000 for the Utah north/south light rail project;

$1,000,000 for the San Bernardino, California Metrolink project;

$5,000,000 for the San Diego Mid Coast corridor project;

$20,000,000 for the San Diego Mission Valley East light rail transit project;

$65,000,000 for the San Francisco BART extension to the airport project;

$20,000,000 for the San Jose Tasman West light rail project;

$32,000,000 for the San Juan Tren Urbano project;

$3,000,000 for the Santa Fe/El Dorado, New Mexico rail link;

$53,895,000 for the South Boston piers transitway;

$1,000,000 for the South Dekalb-Lindbergh, Georgia, corridor project;

$2,000,000 for the Spokane, Washington, South Valley corridor light rail project;

$2,500,000 for the St. Louis, Missouri, MetroLink cross county corridor project;

$50,000,000 for the St. Louis-St. Clair County MetroLink light rail (phase II) extension project;

$1,000,000 for the Stamford, Connecticut fixed guideway connector;

$1,000,000 for the Stockton, California Altamont commuter rail project;

$1,000,000 for the Tampa Bay regional rail project;

$3,000,000 for the Twin Cities Transitways projects;

$42,800,000 for the Twin Cities Transitways—Hiawatha corridor project;

$2,200,000 for the Virginia Railway Express commuter rail project;

$4,750,000 for the Washington Metro-Blue Line extension-Addison Road (Largo) project;

$1,000,000 for the West Trenton, New Jersey, rail project;

$2,000,000 for the Whitehall ferry terminal reconstruction project;

$1,000,000 for the Wilmington, Delaware downtown transit connector; and

$500,000 for the Wilsonville to Washington County, Oregon connection to Westside.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,000,000, to remain available until expended: Provided, That no more than $75,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $12,042,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $32,061,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,704,000 shall remain available until September 30, 2002: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $36,879,000, of which $5,479,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; of which $30,000,000 shall be derived from the Pipeline Safety Fund, of which $17,394,000 shall remain available until September 30, 2002; and of which $1,400,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: Provided, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States and public education activities.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: Provided, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $44,840,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents: Provided further, That it is the sense of the Senate, that for purposes of the preceding proviso, the terms ''unfair or deceptive practices'' and ''unfair methods of competition'' include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible: Provided further, That the funds made available under this heading shall be used: (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers; (2) for monitoring by the Inspector General of the compliance of domestic and foreign air carriers with respect to paragraph (1) of this proviso; and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: Provided further, That it is the sense of the Senate, that for purposes of the preceding proviso, the terms ''unfair or deceptive practices'' and ''unfair methods of competition'' mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication: Provided further, That it is the sense of the Senate that funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General a report on the extent to which air carriers and foreign air carriers deny travel to airline consumers with nonrefundable tickets from one carrier to another.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,000,000: Provided, That notwithstanding any other provision of law, not to exceed $1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2000, to result in a final appropriation from the general fund estimated at no more than $15,400,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,633,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $57,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 2000, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, and for the Bureau of Transportation Statistics.

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under section 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2000.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $15,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $133,673,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to the enactment of this section.

SEC. 322. TEMPORARY AIR SERVICE INTERRUPTIONS. (a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

SEC. 323. Section 3021 of Public Law 105–178 is amended in subsection (a)—

(1) in the first sentence, by striking ''single-State'';

(2) in the second sentence, by striking ''Any'' and all that follows through ''United States Code'' and inserting ''The funds made available to the State of Oklahoma and the State of Vermont to carry out sections 5307 and 5311 of title 49, United States Code''.

SEC. 324. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 325. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 326. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 327. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 328. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: Provided, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 329. Hereafter, notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 330. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 331. Notwithstanding any other provision of law, funds made available under this Act, and any prior year unobligated funds, for the Charleston, South Carolina Monobeam Corridor Project shall be transferred to and administered under the Transit Planning and Research account, subject to such terms and conditions as the Secretary deems appropriate.

SEC. 332. Hereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 333. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 334. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 335. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $750,000, to remain available until September 30, 2001: Provided, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and

ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 336. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided, That no appropriation shall be increased or decreased by more than 12 percent by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 337. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2000.

SEC. 338. None of the funds appropriated or limited in this Act may be used to carry out the functions and operations of the Office of Motor Carriers within the Federal Highway Administration: Provided, That funds available to the Federal Highway Administration shall be transferred with the functions and operations of the Office of Motor Carriers should any of the functions and operations of that office be delegated by the Secretary outside of the Federal Highway Administration: Provided further, That notwithstanding section 104(c)(2) of title 49, United States Code, the Federal Highway Administrator shall not carry out the duties and functions vested in the Secretary under 49 U.S.C. 521(b)(5).

SEC. 339. Section 3027 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 336) is amended by adding at the end the following:

''(e) GOVERNMENT SHARE FOR OPERATING ASSISTANCE TO CERTAIN SMALLER URBANIZED AREAS.—Notwithstanding 49 U.S.C. 5307(e), a grant of the Government for operating expenses of a project under 49 U.S.C. 5307(b) in fiscal years 1999 and 2000 to any recipient that is providing transit services in an urbanized area with a population between 128,000 and 128,200, as determined in the 1990 census, and that had adopted a 5-year transit plan before September 1, 1998, may not be more than 80 percent of the net project cost.''.

