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Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

SENATE—*Tuesday, October 26, 1999*

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

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Ever-loving God, we thank You for the quiet rest of the night, for the promise that has come with this new day, and for the hope that we feel. While we slept, we rested under the shadow of Your love. Now, as sleep has been washed from the eyes of our minds, implant them with trifocal lenses so that we may be able to behold Your signature in the natural world around us, see the needs of people so we can care for them with sensitivity, and visualize the work that we must do. With minds alert and hearts at full attention, we salute You as our Sovereign. Thank You for meeting all the needs of our bodies, souls, and spirits so that we can serve You with renewed dedication. As You hover around us as we pray, grant us wisdom throughout the day. In the name of Him who is Your amazing grace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Delaware is recognized.

SCHEDULE

Mr. ROTH. Mr. President, this morning the Senate will resume debate on the motion to proceed to the African trade bill with a cloture vote on the motion to proceed scheduled to occur at 10 a.m. Following the vote, it is hoped that the Senate can start debate on the bill so that Senators can begin to offer their amendments. Completion of the bill is expected to occur midweek so that the Senate can move to other items on the calendar prior to adjournment. The conference committees are working to complete action on the two remaining appropriations conference reports, and the Senate will consider these conference reports as soon as they become available.

RESERVATION OF LEADER TIME

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

AFRICAN GROWTH AND OPPORTUNITY ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 434, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of H.R. 434, an act to authorize a new trade investment policy for sub-Saharan Africa.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate equally divided.

Mr. ROTH. Mr. President, I rise in support of the motion to proceed to H.R. 434. As I indicated on Friday, when we proceeded to the bill, I will offer a substitute to the House language that consists of the Finance Committee-reported bills on Africa, CBI, GSP renewal, and the reauthorization of our Trade Adjustment Assistance programs.

Each one of these measures deserves our support. What each represents in its own way is an attempt to reach out and provide not just a helping hand, but an opportunity—an opportunity for millions around the world to seize their own economic destiny.

Africa has for too long suffered from our neglect. The continent faces daunting political, economic, and social challenges. Yet, African leaders are seizing the opportunity to press for political and economic change.

The goal of the Finance Committee's Africa bill is to meet Africa's leaders half way. It is not a panacea for Africa's problems; rather, it is a small downpayment—an investment—in a partnership that I hope we can foster through our actions here.

The Finance Committee's CBI bill does much the same. It builds on an economic foundation begun with the passage of the original CBI in 1983, but responds as well to the efforts of Caribbean and Central American leaders to rebuild their economies in the face of incalculable devastation their countries faced this past year. The bill would afford the same basic package of enhanced trade preferences offered to Africa under the Finance Committee's bill.

The economic opportunities offered by the Finance Committee Africa and CBI bills extend to U.S. industry as well. According to the American Textile Manufacturers Institute, the Finance Committee bills would lead to an increase in their sales of $8.8 billion over 5 years and an increase in employment of 121,000 jobs. The bills are expressly designed to ensure that they are a benefit to Africa and the Caribbean, and to the United States as well.

The renewal of the Generalized System of Preferences would continue the longstanding policy of the United States of opening our market to create economic opportunity throughout the developing world and merits our continued support.

The renewal of the Trade Adjustment Assistance programs is entirely consistent with the theme of creating economic opportunity, but it is focused on home. I have always maintained that those who benefit from trade should help those who are adversely affected. The TAA programs have lapsed and must be renewed if we are to fulfill that commitment.

Now, much has been made in this debate of the fact that Finance Committee bills entail a unilateral grant of preferences. The implication is that there is nothing in this for the United States. In fact, the economic growth

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

fostered by this legislation create new markets for our goods and services, as well as help create more prosperous and stable neighbors.

That is an investment I will make any time. I strongly encourage my colleagues to support the cloture motion and the motion to proceed to H.R. 434.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield myself so much time as is allotted.

Mr. President, right to the point made by our distinguished chairman, the expression was used, ''meeting halfway.'' I am of the school that NAFTA did not work. But assuming it did work, it at least included the side agreements with respect to the environment, side agreements with respect to labor, and reciprocity with respect to the actual tariffs. This particular bill has no reciprocity, whether it be in the Caribbean—we are prepared now to list the various tariffs there, minding you that the United States average textile tariff is about 10 percent.

I am looking at lists of the sub-Saharan Africa tariff rates: Ethiopia, the average there would be about—I see some 65, but most of them on apparel are 80 percent; other made-up products, textile, home furnishings, 80 percent; Gabon, 30 percent for an average there; Ghana, 25 percent. We are going to do away with the Ivory Coast, which has a markup also, a tariff; Kenya: 50, 50, 50, 62 percent on laminated fabric, 50 percent on apparel; the textile, home furnishings, another 50 percent; Madagascar: 25 percent, 30 percent; Mauritius, 80 percent for man-made filament yarn, textile floor coverings, apparel, textile; home furnishings, 80 percent—I ask unanimous consent a summary of these tariffs be printed in the RECORD.

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

APPENDIX

SUB-SAHARAN AFRICA TARIFF RATES—SUMMARY

HS Chapter and product	Tariff rate[1] (percent ad valorem)	
	Range	Average (estimate)
50—Silk fiber, yarn and fabric	0–100	15
51—Wool yarn and fabric	0–100	18
52—Cotton yarn and fabric	0–65	18
53—Other vegetable fiber yarn and fabric	0–100	15
54—Manmade filament yarn and fabric	0–65	17
55—Manmade staple fiber yarn and fabric	0–80	17
56—Wadding felt & nonwovens, yarn, twine, cordage	0–100	19
57—Carpets and other textile floor coverings	0–100	34
58—Special woven fabric, tufted fabric, lace, tapestries	0–100	24
59—Impregnated, coated, laminated fabric	0–100	22
60—Knit fabrics	0–80	28
61—Knit apparel	0–100	31
62—Apparel, not knit	0–100	27
63—Other made-up products, textile home furnishings	0–100	27

[1] Summary of 28 countries' tariff rates (South Africa, Botswana, Lesotho, Namibia, Swaziland, Central African Republic, Burkina Faso, Cameroon, Chad, Congo, Eritrea, Ethiopia, Gabon, Ghana, Ivory Coast, Kenya, Madagascar, Malawai, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe).

Mr. HOLLINGS. That is for the sub-Sahara. Later, when we have more time I will be delighted to list in there, too, what we have down in Nicaragua and Panama, and the other so-called Caribbean Basin Initiatives.

The truth of it is, in the initial observation of our distinguished chairman that this is going to give millions around the world a chance to seek their economic destiny, my problem is it is going to sink the economic destiny of the United States, particularly in the textile field, as it were, and many other fields as we set the case for so-called free trade.

I wish I had the time to emphasize the fact there is no such thing. Starting with Alexander Hamilton, in the earliest days of David Ricardo and comparative advantage, and just after the fledgling colonies had won their independence, that the Brits corresponded with Alexander Hamilton saying now what you should do is trade best with what you produce and we will trade back from the mother country with what we produce best. In a little booklet, ''Reports On Manufacturers''—there is one copy left there at the Library of Congress—Alexander Hamilton, in a line said: Bug off. We are not going to remain your colony. We are not going to continue to ship our wheat and our corn and our coal and our timber, our natural resources, like some kind of infant republic, and let you have the manufacturing strength.

As a result, on the 4th day of July, 1789, the second bill to pass the National Congress after we had adopted the Resolution for the Seal of the United States, the second bill was a tariff bill of 50 percent covering some 60 articles. We built this economic giant with protectionism.

We maintain certain protections, oh, yes, we make sure we protect intellectual property, you know, that brainy crowd, that Microsoft crowd that has 22,000 employees who are all millionaires; 22,000 millionaires working for you. I wish I were one of them. That is a wonderful situation, when you have all that manpower. But the real strength of our democracy is our middle class. Henry Ford said: Pay them enough so they can buy what they are producing. That is how we develop, with our manufacturing strength, this industrial power, the United States of America.

Now there is a zeal for continuing foreign aid as foreign trade. This is not a trade bill, it is an aid bill. It is unilateral. It is a one-way street. It is not even like NAFTA. There are not any side agreements whatever, yet you do not find some of our leaders in the environment and in labor. I know not why the chairman mentioned ATMI. No one has worked more intimately with ATMI than myself, until we got to NAFTA. Then the fabric boys said: The dickens with you apparel boys, we are going for broke. Certain it is they can sew down in Mexico as well as they do in the United States. That is your problem. Our problem is, with all this fine manufacturing, where we can produce the fabrics and continue to make a fortune.

So they just dropped their political strength. As the principal author of five textile bills that passed in this Senate in the last 30 years or more, I know better than any that we have the votes from up in the Northeast. The apparel boys—Saul Chaikin would turn over in his grave at this particular bill. Herman Staorbin, Jack Sheinkman—real leaders. I don't know where they are today. I cannot find them around. They seem to go along with foreign aid, export some more jobs. Yes, under NAFTA, we lost 420,000 textile jobs. The chairman is quoting ATMI that it is going to produce 121,000 jobs. That is pure poppycock. I make a bet on it. Let him bet on his words, any odds he wants and I will cover the bet. I can tell you here and now there is no chance of creating the jobs. This is a one-way export of jobs.

That Finance Committee comes around and says: Exports, exports, we have to emphasize exports. We do not have anything left to export. We are not exporting any software. We are not exporting the computers or anything else such as that. We had to put in Semitech to save the semiconductor industry. They talk about aid and subsidies and everything else—oh, they are all for themselves but they are not for working Americans.

It is unique. Here I am—I voted for the right-to-work law and I am a strong supporter at the State level, not at the Federal level; I want my advantage down there in South Carolina because that is how we are getting a lot of good industry there; I want that individual decision—but this so-called conservative southern Governor is now having to protect organized labor when there is no one around this morning at all. There is no voice to be heard to save the jobs up there in the Northeast or anywhere else.

This is a sad occasion. Let me try to list some of those things we have imported now, from the Center of Domestic Consumption, the various products there, to show you exactly where we are. With respect to the machinery sector—48.9 percent of the machinery sector is represented in imports. I know with respect to textiles it is over 66 and two-thirds.