SEC. 340. Funds provided in Public Law 104–205 for the Griffin light rail project shall be available for alternative analysis and environmental impact studies for other transit alternatives in the Griffin corridor from Hartford to Bradley International Airport.

SEC. 341. Section 3030(c)(1)(A)(v) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by deleting ''Light Rail''.

SEC. 342. Notwithstanding any other provision of law, the Federal share of projects funded under section 3038(g)(1)(B) of Public Law 105–178 shall not exceed 90 percent of the project cost.

SEC. 343. Of the funds made available to the Coast Guard in this Act under ''Acquisition, construction, and improvements'', $10,000,000 is only for necessary expenses to support a portion of the acquisition costs, currently estimated at $128,000,000, of a multi-mission vessel to replace the Mackinaw icebreaker in the Great Lakes, to remain available until September 30, 2005.

SEC. 344. None of the funds made available in this Act may be obligated or expended to extend a single hull tank vessel's double hull compliance date under the Oil Pollution Act of 1990 due to conversion of the vessel's single hull design by adding a double bottom or double side after August 18, 1990, unless specifically authorized by 46 U.S.C. 3703a(e).

SEC. 345. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the United States Department of Transportation, Federal Highway Administration, on April 13, 1998).

SEC. 346. Hereafter, none of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

(2) restrict the distribution of peanuts,

until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

SEC. 347. Section 5309(g)(1)(B) of title 49, United States Code, is amended by inserting after ''Committee on Banking, Housing, and Urban Affairs of the Senate'' the following: ''and the House and Senate Committees on Appropriations''.

SEC. 348. Section 1212(g) of the Transportation Equity Act for the 21st Century (Public Law 105–178), as amended, is amended—

(1) in the subsection heading, by inserting ''and New Jersey'' after ''Minnesota''; and

(2) by inserting ''or the State of New Jersey'' after ''Minnesota''.

SEC. 349. (a) REQUIREMENT TO CONVEY.—The Commandant of the Coast Guard shall convey, without consideration, to the University of New Hampshire (in this section referred to as the ''University'') all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located in New Castle, New Hampshire, consisting of approximately five acres and including a pier.

(b) IDENTIFICATION OF PROPERTY.—The Commandant shall determine, identify, and describe the property to be conveyed under this section.

(c) EASEMENTS, RIGHTS-OF-WAY, AND RIGHTS.—(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the University such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

(2) The Commandant shall, in connection with such conveyance, reserve in favor of the United States such easements and rights as the Commandant considers necessary to protect the interests of the United States, including easements or rights regarding access to property and utilities.

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the University not convey, assign, exchange, or encumber the property conveyed, or any part thereof, unless such conveyance, assignment, exchange, or encumbrance—

(A) is made without consideration; or

(B) is otherwise approved by the Commandant.

(2) That the University not interfere or allow interference in any manner with the maintenance or operation of Coast Guard Station Portsmouth Harbor, New Hampshire, without the express written permission of the Commandant.

(3) That the University use the property for educational, research, or other public purposes.

(e) MAINTENANCE OF PROPERTY.—The University, or any subsequent owner of the property conveyed under subsection (a) pursuant to a conveyance, assignment, or exchange referred to in subsection (d)(1), shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(f) REVERSIONARY INTEREST.—All right, title, and interest in and to the property conveyed under this section (including any improvements thereon) shall revert to the United States, and the United States shall have the right of immediate entry thereon, if—

(1) the property, or any part thereof, ceases to be used for educational, research, or other public purposes by the University;

(2) the University conveys, assigns, exchanges, or encumbers the property conveyed, or part thereof, for consideration or without the approval of the Commandant;

(3) the Commandant notifies the owner of the property that the property is needed for national security purposes and a period of 30 days elapses after such notice; or

(4) any other term or condition established by the Commandant under this section with respect to the property is violated.

SEC. 350. (a) No recipient of funds made available in this Act shall disseminate driver's license personal information as defined in 18 U.S.C. 2725(3) except as provided in subsection (b) of this section or motor vehicle records as defined in 18 U.S.C. 2725(1) for any use not permitted under 18 U.S.C. 2721.

(b) No recipient of funds made available in this Act shall disseminate a person's driver's license photograph, social security number, and medical or disability information from a motor vehicle record as defined in 18 U.S.C. 2725(1) without the express consent of the person to whom such information pertains, except for uses permitted under 18 U.S.C. 2721(1), 2721(4), 2721(6), and 2721(9): Provided, That subsection (b) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.

(c) 18 U.S.C. 2721(b)(11) is amended by striking all after ''records'' and inserting the following: ''if the State has obtained the express consent of the person to whom such personal information pertains.''.

(d) 18 U.S.C. 2721(b)(12) is amended by striking all after ''solicitations'' and inserting the following: ''if the State has obtained the express consent of the person to whom such personal information pertains.''.

(e) No State may condition or burden in any way the issuance of a motor vehicle record as defined in 18 U.S.C. 2725(1) upon the receipt of consent described in paragraphs (b) and (c).

(f) Notwithstanding subsections (a) and (b), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

(g) EFFECTIVE DATES.—

(1) Subsections (a) and (e) shall be effective upon the date of the enactment of this Act, excluding the States of Wisconsin, South Carolina, and Oklahoma that shall be in compliance with this subsection within 90 days after the United States Supreme Court has issued a final decision on Reno vs. Condon;