I told the Members on Friday we were alarmed when it reached 10-percent import penetration in textiles. Now two-thirds of the clothing I am looking at is imported; 86 percent of the shoes. I know with respect to electronic products it is 57.9 percent.

It is sad. We invented the radio and electronics, and the Japanese have taken over in those areas. These things are too detailed to put in the CONGRESSIONAL RECORD. I will have a better

listing. Sometimes when you try to get information, you get so much information it is totally useless.

My point is, the strength and security of the United States of America is like a three-legged stool: One leg is our values as a nation. That is unquestioned. Everyone knows America will commit in Somalia and help bring about freedom and democracy in Bosnia. As we travel the world as Senators, we see we are the envy of the world with respect to individual rights, freedom of mankind, and equal justice under law. They all acknowledge that. We do not have to worry about that leg.

The other leg, of course, is the military leg or military power. As the one remaining superpower, that is unquestioned.

But the third leg, the economic leg, has been fractured. We have had foreign aid. It worked. This Senator is not complaining about it. I am making a factual observation as to where we are. Yes, we started after World War II and taxed ourselves some $85 billion for the Marshall Plan. We sent over our machinery, the best of our machinery, the best of minds, the technology, the managers, and capitalism has conquered communism in the Pacific rim and in Europe. We continued.

I will never forget, as a Governor, they said: Governor, come on, what do you expect these recovering and emerging nations to make, airplanes and computers? We will make the airplanes and computers, and they will make the shoes and the clothing. My problem today is, they are making the shoes, they are making the clothing, they are making the computers, and they are making the airplanes. They are dumping them.

We are finally getting the attention of the Senators from Washington and Boeing. They are beginning to understand. I have had their opposition over many years with respect to trade because they like the Federal Government, in defense, doing all their research, they like the Federal Government putting in the Eximbank to subsidize their sales overseas. We never had subsidized sales for textiles. They love all of that. Then they said: Oh, we have to get to work; we have a global economy, competition, competition.

The textile industry—look at the record—for 15 years has reinvested an average of $2 billion a year modernizing. I told the story of the Clinton plant the other day. It is 100 years old. It looks like from the outside it will fall down, but it has the most modern machinery. There was no one in the card room. Where they once had 125 in the weave room, there are no more than 15. They have mechanized, computerized, and electronically controlled operations.

Those companies that have survived are the most productive, competitive textile industry in the entire world. Our problem is, it is not going to pay to invest and continue to compete and survive for the plain and simple reason that this one-way street of foreign aid—I wish it were going to aid those countries.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. Mr. President, I will continue at the appropriate time. I thank the Chair. I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. 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. HOLLINGS. Mr. President, I want to transfer my hour under cloture. I ask unanimous consent that the hour transfer to the Democratic manager so it can be yielded to another Senator today.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. It is just a transfer of an hour. I do not think anybody will object to it. I have to make an appearance before the city council of Isle of Palms relative to the loss of my home. I have to leave to make that appearance and come back.

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

Mr. HOLLINGS. I thank the distinguished Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Paul Hamrick, a congressional fellow in Senator GRAHAM's office, be granted the privilege of the floor during debate on this legislation.

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

Mr. GRASSLEY. Mr. President, this side yields back what unexpended time we have.

CLOTURE MOTION

The PRESIDING OFFICER. All time having expired, under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 215, H.R. 434, an act to authorize a new trade and investment policy for sub-Sahara Africa:

Trent Lott, Bill Roth, Mike DeWine, Rod Grams, Mitch McConnell, Judd Gregg, Larry E. Craig, Chuck Hagel, Charles Grassley, Pete Domenici, Don Nickles, Connie Mack, Paul Coverdell, Phil Gramm, R.F. Bennett, and Richard G. Lugar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 434, an act to authorize a new trade and investment policy for sub-Sahara Africa, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

The yeas and nays resulted—yeas 90, nays 8, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—90

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

NAYS—8

Bunning	Collins	Snowe
Byrd	Helms	Thurmond
Cleland	Smith (NH)	

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 90, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I believe strongly in free trade. I believe in the productivity of the American worker. I believe in American ingenuity and technology and I believe that, if we eliminate the barriers, our industry and our workers can compete effectively with anyone in the world.

I have always supported fast-track legislation to give the executive branch the freedom to negotiate trade agreements with other nations.

But back in 1993, despite my inclination to support free trade, I wrestled long and hard with the facts and the figures and I determined that NAFTA—the North American Free Trade Agreement—was not a good agreement for us.

It was a hard vote for me—in 1993—but I ended up voting against NAFTA. I was convinced that it would indeed cost this Nation jobs.

Unfortunately, time and the trade statistics have proven me right. NAFTA was a bad agreement. Since the implementation of NAFTA, we have managed to turn a trade surplus with Mexico of $1.7 billion a year into a trade deficit that, this year, will exceed $20 billion.

The giant sucking sound has been heard in Kentucky—5,000 jobs from the apparel industry—sucked out of the State and the Nation. Thousands of appliance manufacturing jobs have drifted south to Mexico. At least 7,000 Kentucky jobs are gone.

In particular, the apparel and textile industries have been devastated. In the last 56 months—since the implementation of NAFTA, the apparel industry has lost 305,000 jobs, and the textile industry has lost 125,000 jobs.

They are just gone, disappeared.

Now, we are being asked to expand portions of this agreement to include the other Caribbean and Central American countries—and to provide new trade preferences for the 48 countries of Sub-Saharan Africa.

Basically, we are being asked to take a failed policy—NAFTA—and expand it dramatically. That makes absolutely no sense at all.

I urge my colleagues to vote against this expansion of NAFTA and the guaranteed loss of additional U.S. jobs.

The CBI parity portion of this legislation is based on the premise that we need to spur economic growth in the Caribbean and Central America. The same arguments are used in favor of this bill that were used in support of NAFTA.

Supporters say that economic growth and investment in our neighbors to the south will benefit us in terms of increased exports and increased domestic employment because of those exports. And that logic is very difficult to dispute—over the long haul.

Certainly, healthy economies in the Caribbean and Central American countries would open new export opportunities for U.S. goods and services. Certainly, expanding economies in the area would reduce the pressure of immigration—legal and illegal alike.

Certainly we want healthy economies in this area to help strengthen the growth and stability of democracy in our neighborhood.

We do need to do everything we can, within reason, to encourage economic growth in the Caribbean. It makes sense.

But it doesn't make sense to sacrifice an entire U.S. industry and hundreds of thousands of U.S. jobs to do it. And that is what this bill will do.

The Caribbean Basin apparel and textile business is already booming. Last year, apparel and textile exports from the Caribbean and Central America to the United States grew 9 percent, a growth rate double that of the U.S. economy.

At $8.4 billion in 1998, textile and apparel exports from the Carribean Basin countries to the United States already exceed the $7.5 billion in textiles and apparel exported to our Nation by Mexico.

When it comes to helping expand the economies of the Caribbean countries and Central American countries, the American textile and apparel workers have already given at the office—430,000 jobs have been lost to help fuel this exodus.

Expanding NAFTA in this way, at this time, will simply reward the companies that have already left the United States and sent their manufacturing facilities to the Carribean Basin because of lower wages.

In the process, we stand to lose another 1.2 million jobs in the apparel and textile industry.

Ask the people in Campbellsville, Kentucky if that makes sense to them.

It doesn't.

The African trade portion of this bill doesn't make much more sense.

I think that everyone certainly agrees that we need to encourage economic development in Africa. It is in our long-term best interests to establish strong trade linkages with Africa because it is a huge potential market for U.S. goods.

And if this bill simply provided incentives for increased manufacturing and production of African products, I would probably not have any problem with it.

But this bill doesn't just open the door for increased trade with Africa—it opens, even wider, the door to a flood of Asian products that could further devastate our domestic textile and apparel industry. So, our good intentions would, in all likelihood benefit Asia much more than Africa.

The bill creates a huge new incentive for transshipments of Asian goods through Africa.

Transshipment is nothing new. Asian manufacturers have been illegally transshipping goods into the United States through Africa for more than 15 years.

Customs has estimated that transshipments from Asia have grown from $500 million in 1985 to $2 billion, and possibly as much as $4 billion a year. Africa has been one of the major transshipment routes into this country.

This bill, because it lowers tariff duties dramatically, would create an almost irresistible incentive to cheat even more.

And ironically that cheating will actually undermine NAFTA and the Caribbean Basin Initiative which include strict anti-fraud provisions that safeguard our domestic producers to some extent.

Because it offers lucrative incentives for Asia to transship and no realistic methods to prevent transshipment, billions of dollars of illegal Asian imports will enter the United States duty free and quota free from Africa in direct competition with NAFTA and Caribbean Basin products.

And no matter how good U.S. workers are, they can't compete against Asian imports that are subsidized from fiber production on down.

The U.S. Customs Service doesn't have the resources to stop illegal transshipment. Local African customs officials don't have an incentive to stop it.

Asian manufacturers, who dominate world trade in textiles and apparel are unlikely to invest money in Africa if it is more cost effective to transship through Africa.

And that means the Asian manufacturers will either transship the entire garment or they will only do minor assembly work in Africa. Either way, the yarn, the fabric and most, if not all, of the labor will come from Asia.

A couple buttons or a zipper here and there might be added in Africa, but this trade bill will benefit Asia much more than Africa and African workers.

So, here we have two trade bills wrapped into one. Both are flawed. Both jeopardize domestic industries and domestic workers who have been devastated already.

The Caribbean Basin Initiative portion of this bill expands NAFTA—which has already been costing us thousands—hundreds of thousands of jobs—many of them from my home State of Kentucky.

It rewards companies which have already moved their jobs from the United States to the Caribbean and for what purpose?—to expand growth in an industry which is already growing very nicely in those Caribbean nations.

More U.S. jobs will be lost as a result.

The African trade provisions in this bill are designed to increase investment and expand the manufacturing base in Africa. But in the absence of strong, realistic restrictions on transshipment of Asian manufactured products, this bill would, in all likelihood, benefit Asia more than Africa.

And it would further devastate the apparel and textile industries in our own country.

I still believe in fair trade. But there is nothing fair about this bill for the U.S. apparel and textile industries.

We keep talking about creating a level playing field when it comes to fair trade. But this bill pulls the field right out from under U.S. industries which have already had an uphill fight just to stay alive.

It doesn't make any sense. And I urge my colleagues to vote against it. NAFTA should have taught us a lesson.

Mr. WELLSTONE. Mr. President, I have a question. If the Senator from Florida is going to speak now, I am not actually trying to get the floor ahead of him. I wanted to ask the Senator from Florida, is it his intention to speak on this legislation now?

Mr. GRAHAM. I am prepared to yield time to the Senator if he is prepared to speak at this time.

Mr. BREAUX. Will the Senator yield?

Mr. GRAHAM. Will the Senator from Minnesota yield? I had indicated to our colleague, the Senator from Louisiana, who wishes to make a memorial statement for our colleague, Senator Chafee, that he would have an opportunity to do so at this time.

Mr. WELLSTONE. Absolutely. Of course.

Mr. GRAHAM. I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

IN HONOR OF SENATOR JOHN CHAFEE

Mr. BREAUX. Mr. President, I take this opportunity to rise to express my thoughts about the loss of a great friend and a dear colleague, Senator John Chafee. The Senate has lost a great Senator and this country has, indeed, lost a great American. All of us in the Senate family have lost a great friend.

John Chafee was a Senator who thought of what was best for his country first and thought about the politics, if he did at all, last. All of his colleagues, I know, will have great personal memories of Senator Chafee, how their paths crossed over the years, and the work he did as a leader of the Senate Environment and Public Works Committee. On our own Senate Finance Committee, when we had such historic debates, Senator Chafee was always in the midst of them. I know his work on the Environment and Public Works Committee will ensure all Americans in the future will breathe cleaner air and drink cleaner water and have to worry less about their health because of the environment in which we all live. He always was a leader in the environmental area and will always be noted for that. It is true; all of us are better off for the services he provided in that capacity.

I remember John Chafee and the efforts he and I undertook together. It was, indeed, my privilege to work with him on what became known as the Centrist Committee, a centrist coalition. Senator Chafee was enthusiastic about finding a consensus on the difficult issues that faced our country, but he was concerned about more than just trying to find a consensus; he was really concerned about creating a consensus. His efforts in our little coalition produced some dramatic results because he, in hosting these meetings with our colleagues from both sides of the aisle, truly recognized solutions to difficult problems cannot come from the far left or the far right. These difficult solutions must be found in the center, and that is where I think he found himself most comfortable.

We used his hideaway office here in the Senate almost on a weekly basis, as I said, to host meetings between Republicans and Democrats who worked together. We talked to each other rather than merely listened to echoes of ourselves. We actually spoke about the issues and tried to find and recommend solutions that were not necessarily good political solutions but were the right thing to do for this country.

I think his greatest accomplishment in this area that I remember was the recommendations that he helped guide in the area of health care. We ultimately brought them to the floor of the Senate and they were adopted by a very strong majority of this Senate, to a large extent because of the credibility John Chafee brought when he was listed as being one of the principal cosponsors. Unfortunately, those recommendations did not become the law of the land, but I am certain, and very confident, that one day they will.

So John Chafee will be missed by all of us. He served his State and he served his Nation very well. I look to the day in the Senate when there will be more John Chafee's. Certainly this Nation and this country needs them and we deserve them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I join my colleagues in expressing my profound sadness on the passing of our good colleague and our great friend, Senator John Chafee, and to offer my most sincere condolences to his wife Ginny, their 5 children, and 12 grandchildren, the entire Chafee family, and also people in Rhode Island, who have lost a strong advocate, a compassionate leader, and a true friend.

This body and this Nation are diminished today by the loss of one of the finest people I have ever had the privilege to know in politics.

Senator Chafee's life was an ode to the finest ideals of public service. He fought in World War II and Korea because he believed in freedom. He served in the State legislature and as Governor of Rhode Island because he loved his State. He answered the call to become Secretary of the Navy because he wanted us to have the best defensive force in the world. He ran for the Senate because he thought he could make a difference, and what a difference he has made.

I had the honor of working with Senator Chafee in this body for only a little under 5 years, but as did everyone else on Capitol Hill, I had long known of his reputation for thoughtfulness and reason. Indeed, for anyone who really cared about the art of legislating, John Chafee was a household name.

I consider myself fortunate for the opportunity to have worked with this great American and to have seen firsthand why he engendered such respect and affection from both sides of the aisle and from all political persuasions. He was an extraordinary man of sincere humility, boundless energy, and steadfast integrity. It was difficult enough coming to terms with his impending retirement from the Senate. Now it will be immeasurably more difficult to come to terms with his passing.

Throughout my tenure in the Senate, I have felt a special kinship with Senator Chafee on a number of levels. For one thing, he and his wife Ginny have long had a home in my State of Maine, a home that has been in his family more than 100 years, in the beautiful town of Sorrento just across the bay from where my husband's family has a place. And we had a chance to see them during the course of the summer. Clearly, I knew from the start that Senator Chafee was a man of discerning taste.

In fact, he would often say—only half-jokingly—he considered himself the third Senator from Maine. If such a thing were really possible, we could not have been more honored, and we certainly could not have had a better advocate for our great State.

On the political front, I always saw Senator Chafee as something of a kindred spirit. He epitomized what it meant to be a modern, moderate Republican. For him, compromise was a way things got done. It was the way we distilled all the opinions, all the issues, all the viewpoints, and arrived at legislation that could change America and change lives for the better. For John Chafee, there was strength in compromise, courage in compromise, honor in compromise, and he was right. He viewed it not as an abdication of principle but a catalyst for constructive policy.

Senator Chafee was willing to take risks in order to do what he believed was in the best interests of Rhode Island and our country. For him, leadership and the public good were two concepts forever and eternally intertwined. Sometimes that meant being a lone voice in the wilderness, and he was willing to be that voice.

Time and again, John Chafee was there, both out in front and behind the

scenes, as Senator Breaux just mentioned, forging consensus, breaking deadlocks, and bringing people together on countless issues that were key for Americans, issues that resonate today in people's daily lives and will continue to resonate for generations to come.

John Chafee always put ideas ahead of ideology. That is why he was at the forefront of the legislative and political debates in Congress. He proposed sensible, viable, and realistic alternatives. I well remember in the budget debates of 1995 and 1996 when Senator Chafee joined Senator Breaux to form a bipartisan group of Senators to bridge the political gulf that had opened in the aftermath of the Government shutdown. I was proud to be a member of that group because John Chafee was never about making the political points; John Chafee was about making the process work, and that is precisely what he did during the budget debate and throughout his entire 23 years in the Senate.

He was a tireless advocate on so many issues vital to the future of this country, perhaps none more important than the health of our Nation's environment. In fact, when it comes to the protection of our natural resources, it can truly be said that John Chafee has left a lasting mark on the landscape of America.

He was a strong voice for the environment, shepherding the Clean Air Act of 1990 and consistently supporting the preservation of our country's precious wetlands and open spaces. He has played a role in every major Federal initiative to control pollution and protect our natural resources over the past 20 years, and it is testament to his vision that generations of Americans not even born will have John Chafee to thank for a healthier world.

Of course, it is not only the health of our environment he sought to protect. Until the very end, John Chafee was a champion for those less fortunate, and that includes health care for low-income families and expanded health coverage for uninsured low-income children. He was a visionary on the issue of child care. He knew we had to make it safer, more accessible, more affordable, and it was my privilege to join him in that fight.

More recently, just last week, I joined him on a bill he and Senator Rockefeller introduced that will help foster children make the transition to independent living. Just shortly after I learned of John's passing, I had to get on a plane yesterday, and I picked up a newspaper and read an editorial in the Los Angeles Times, in fact, praising this legislation, saying this is not extending a welfare project but building a bridge to independence. That is the type of approach John would take on issues.

I ask unanimous consent that the editorial be printed in the Record.

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

[From the Los Angeles Times, Oct. 25, 1999]

FOSTERING LIFE SKILLS

Every year 20,000 foster children, in the United States turn 18 and are ''emancipated.'' It's a cheerful euphemism for loss—of shelter, health care and their foster parents.

Federal Health and Human Services statistics show that many former foster children lack the resources and training to make much of their abrupt freedom. In Los Angeles County, for instance, fully half of the 1,000 foster children who are ''aged out'' of the system every year end up homeless within six months.

Legislation now pending in the Senate Finance Committee, by Sens. John Chafee (R–R.I.) and John D. Rockefeller (D–W. Va.), gives Congress a chance to recognize what any parent raising an adolescent already knows: Yanking the whole safety net at age 18 can be a recipe for disaster.

Since 1992, Washington has allocated $70 million a year to states that want to help foster children ages 16 to 18 prepare for independent living by teaching them how to budget money, prepare for college and find a job. The modest Chafee/Rockefeller bill would double funding to $140 million a year, allow that money to be spent helping those over 18 and extend Medicaid eligibility to those ages 18 to 21.

This is not extending a welfare crutch; it's building a bridge to independence. ''Bridges to Independence'' is in fact the name of a nonprofit program in Los Angeles that has successfully given older foster children the tools they need—from a sympathetic ear to job-interview counseling and apartment-hunting skills—to lead productive lives.

Chafee and Rockefeller have asked Congress to approve their bill by voice vote and send it to President Clinton this week.

Congress is scrambling to approve several higher-profile, multibillion-dollar spending bills before recessing next week. And fast-tracking the bill, which largely mirrors President Clinton's fiscal year 2000 budget requests for foster care, means getting the approval of fervent anti-Clinton Republicans like House Majority Whip Tom Delay (R–Texas). However, the bill is gaining broad support in Congress and was championed in Senate testimony last week/19 by none other than Delay. Delay explained that, as the foster father of two adolescents himself, he understands the problems of the foster children who testified before him. One ''emancipated'' foster child told legislators how she ended up sleeping behind McDonald's, in laundry rooms and hospitals ''because they were safe and they were warm.''

The United States can surely do better by its most vulnerable youth than a ''safe, warm'' laundry room to call home.

Ms. SNOWE. Mr. President, that was typical of John Chafee. He saw the potential of people—the best in people—and did everything he could to enhance their lives. He did not just root for the underdog; he was on the field helping the underdog. We can attribute more than a few upset victories over the years to his efforts.

It is hard for me to believe it was just 6 days ago I saw John at the weekly lunch we moderate Republicans hold every Wednesday. We take turns holding them in our offices. Last week, it was in John's office. Little did we know it would be for the last time.

It was a tradition he started in 1995. Back then, our circle included Senators Cohen and Kassebaum. We always looked forward to them. They were our refuge to discussions of what was happening on the floor, in the Senate, and in the country. It was a refuge from the ''hurly-burlyness'' of the process in the Senate with like-minded Senators. It was a tradition we looked forward to every week. I know it will not be the same without him.

At these luncheons, John always brought to the table the issues about which he most cared. We would also expect he would have a list of issues and legislation he was promoting that he thought was important to bring to our attention and to get our support. In fact, John was just speaking last week, as I said, about the foster children legislation, and I joined him on that issue because he was so passionate, as he was on all of the issues, whether it was child care, the environment, or families on welfare looking to make a better life for their family. Such talk never surprised any of us in the room because it was the essence of the man; it was what drove him.

Once again, it was also revealed in words forged by deep compassion and unyielding humanity in so many respects. Maybe it sounds trite in our world at the end of the 20th century, maybe it sounds old fashioned in a time when cynicism is celebrated over optimism, but John Chafee cared. He was a good man who believed he had something to offer the Nation in which he felt privileged to live, and he saw public service as a noble calling. Ironically, perhaps, it is precisely because of people such as John Chafee that public service remains a noble calling.

So today, there is a hole in the Senate where this great man once was. There is an empty desk on this floor where a remarkable leader once stood. There is a hollowness in our hearts.

But even in the midst of our sadness, let us also celebrate the life of a man who brought such extraordinary credit upon himself, his family, his State, and this institution. Senator Chafee now and forever will be a part of this Chamber. His compassionate and reasoned voice will forever echo from these walls, and his legacy will endure. It is a legacy we would all do well to follow.

We measure success in our lives and in this body by many different standards. But at such a solemn time as this, I cannot help but think of the words of Ralph Waldo Emerson who wrote:

> . . . to know even one life has breathed easier because you have lived. . . . This is to have succeeded.

So many lives have breathed easier because John Chafee lived, because John Chafee cared, because John Chafee was a United States Senator.

I thank the Chair. I yield the floor.

Mr. GRAHAM. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Florida.

Yesterday, as I was driving with my wife to the airport in Springfield, IL, to catch the plane, we were listening to National Public Radio and heard that my friend and colleague, Senator John Chafee, had passed away. I turned to my wife and said: This was a really special guy. I am sorry you didn't get to know him.

I have only served in the Senate for a little over 2 years. I look over there at his desk, which now has a bouquet of flowers, and realize that just a few days ago we were on the floor together talking about legislation and votes.

He was such an extraordinary man. In the 2½ years I have been here, I came to know him and developed a friendship across the aisle, Democrat to Republican. I really came to respect John Chafee. He has an amazing story. Tom Brokaw has a famous book that is very popular called ''The Greatest Generation,'' about the men and women who served our country in World War II and what special people they were. John Chafee was one of those people. To leave Yale and enlist at the age of 20, to go into the Marines and be part of the invasionary force on Guadalcanal, and then to come back and complete his education but to consider his obligation to his country so paramount he left again to serve in the Korean war under some very difficult circumstances, it shows a special, personal commitment to public service. Many of us, myself included, stand in awe when we consider that.

Then, of course, he served as Secretary of the Navy during the Vietnam war, a very controversial period in our history, and was regarded as a fair and honest man in that responsibility. Three times Governor of his State of Rhode Island, four times elected as Senator from a State which has historically elected more Democrats than Republicans, it was quite a tribute to John Chafee that he was elected time and again by his neighbors and friends in the State of Rhode Island.

Here on the Senate floor he played an important role. In my mind, he was a constant reminder of what the Senate could be on a good day; that there could be people of like mind on both sides of the aisle coming together to find bipartisan solutions. When I would have a gun control bill I wanted to offer to try to reduce gun violence, I would look across the aisle. I always knew John Chafee would stand up and come to the press conference. We would announce the bill. As we would leave, he would say: I know I am going to hear it again from the National Rifle Association back home but, he said, I just think this is the right thing to do.

It wasn't just on issues of gun violence. You could find the same thing when it came to issues to protect the environment. John Chafee always stood out from the pack. He was always a special person, trying to build an alliance, trying to build a coalition.

I recall when he came to me and asked me to do him a personal favor. As a junior Member of the Senate who respected him so much, I wasn't going to say no. But he told me he had been chosen by the Chicago Council on Foreign Relations to head up an Atlantic Forum that took place every 2 years, bringing together political leaders from Europe, South America, and North America to talk about the future. He asked me if I would be kind enough to attend that conference in Portugal.

I thought about it and realized if it was important to him, it should be important to me. We went to Portugal together. John Chafee presided over about the 150 gathered to talk about some very involved political issues. He did it with such grace and style, such knowledge of the subject. It was one of the more successful conferences I ever attended. When it was over, he announced, shortly thereafter, that he was going to retire from the Senate. He came and asked me, as a favor, would I consider taking over the chairmanship of this forum.

It was a great honor that he would even ask me to consider following in his footsteps, after he had written such an envious record as the chairman of the Atlantic Forum. I have agreed to do that. I hope it will continue in his memory.

As he tried to bridge the ocean to make sure people in North America and South America and Europe came together to find common ground, he did the same thing day in and day out in the Senate.

Just a few months ago we had a contentious debate over gun control. At the last moment, Vice President GORE came in to cast the deciding vote. An important bill left the Chamber, but before that vote was cast, I was talking to John Chafee about this issue on which we held common views. He talked to me about what we could accomplish on the Senate floor and how we shouldn't go too far. He said: A lot of my colleagues over here on the Republican side disagree with me on this issue. I think we ought to stop at this point. I think we have made our point, and we have a good bill. We should proceed.

When I came back over to the Democratic side, I said: This is the advice of John Chafee. A lot of Democratic Senators looked and nodded because they knew it was good advice. It was not only good advice from the head; it was advice from the heart. That was the kind of person he was, respected so much for his intelligence but respected even more for his kindness and his compassion.

I am honored to serve in the Senate. There are moments in public life when each of us think twice about whether we chose the right career. But there are also moments that are ennobling moments, when you feel as if you were part of a great institution for a great Nation. I always felt working with John Chafee embodied those moments. He spoke to the best of the Senate.

He was a good friend, a great colleague, and he was a great American who served his Nation in so many ways. We are going to miss John Chafee, but his memory will endure.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Florida.

Mr. GRAHAM. Mr. President, before yielding time to the Senator from Minnesota, I will take a few moments to also share some thoughts about our departed colleague, John Chafee.

I had the great privilege of serving with John Chafee for nearly 13 years. We served together on the Environment and Public Works Committee and on the Finance Committee and had many opportunities to work closely together.

John Chafee was the kind of public servant whom citizens in a democracy hope to have representing them. He represented a small State, both geographically and relatively, in population. It is the kind of State where the citizens have an intimate relationship with their elected representatives; they know them personally; they can evaluate their character; they are not dependent on a flickering 30-second television ad to give them information about the people who are seeking their vote.

Election after election, in a largely Democratic State, Republican John Chafee received the vote of the people of the State of Rhode Island, a great tribute to the fundamental character of the citizens of that State and the man who gave his life in the service of that State.

John Chafee's life was epitomized by the word ''service.'' As Governor, as Secretary of the Navy, as a Senator, he displayed wisdom, dedication, and patriotism. Those qualities had been molded in the flames of World War II and the Korean war, where he served in some of the most intense combat. I imagine when some people suggested that a vote in the Senate was a testing vote, a difficult vote, he might have put that in the context of what he experienced in his young adult life at Guadalcanal.

As a colleague, I particularly admired the thoughtful, pragmatic manner in which he approached his duties in the Senate. He was a mentor. I remember the first committee meeting in which I participated, which was a markup, a meeting in which legislation was before the Environment and Public Works Committee for action and then recommendation to the full Senate. It

was the 1987 version of the transportation bill, always a controversial matter.

I had come to that committee with a number of ideas from my previous State experience in Florida. I was enthusiastic and had some amendments to propose. On the first day of committee consideration of this legislation, I was fortunate to get two of my amendments adopted. After the vote on the second amendment, Senator Chafee, speaking across the committee room from his position on the Republican side, said to me: Good work; now I recommend you quit.

That was good advice for that day.

His willingness and distinctive ability to reach out to Senators with all points of view kept the Senate at the reasonable center of American politics. John Chafee was proud to be categorized a moderate, proud to assume the label of a centrist. He brought common sense to our deliberations.

The Senate has sometimes been analogized to ''the saucer,'' as in a cup and saucer. It is the place where the hot tea or coffee is poured so that it can be cooled before it is consumed. That was one of the rationales of our Founding Fathers, establishing a bicameral legislature with one house being very close to the people and one house being, hopefully, a more deliberative body. John Chafee epitomized that concept of the place where the hot passions are reconciled.

John Chafee was also the kind of person who was more interested in results than with recognition. There probably are some pieces of legislation that are known as the Chafee act, or have his personal name associated with them. But, frankly, today, I cannot recall what that might be. I think John Chafee is perfectly satisfied with that. His goal was not to have his name etched in legislative marble or stone but, rather, to achieve a result. He was interested in building the edifice, not whose name was on the cornerstone of the edifice. That was the kind of human being John Chafee was.

As a result of his commitment to results rather than recognition, in fact, some of the Senate's most memorable achievements in recent years bear his imprint. Expanded environmental protections, a balanced budget, and an improved transportation system were the results of his leadership and influence.

As with all of us, John Chafee was a good friend, a trusted colleague. John will be sorely missed. He leaves a legacy that adds distinction to this body and to the title of public servant. We all send our deepest sympathy and best wishes that solace will be found in the great accomplishments of this truly great man, and that his family and the thousands of persons fortunate enough to call John Chafee a friend will find a solace and a capacity to deal with the grief that we all suffer today.

Mr. President, I yield such time as he may wish to the Senator from Minnesota.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, for those who might be watching our deliberations, I had a chance to speak yesterday about Senator Chafee. I will get back to the debate on this legislation.

As I listened to my colleagues, I was reminded of a press conference that we had several months ago on some work I have been doing with Senator DOMENICI. The legislation is called the Mental Health Equitable Treatment Act, which we very much want to pass this year. Certainly, we won't get it done in the next 2 weeks, but I hope we will when we come back. I remembered that one of the original cosponsors was Senator Chafee. I agree with what everybody has said about him. It will be a tremendous loss for the Senate and our country. Again, today, I extend my love to Senator Chafee's family.

AFRICAN GROWTH AND OPPORTUNITY ACT—MOTION TO PROCEED—Continued

Mr. WELLSTONE. Mr. President, both colleagues have been gracious to those of us who are in opposition to this legislation. We will be taking some time to lay out our case against the legislation. Senator HOLLINGS, of course, is one of the leading opponents. Because of the necessity to go back to his family experience of the real agony of having a home burned down, he needs to be away for this afternoon. A number of us will be here because a number of Senators want to speak. I will divide up my time and take about a half hour now, and I will be back this afternoon as other Senators speak.

I have a letter that went out to Senators, signed by many African American religious leaders who oppose the African Growth and Opportunity Act and support the HOPE for Africa Act. That is the title.

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:

AFRICAN-AMERICAN RELIGIOUS LEADERS OPPOSE THE ''AFRICA GROWTH AND OPPORTUNITY ACT'' (AGOA) AND SUPPORT THE ''HOPE FOR AFRICA ACT'', OCTOBER 20, 1999

DEAR SENATOR: We are a group of religious leaders who share with other community leaders, scholars and activists, grave concerns about the various proposed versions of the ''Africa Growth and Opportunity Act'' (AGOA: H.R. 434, S. 1387, S. 666). We urge you to oppose the AGOA approach to U.S.-Africa relations.

We support an alternative legislative proposal, the ''HOPE for Africa Act'' (HOPE meaning Human Rights, Opportunity, Partnership and Empowerment) S. 1636 introduced by Senator Russ Feingold (WI). The HOPE for Africa bill has been developed with colleagues and other public interest advocates, human rights and community groups in Africa and the United States.

We have been very clear about our opposition to H.R. 434, the ''Africa Growth and Opportunity Act'' that has now come over to the Senate. We view this controversial bill, which was accurately dubbed the ''African Re-colonization Act'' last year, as actually *damaging* to the interests of the majority of African people.

The AGOA's sponsors have refused to seriously address the concerns of its prominent critics, such as TransAfrica President Randall Robinson, Professor Ron Walters, President Nelson Mandela of South Africa, Rev. William Campbell, Clergy and Laity United for Economic Justice and Rep. Jesse Jackson Jr., and many of his colleagues in the Congressional Black Caucus including Rep. Maxine Waters, and Rep. John Lewis.

Over the course of the last and current Congress, African American leaders and organizations concerned about Africa have carefully studied the actual provisions of the different versions of the AGOA. Close analysis of the bills reveals that although they are wrapped in rhetoric about helping Africa, these bills are designed to secure U.S. business interests, often at the expense of the interests and needs of the majority of African people and at the expense of African nations' sovereignty and self-determination. They have thus been rightly designated as ''corporate bills'' rather than as measures promoting justice or fair trade.

Incredibly, the House version of AGOA, which its proponents insist will be preserved in any House-Senate conference process, imposes substantial burdens on the sub-Saharan countries, burdens which are not imposed on other U.S. trading partners. That the U.S. should condition trade with African nations alone on demands that these countries reorganize their domestic policies and priorities is offensive. To add injury to insult, these burdens are in exchange for meager trade benefits—two of the 48 sub-Saharan countries would have quotas for textiles and apparel removed, yet all such quotas expires when the Multifiber Agreement sunsets in 2005.

The Senate versions of the ''Africa Growth and Opportunity Act'' effectively eliminate even the meager trade benefits the House version of AGOA could provide African countries. After all, it is highly unlikely that manufacturers will assume the expense of shipping product to Africa (as opposed to the Caribbean) just for the limited purpose of assembly, as provided in the bill.

The people of Africa must have our support as they strive to build democracy and improve the standard of living in their nations. Certainly it would be a travesty if U.S. policy actually undermined the future prospects of most Africans, which is why many on the continent oppose AGOE.

Given our opposition to the AGOA approach and our strong desire for a mutually beneficial U.S.-Africa policy, African colleagues participated in crafting a proposal aimed at promoting equitable, sustainable, sovereign African development. The key elements of ''The HOPE for Africa Act'' are the African priorities of debt relief and self-determination of those economic and social policies best suited to meeting the needs of African people. These include strengthening and diversifying Africa's economic production capacity (for instance in the processing

of African natural resources and manufacturing), and fair trade in sectors (unlike textiles and apparel) promising a long term opportunity for African economic development.

We urge you to support S. 1636, the forward-looking ''HOPE for Africa Act,'' that would meet the needs and interests of the people of both Africa and the United States, and to oppose the various outstanding versions of the AGOA approach.

Sincerely,

Rev. William D. Smart, Phillips Temple CME Church, Los Angeles, CA.

Rev. Dr. Bennie D. Warner, Camden, AR.

Rev. William Monroe Campbell, Second Baptist Church, Los Angeles, CA.

Rev. M. Andrew Robinson-Gaither, Faith United Methodist Church, Los Angeles, CA.

Rev. Richard (Meri Ka Ra) Byrd, Senior Minister Unity Center of African Spirituality, President of the Los Angeles Metropolitan Churches (LAM), CA.

Pastor Leroy Brown, Wesley United Methodist Church, Los Angeles, CA.

Pastor William Brent, Evening Star Baptist Church, Los Angeles, CA.

Rev. E. Winford Bell, Mount Olive Second Missionary Baptist Church, Los Angeles, CA.

Rev. Al Cooke, Fort Mission Fruit of the Holy Spirit Church, Los Angeles, CA.

Pastor Wellton Pleasant, South LA Baptist Church, Los Angeles, CA.

Pastor Maris L. Davis Sr., New Bethel Baptist Church, Venice, CA.

Pastor Robert Arline, Bethesda Church, Los Angeles, CA.

Reve. Joseph Curtis, United Gospel Outreach, Los Angeles, CA.

Rev. Eugene Williams, Los Angeles Metropolitan Churches, Los Angeles, CA.

Pastor Larry D. Morris, Mount Gilead Baptist Church, Los Angeles, CA.

Rev. W.K. Woods, President Progressive Baptist Convention of CA.

Pastor Kenneth B. Pitchford, Greater Hopewell Full Gospel Baptist Church, Los Angeles, CA.

Rev. J.C. Briggs, Christian Life Missionary Baptist Church, Los Angeles, CA.

Rev. Michael Pfleger, St. Sabina Church, Chicago, IL.

Dr. Rev. Bennet Poage, Associate Regional Minister, Christian Church Kentucky for Kentucky Appalachian Ministry.

Rev. Dr. Curtis A. Jones, Madison Avenue Presbyterian Church, Baltimore, MD.

Rev. Clarence Philips, Nazareth Baptist Church, Menden Hall, MS.

Rev. David E. Womack, Mt. Olive Ministries, MS.

Rev. Artis Fletcher, Mendall Bible Church, MS.

Rev. Thomas Jenkins Sr., New Lake Church, MS.

Rev. R.J. Walker, St. Matthew Baptist, MS.

Pastor Tony Duckworth, Mount Olive Community Church, MS.

Rev. John L. Willis, Disciples of Christ Inter-denomination, Menden Hall, MS.

Pastor Neddie Winters, The Church of the City, MS.

Rev. Phil Reed, Voice of Calvary Ministries, MS.

D.L. Govan, Voice of Calvary Fellowship, MS.

Rev. Edward Allen, Philemon Baptist Church, Newark, NJ.

Bishop Alfred L. Norris, The United Methodist Church, Northwest Texas—New Mexico Area.

Reverend David Dyson, Pastor, Lafayette Avenue Presbyterian Church, Brooklyn, NY.

Rev. Daniel Mayfield, Knoxville, TN.

Rev. Derek Simmons, First AME Zion Church, Knoxville, TN.

Rev. Walter Shumpert, Houston St. Baptist Church, Knoxville, TN.

Rev. Brian Relford, Logan Temple AME Zion Church, Knoxville, TN.

Rev. Dr. Terrie E. Griffin, Founder & President of HEALAIDS Inc., Richmond, VA.

Dr. Jesse Gatling, Richmond, VA.

Rev. Rufus Adkins, Richmond, VA.

Rev. Joan Armstead, Richmond, VA.

Dr. Charles Sr. Baugham, Richmond, VA.

Rev. Selwyn Q. Bachus, Richmond, VA.

Dr. Louis R. Blakey, Richmond, VA.

Rev. Meredith J. Blow, Richmond, VA.

Rev. Delores O. Booker, Richmond, VA.

Rev. J. Elisha Burke, Richmond, VA.

Rev. Gloria W. Flowers, Mechanicsville, VA.

Rev. Dr. G.G. Campbell, Richmond, VA.

Rev. Marie G. Arrington, Richmond, VA.

Rev. Joseph A. Fleming, Richmond, VA.

Dr. Samuel F., Jr. Williams, Richmond, VA.

Rev. Dr. B.S. Giles, Mechanicsville, VA.

Rev. Dr. Terrie E. Griffin, Richmond, VA.

Rev. Queen Harris, Richmond, VA.

Rev. Barbara Ingram, Glen Allen, VA.

Rev. William Jenkins, Sandston, VA.

Rev. John E. Jr. Johnson, Richmond, VA.

Rev. D. Wade Richmond, Richmond, VA.

Rev. Dr. Robert L. Taylor, Glen Allen, VA.

Rev. Fernando, Sr. Temple, Richmond, VA.

Rev. Robert E. Sr. Williams, Richmond, VA.

Rev. Lucille L. Carrington, Richmond, VA.

Rev. William Moroney, Missionaries of Africa, Washington, DC.

Mr. WELLSTONE. Mr. President, I want to say to my colleague from Florida, given the remarks I am about to make, that I know when it comes to the United States-Caribbean Basin Trade Enhancement Act, although we have a number of trade bills that are lumped together right now—he is interested in one of the questions that I am going to be raising today and one of the reasons I oppose this. I certainly hope we can have some enforceable labor standards. I will talk about that in a moment.

I want to say one of two things. Either the debate on S. 1387 and S. 1389 is not the debate that we should be having now, or if we do move on to this legislation—I ask for the yeas and nays on the motion to proceed.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. If we go forward, I want to make the case that either we should not be considering this legislation, or if we go forward, a number of Senators are very anxious to have the opportunity to bring amendments to the floor that are all about our work and representation of the people in our States. In particular, I want to make the case that I have an amendment that I have said to the majority leader for the last 4 weeks—I have had to even put holds on other bills of some Senators, making the point that I am not opposed to your legislation. I don't want it going through by unanimous consent, and I only want an opportunity to have an up-or-down vote on this amendment that deals with the mergers and acquisitions that are taking place in agriculture.

My view is we ought to have a moratorium on these mergers and acquisitions at least for the next 18 months. We ought to do that because, right now, this frightening concentration of power on the part of these packers and grain companies and on the part of these middle men, on the part of these exporters is driving our family farmers and producers off the land—that along with record low prices. The two are interrelated. I certainly, as I speak today—and probably this afternoon—will talk about that amendment and talk about why I believe so strongly that I should have the opportunity to—and I intend to—bring that amendment out on this legislation if we go forward.

I also want to say I don't think the debate on campaign finance reform should be over. It is too central an issue to politics and public life in America. I think it is the core problem. I think it is one of the major reasons why people are so disillusioned. I had an amendment that I brought to the floor, which basically went down when those who were opposed to campaign finance reform were able to block the legislation.

The amendment I am focused on says, look, if we are not prepared to enact bold reform, then at least let's not get in the way of citizens around the country who, at the grassroots level, are making a difference. And if the people in Maine, Vermont, Missouri, Massachusetts, and other States are going to go forward with the clean money/clean election initiative, which is a way of getting the big, private interest money out and basically making sure the public financing means these elections belong to the people, they ought to be able to apply that to Federal races as well, the Senate races and House races. For any Senator or Representative, it would be voluntary on our part as to whether we want to be part of that system. But States ought to be able to pass legislation to present that option. I will have that amendment, and I will be ready to introduce that amendment to this legislation. I don't think the debate on campaign finance reform should be over. I hope other Senators will come out here with other amendments to deal with campaign finance reform.

If we think this is such a central issue, if we think this is an issue perhaps of the same importance as the civil rights question and legislation that we passed in 1964 and 1965, we ought not to be abandoning this fight. And there are a number of us with amendments.

For me, again, my answer on that is, first and foremost, the producers and the family farmers of my State are being driven off the land. I think the

farm policy is a miserable failure. I think we have to make some changes. I am hoping people on both sides of the aisle will agree. I am not interested in pointing fingers and saying you cast the wrong vote X number of years ago; you are wrong, and you are wrong. I am interested in making some modifications and changes to get farm prices up and farm income up to give our producers a fair shake. That is what I am interested in. I certainly am interested in this whole question of campaign finance reform.

I also want to say to colleagues that I certainly hope we consider an amendment on raising the minimum wage. We have been trying to get this amendment up for some time now.

Senators should have an up-or-down vote. If Senators are opposed to raising the minimum wage $1 over 2 years, then Senators can come out here and say they are opposed and make their case. I think that is the way it should be. I am sure I will hear some good arguments on the other side of the aisle, or maybe even among some Democrats. I don't know why they oppose raising the minimum wage. I think some of them will be forceful arguments. But the point is, we ought to be accountable. The point is, we ought to be willing to have an up-or-down vote. I am assuming there will be Senators who will want to have an amendment on raising the minimum wage, Senator KENNEDY being the leader of this effort with any number of us joining in.

Finally, before I get to the substance of this bill, I want to bring up another topic which I am sure some of my colleagues are tired of. This will be the fourth round where I have been making the appeal that we ought to have the courage to do the policy evaluation to know what is happening with the welfare bill. Every time I do this, I am either defeated by a close vote or it is passed and then dropped in conference. I think that has happened again. To me, it is outrageous. I will have an opportunity to talk about this when I introduce this amendment.

But to make a very long story short, to cut the welfare rolls in half does not necessarily mean we have success. We have success when we have cut poverty in half; we have success when welfare recipients, who by definition are basically single-parent families—women and children primarily—are better off economically. So we ought to know, as women and children are essentially no longer receiving welfare assistance, do women have jobs now? What kind of wages do they pay? We need to understand. The Families U.S.A. study says 670,000 of America's children have no medical assistance because of this bill. Do they still have health care coverage or not? In addition, we ought to know with the 30- to 35-percent drop in food stamp participation—the Food Stamp Program being the major safety net program for children's nutrition—does this mean more children are now going hungry today in our country?

Finally, we need to know whether or not there is affordable child care. We ought to at least do the honest policy evaluation. Given, again, the conference committee dropped this, I will be back with this amendment.

After having said that, in particular, again, let me emphasis my primary focus—there are a number of amendments—which is, more than anything else, I want to make the fight on agriculture. I want to have the opportunity to bring to the floor of the Senate an amendment and legislation that I think will help alleviate some of the suffering among family farmers. I want to do that. I think we should have, before we leave, the opportunity to have a debate about ways in which we can change agricultural policy for the better. If other Senators have other ideas, I think that is great as well. I do not want to see us leave without trying to take some positive action.

After having said that, I think this debate about the CBI and the African trade bill could be useful and enlightening. I said this on Friday as well. The question really is, when we talk about trade policy, we want to know whether we can make the global economy work for working families. That is the test: Can we make this new global economy work for working families in our country. I am an internationalist. I argue for the people of the other countries as well.

Senator FEINGOLD introduced an impressive and innovative bill based on legislation that was introduced in the House by JESSE JACKSON, Jr., that blazes a trail for U.S. trade policy. It is truly ground breaking.

Finally, people who want our trade policy to work for working families will have an alternative that I think they can wholeheartedly support. I don't think the issue is whether or not we expand trade. I don't think the issue is whether or not the United States of America is part of an international economy. I certainly don't think the issue is that we should put walls up on our borders. I think the issue is, on whose terms are we going to expand trade? What are the rules and who benefits from those rules? I am interested in the rules of trade. I am not interested in trade without rules. Let me say that again. I am interested in the rules of trade, which means I am interested in trade. I am not interested in trade without rules.

In this case, the choice could hardly be clearer. The Feingold-Jackson legislation, called the HOPE for Africa Act, says the expansion of trade should benefit working families and poor families in America and in Africa. Trade agreements should be about making the global economy work for ordinary citizens. The HOPE for Africa bill says if you are really serious about raising labor and environmental standards across the globe, then we have to have enforceable—let me mention that two or three times—enforceable protections built into our trade agreements. The HOPE for Africa bill says that we can't be serious about wanting to help African countries develop economically if we don't do anything about their crushing debt burden. The HOPE for Africa bill says that the lives of Americans or the lives of Africans suffering from AIDS are more important than the monopoly profits of the pharmaceutical companies. The HOPE for Africa bill has its priorities set straight. It expands trade the right way by putting people first. We have heard that before. Why don't we make it a reality?

Our other option, I fear, is more of the same, more NAFTAs—NAFTA for the Caribbean, NAFTA for all of South America, NAFTA for Africa. I certainly don't want to see IMF-style economic policies that I think have been impoverishing one country after another all over the world with the austerity measures—raise interest rates, try to export your way out of a crisis, and more investment protections for multinationals to export jobs overseas so they can avoid complying with American-style labor and environmental standards. That is what we are talking about—more investment protection for multinationals to export jobs overseas so they can avoid complying with American-style labor and environmental standards—more trade incentives so multinationals can shift those goods right back into the United States, competing against American workers trying to organize a union.

The message is: Try to organize a union and we go to another country. More enforceable protections for the interests of multinationals and foreign investors and more unenforceable lip service for the interests of working families. This is a policy that says to working Americans: Don't even try to organize a union.

This is the main basis of my opposition. Do that and we will move jobs overseas with special trade and investment incentives. It says to workers overseas, don't try to organize a union; the only way to compete for foreign investment is by accepting rock bottom wages.

That is the flaw in this trade legislation. It is a pretty good deal for an investor who wants to save labor costs, but it is a pretty rotten deal for an American worker or worker overseas. That is what is at issue. We are basically saying to working Americans: Don't even try to organize a union; do that and we will move your jobs overseas. That is what we are saying.

It says to the workers overseas: Don't try to organize a union; the only way to get the foreign investment is by accepting rock bottom wages.

It is great for the investors who want to save labor costs, but it is a rotten deal for an American worker and it is a rotten deal for a low-wage worker in another country.

I want to see a global trade policy that works for workers. I want to see a trade policy that lifts the living standards of workers. This is a developmental model that has failed time after time. This is the way of the past. It is time to say good riddance once and for all.

It is not as if we don't have any choice. The Feingold bill gives a clear alternative. It is called the HOPE for Africa Act. We need something similar for the Caribbean. I know my colleague from Florida is now working on trying to have some enforceable labor standards. That would make a huge difference.

We have a World Trade Organization meeting coming up in Seattle. I hear the discussion from the administration and others who want this trade legislation to pass. They think it is possible we could push for meaningful and enforceable labor and environmental standards.

What kind of message are we now conveying, with about a month to go before this critical WTO meeting, when we are talking about a bilateral trade agreement which does not have any enforceable labor and environmental standards? I ask the administration: Where are you going with this? What is your message to labor? What is your message to the environmental groups? What is your message to the human rights groups? What is your message to all the nongovernment organizations that are going to be out in Seattle?

As a Senator, I will be proud to join them. On the one hand, we have the rhetoric that says we think it is possible through WTO to have enforceable labor and environmental standards. That is implied in the rhetoric. At the same time, we have some trade bills that the administration is saying we have to pass; this is a No. 1 priority; we have to pass them before the WTO, which communicates the exact opposite message. They basically say we are not interested in enforceable labor standards; we are not interested in enforceable environmental standards.

And, by the way, the message for farmers and producers in my State: If we don't have an opportunity to offer amendments, we are also not interested in trade policy that gives them any kind of fair shake. Both Senator DORGAN and Senator CONRAD will be out here, as well.

I will say that 1,000 times over the next X number of hours: If we don't have the commitment to enforceable labor and environmental standards in our bilateral trade agreements, how can we credibly expect to include them in multilateral agreements?

I think this legislation in its present form sets a terrible precedent. I think it goes in exactly the opposite direction from the words I hear the administration speak. I think it goes in the exact opposite direction from the rhetoric of at least some of my colleagues.

I am interested in negotiations. Senator GRAHAM has talked about the United States-Caribbean trade agreement and is trying to work on enforceable labor standards. However, I don't now see it in any of these trade bills. From my point of view, I think we have to have some enforceable labor standards that give working people in these other countries the right to organize and bargain collectively.

If someone in the Senate says that my insistence as a Senator from Minnesota on some enforceable global labor standard is protectionist and that is the case, then we might as well say the Fair Labor Standards Act is also protectionist. That is the piece of legislation that relates to commerce in States in our country. We are saying we are going to apply this to all the States. Companies are not going to be able to have these atrocious child labor conditions. We will have protection dealing with child labor. Senator HARKIN will probably be here with an amendment dealing with that. We will make sure people have a right to organize and bargain collectively.

If we live in a global instead of a national economy—haven't I heard all Members say that—then we need the same kind of rules on the global level that we have on the national level for exactly the same kinds of reasons.

I will come back later this afternoon to critique the legislation. I am preparing amendments to introduce.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Minnesota, Mr. WELLSTONE, for his graciousness in yielding the floor. I realize this is somewhat inconvenient for him, but I deeply appreciate his kindness in yielding at this time.

IN HONOR OF SENATOR JOHN CHAFEE

Mr. BYRD. Mr. President, the Senate today is a sadder, lesser place. Like many others, I am shocked and saddened by the sudden loss of Senator John Chafee. My thoughts, and my wife Erma's, go out to his family—to his wife, Virginia; his sons, Zechariah; Lincoln; John, Jr.; and Quentin; and his daughter, Georgia.

I understand the funeral will take place this coming Saturday in Providence. Senator John Chafee is the eighth Senator from Rhode Island to die in office, the second in this century, since Senator LeBaron B. Colt on August 18, 1924.

Since his first election to the Senate in 1976, Senator Chafee was the kind of Senator upon which the smooth running of the Congress has always depended. He was a man of great humor, gentleness, thoughtfulness, and compromise—none of which detracted from his clear views and opinions as to what the best course of action was for the nation. He could disagree with his colleagues and still find a way to move forward on issues that were important to him.

This was a man devoted to the well-being of his country, in war and in peace. As others have stated, Senator Chafee served in World War II and in Korea. He also served as Secretary of the Navy. He served in the state legislature and as Governor of Rhode Island before his election to the Senate. He is a man who heard the clear call of duty and of love for his country and its people like a church bell ringing over the gentle hills of his beloved Rhode Island. His acts of faith came daily in his service to that calling bell.

His golden locks time hath to silver turn'd;
O time too swift, O swiftness never ceasing!
His youth 'gainst time and age hath ever spurn'd
But spurn'd in vain; youth waneth by increasing:
Beauty, strength, youth, are flowers but fading seen;
Duty, faith, love, are roots, and ever green.

So wrote poet George Peele in the 16th century. But surely John Chafee's sense of duty and his faithful service to the nation will prove equally evergreen, living beyond his untimely demise in laws and legislation that bear his stamp of compromise and caring for even our smallest and most helpless citizens.

We live in deeds, not years; in thoughts, not breaths;
In feelings, not in figures on a dial.
We should count time by heart-throbs. He most lives
Who thinks most—feels the most—acts the best.

Senator Chafee was consistent in his feelings, in his outlook, and in his actions. He always looked out for children in the health care debates that have consumed the Senate. His love of nature and his championing of environmental causes is well known, but tempered by his sense of fairness and practicality. He supported the Clean Air Act and the Rio treaties on global climate change and biodiversity, but he also supported requiring cost-benefit analyses of Environmental Protection Agency regulations and voted in support of the Byrd-Hagel Resolution requiring developing nation participation and a cost-benefit analysis of the Kyoto Protocol on global warming before the Senate would consider that treaty. Senator Chafee was a principled man. He was true to his bedrock beliefs, but he was not so idealistic that he would sacrifice success for unyielding principle. In doing so, he advanced his causes most effectively.

For a man as battle-tested as his history suggests, Senator Chafee was

known for his civility and his ability to seek a gentler, more civil path in the often strife-torn and partisan Senate. I have not served on any committees with Senator Chafee, but I was well aware of his ability to work with colleagues from both sides of the aisle to ensure the success of his legislative agenda. This talent ensured that he would be sorely missed upon his retirement from the Senate next year. Upon announcing his retirement plans last March, he made it clear that he was not ''going away mad or disillusioned or upset with the Senate. I think it's a great place,'' he said. I think it was a greater place for his presence. It is merely unlucky chance that he is gone before we could all savor our last months in his company.

Now, we must instead hold close our best last memories of this kind and gentle man, crusty New Englander that he was. We must measure the legacy that he leaves in legislation and in the fine example that he set with his life. Only thus can we, in the poet William Wordsworth's words, aspire to ''Intimations of Immortality:''

Though nothing can bring back the hour
Of splendor in the grass, of glory in the flower;
We will grieve not, rather find
Strength in what remains behind;
In the primal sympathy
Which having been must ever be;
In the soothing thoughts that spring
Out of human suffering;
In the faith that looks through death,
In years that bring the philosophic mind.

Senator John Chafee leaves behind a rich legacy that honors his name, his State, and the United States Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, this sad and somber day, we recall our wonderful friend John Chafee and begin to appreciate how much he will be missed. We extend our love and respect to his family. I suspect John would like us to move forward with the business of the Senate. As Senator BYRD has just said, he was a crusty New Englander, and I believe John would be very happy with that description. One of the many admirable traits of crusty New Englanders is that they like to get down to business.

AFRICAN GROWTH AND OPPORTUNITY ACT—MOTION TO PROCEED—Continued

Mr. GRAHAM. Mr. President, one of the last conversations I had with John Chafee just a few days ago was about the legislation we are now considering. John Chafee, as in all things, was a commonsense pragmatist. I do not know how he would have voted on these measures, but I think he would have been appealed to by the practical rationale for the United States moving forward in the way this legislation directs us.

This legislation, which was a product of the Committee on Finance, on which Senator Chafee served with such distinction, a committee in which he had voted for this legislation as a member of the committee during the time it was being considered there, I believe embodies many of the principles for which John Chafee stood. I want to particularly talk about one component of this legislation, and that is the United States-Caribbean Basin Trade Enhancement Act component.

Since the passage of the North American Free Trade Agreement, our Caribbean and Central American neighbors have been at a competitive disadvantage. There is now a benefit of in the range of 5 percent to 10 percent, having the identical production factories located in Mexico as opposed to in Central America or Caribbean nations which are members of the Caribbean Basin Initiative. It has been stated we should have dealt with this issue when the North American Free Trade Agreement was first adopted. Unfortunately, we did not. Today, we have the opportunity to begin the consideration of the restoration of parity and balance within our region.

I thank Senator Lott for his support in bringing this important legislation to the floor. I also thank Senator ROTH and Senator MOYNIHAN for the leadership which they have provided through the consideration of this legislation in the Senate Finance Committee.

Over the last 5 years, I have worked to enhance and build upon our existing trade relationship with our neighbors in the Caribbean Basin region. On February 3 of this year, in response to the overwhelming devastation and destruction caused first by Hurricane Georges and then by Hurricane Mitch, I introduced the Central American and Caribbean Relief Act. This bill represented a broad and comprehensive strategy to provide immediate disaster relief, economic and infrastructure recovery, and long-term trade enhancement that would benefit both the United States and the countries in the region.

On March 23, 1999, we passed legislation that provided immediate disaster relief to the countries in the region that were impacted by Hurricanes Georges and Mitch. This legislation included $41 million of debt relief. We wiped out all of the bilateral debt of these countries to the United States and contributed to a Central American relief fund which will be beneficial in terms of reducing other forms of indebtedness of those countries that were so ravaged by the hurricanes.

I am pleased that now we are considering a bill that includes many of the long-term trade enhancement provisions that were part of the Central American and Caribbean Relief Act. Enacting this legislation is critical to the continued economic growth and health of our Nation and the economic health of our closest neighbors in the Caribbean and Latin America. It is also in the national security interest of the United States of America.

Let me review what are some of the compelling reasons for the adoption of this legislation.

First, humanitarian. I have made three trips to Central America and the Caribbean since the devastation of Hurricane Georges and Hurricane Mitch. As a Floridian, I have had some exposure to the destruction that hurricanes can inflict upon a community. I can say I have seen nothing the likes of which I saw in Honduras after Hurricane Mitch. I know that many of my colleagues have also seen the destruction caused by these hurricanes. These two destructive storms caused a level of death and devastation not seen in the Western Hemisphere in over 200 years.

We have all heard of the tremendous loss of life, the economic disruption, the human suffering caused by these hurricanes. As a neighbor, a friend, and a great Nation, the United States has both a history and a current obligation of response with assistance to those in need, especially those nations and those peoples who are our closest neighbors. Providing enhanced trade benefits will be a significant part of that humanitarian response. It will allow nations that had major parts of their economies, particularly agricultural economies, devastated by these hurricanes to begin to rebuild on a more diversified and stable economic basis.

A second reason to pass this legislation is economic. Caribbean Basin enhancements are in the best economic interest of the United States. Experience shows us that providing trade benefits to the Caribbean Basin is good business for the United States. Following the enactment of the Caribbean Basin Initiative in 1983, our trade position with the region has improved from a trade deficit of $3 billion with the Caribbean Basin, which we suffered in 1983, to today approaching a $3.5 billion trade surplus. These are not only good neighbors, but they are good trading partners. They are trading partners who, on a per capita basis, have consistently outpaced all other regions of the world in terms of the U.S. trade surplus.

Between 1983 and 1998, U.S. exports to the region increased fourfold, while total imports into the U.S. region grew by less than 20 percent. In fact, since 1995, U.S. exports to the CBI countries have increased by approximately 32 percent. There are over 58 million consumers in the 24 countries represented by the CBI region. Seventy percent of their nonpetroleum imports come from the United States.

Let me repeat that: 58 million consumers in 24 countries close to the United States; 70 percent of their nonpetroleum imports come from the

United States. Yet there is another reason to strengthen the Caribbean economies, and that is the importance of the stability of our closest neighbors.

When the CBI bill was adopted in 1983, the Caribbean Basin, particularly Central America, was in flames with violent conflicts and rampant drug trafficking. The primary goal of the initial CBI legislation was to stabilize the region by building stronger, more diverse economies. These economies were seen as a critical element in supporting democratic governments.

Our national security and our continued interest in reducing the level of flow of illegal drugs and illegal immigrants into the United States was also at stake in the stability of the region.

According to the Department of State's Bureau of International Narcotics and Law Enforcement Affairs, increased law enforcement efforts along the Southwest border of the United States have again encouraged drug traffickers to reactivate their old, well-established smuggling routes in the Caribbean and Central America. Recent cocaine seizures in the regions bear this out. In 1998, authorities in the Dominican Republic seized 2.4 metric tons of cocaine. During the same period, Guatemalan authorities seized 9.2 metric tons of cocaine, and Panamanian authorities seized 11.8 metric tons of cocaine. Cocaine seizures in the Bahamas during 1998 totaled 3.7 metric tons, the highest level in that country since 1992, while at the same time an estimated 54 metric tons of cocaine flowed through Haiti.

Experience tells us the vast majority of this cocaine was destined for the United States of America. Without assistance to restart the regional economy, without assistance to make it possible for people to provide for their families, the nations in this region will be even more susceptible to the scourge of drug trafficking. The people of this region must have opportunities in the legal economy so they may feed their families and resist the financial temptations associated with drug trafficking.

Failing to enact CBI enhancements will increase the pressure for illegal immigration into the United States. The people of the CBI region must have the real opportunity at home so they are not forced to turn to illegal immigration to find employment and feed their families.

The painful lessons of the 1980s need not be repeated as we move into the new century. We can act—we must act—to prevent it.

Today, I want to focus on yet another reason why passing the Caribbean Basin Initiative enhancement legislation is so critical. The reason can best be demonstrated by looking at these two shirts. This golf shirt is made in China. It is made from fabric that was grown by Chinese farmers, woven in Chinese textile mills. This shirt costs approximately $4.75 to produce. This shirt was made by a Caribbean Basin country, similar plant. It was made with fabric that was grown on U.S. farms, and it was spun in U.S. textile mills. This shirt costs approximately $5 to produce. Both of these shirts were imported into the United States for sale at U.S. retail stores. There is no significant difference between these shirts, save the location, China and Nicaragua, where they were manufactured, and where the components were grown and spun into textile—China, the United States of America. Each of these shirts sells for approximately $19. That is the price the law of supply and demand has set upon these items.

Mr. President, I ask unanimous consent to be allowed to present these shirts before the Senate.

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

Mr. GRAHAM. One might ask the question of basic economics. If the Chinese shirt is identical to the Nicaraguan shirt, if the Chinese cotton that is spun into this shirt is to the consumer essentially the same as the American cotton, which is spun into the Nicaraguan-assembled shirt, and yet the Chinese shirt costs 5 percent less to produce, sells for the same price, why is it there are any shirts being produced in Nicaragua or in the other Caribbean Basin countries?

Well, there are several reasons why there is a market for the more-expensive-to-produce CBI shirt. Transportation costs between the Caribbean Basin and the United States are less than the transportation costs between China and the United States. The proximity of the Caribbean Basin to the United States means that transit time for textile products manufactured in the CBI region and destined for sale in the United States is significantly less than transit time for Chinese products. This is a particularly important factor in the apparel industry with its rapid style changes. But neither of those are the most important reason.

The most significant reason why there is a market for the Caribbean-assembled shirt, the shirt which assembles U.S. cotton which is milled in U.S. textile mills, the most important is because there is a limitation on the number of these shirts which can be imported from China.

In 1999, the import quota for Chinese-manufactured shirts, such as the one I hold today, the exact number of these shirts which can be imported from China to the United States is 2,336,946 dozen per year. Imports of the shirt manufactured in Nicaragua, as well as other Caribbean Basin countries, where U.S.-grown and processed cotton is the basis of manufacture, are not subject to quota restrictions. The difference represented by these two shirts will become much more apparent in the year 2005, a watershed year for the textile and apparel industry in the United States and the Caribbean Basin.

Why is 2005 such a significant date on the calendar? The import quotas which are currently applicable to textile products of most Asian nations, originally imposed under the Multi-Fiber Arrangement, now the Agreement on Textiles and Clothing, will be phased out. There will no longer be, for most Asian nations, a quota limitation on the number of items such as this golf shirt which can be imported into the United States. At that time, textile production in the Caribbean Basin will be placed in a distinct and growing disadvantage due to its higher cost of production. Disinvestment in the region is a real potential, reducing the incentive to use any material from U.S. textile mills or cotton grown in the United States. We face the prospect in the year 2005, with the lifting of the quotas, that the already 5-percent production cost advantage of Asian countries will expand, as they are able to spread their production cost over an unlimited number of apparel items to be imported into the United States.

The transportation and proximity advantages of the CBI country will not be able to sustain the raw economic advantage of the lower cost of production under current standards in Asia.

That is why passing CBI enhancement legislation now, in 1999, is critical to U.S. textile and yarn industries as well as to U.S. cotton growers. There are 64,000 U.S. textile workers who are dependent on this partnership of textile produced in the United States and assembled in the Caribbean for their jobs. Overall, 400,000 U.S. jobs are dependent upon textile exports to the CBI region. Last year, $4.5 billion worth of U.S. textile and apparel products were exported to the CBI region for assembly. Only by providing incentives for the development of stronger relationships with apparel manufacturers in our hemisphere will we have any chance of maintaining a market for U.S. cotton and textiles after the quotas are eliminated in 2005.

We must see this 5-year period as a period of challenge, a period in which we must increase the production competitiveness of U.S. textiles and Caribbean apparel. If we squander these 5 years, we face the very real prospect that we will be having a debate over nothing because, with the lifting of the quotas, there will be a strong incentive for this industry and the cotton farmers and the textile workers who support it to move from the Caribbean to Asia.

Developing strong relations with the countries in the Caribbean Basin, therefore, will not only promote political stability, will not only be in our humanitarian tradition, but will also be critical to the economic health of an important American industry.

An independent economic analysis funded by the Inter-American Development Bank and prepared by Professor Raul Hinojosa-Ojeda of the UCLA School of Public Policy and Social Research and Professor Robert K. McCleery of the Monterey Institute for International Studies makes just this point. The numbers are clear.

According to the American Apparel Manufacturers Association, without CBI enhancement, U.S. textile and agriculture will be adversely affected, and the U.S. economy will suffer. Currently, 50 percent of the apparel items consumed in the United States are manufactured with U.S. cotton. Industry estimates indicate that if we can increase the attractiveness of the Caribbean Basin as the place of assembly, that number will grow from 50 percent of U.S.-consumed apparel made with U.S. cotton to 70 percent. But if we fail to act, if we allow this partnership of U.S. textile and Caribbean assembly to wither, this number will drop to 30 percent. Without these enhancements, the U.S. cotton content will continue to decline, as apparel producers look to reduce costs and will move towards products made from cheaper labor and cheaper materials, primarily in Asia.

The impact of the Agreement on Textiles and Clothing and year 2005 changes on man-made fiber industries will be comparable to the cotton situation. Without CBI enhancements, the U.S. man-made fiber content of imported apparel will continue to significantly decline. Without CBI legislation and in the face of year 2005 quota reductions, producers of man-made fibers will be inclined to relocate their production facilities in order to take advantage of lower wages and production costs. If we begin to work to establish stronger relationships with the nations of the Caribbean Basin, we will be able to provide incentives to sustain these industries in our own hemisphere.

Inherent in our CBI enhancement efforts are public and private investment incentives that will increase productivity and the quality of life within the region. We anticipate the textile industry will provide investment capital targeted for the construction and maintenance of schools, health and child care facilities, and technology enhancements to increase the productivity of both workers and existing manufacturing facilities. A well trained and healthy workforce will be more productive and efficient as Caribbean Basin producers compete for shares of the international textile market.

We have an unprecedented opportunity to strengthen our economic and national security through the enhancement of our trade relationship with our neighbors in the region. We must act prior to 2005 to build a dynamic, formidable Western Hemisphere trade alliance that encourages U.S. industry to invest in the region and to make commitment to rebuilding the industrial infrastructure in the region.

We are about to make a fundamental decision that will impact our closest neighbors, a decision that will impact a significant part of the economy of the United States. We can choose to create a climate where the United States and our neighbors can be competitive into the 21st century or we can repeat the same turmoil of the 1980s. The choice is clear, it is stark, and I think it is beyond reasonable debate: Will we engage or will we retreat?

I urge you to extend this assistance to our neighbors to expand commerce and promote economic and political stability in the region. A primary beneficiary of that stability and expansion, a primary beneficiary of the new enhanced partnership between the United States and our neighbors in the Caribbean, will be the United States of America and its citizens.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IN HONOR OF SENATOR JOHN CHAFEE

Mrs. HUTCHISON. Mr. President, I rise today to talk about a friend, an athlete, a scholar, a lawyer, a Governor, a Secretary of the Navy, a Senator, and a marine—not necessarily in that order.

The Senate and our country have lost a great man with the passing of John Chafee. He exemplified everything that is so good and decent and honorable about our country. A man born to privilege, he also recognized a duty and an obligation to serve his country. As a young freshman at Yale, he was moved to action by the Japanese attack on Pearl Harbor. He became a marine because he wanted to fight, and they promised him he would do just that in the Pacific.

So many of our World War II generation, called by Tom Brokaw ''our greatest generation,'' did exactly what John Chafee did. They left their ivy league campuses and their State universities, their jobs and their families, and they saw it as their duty to serve.

The Marines delivered on their promise; they gave John Chafee a chance to fight. Soon after his initial training, he found himself as a young private on the beach at one of America's bloodiest battles, at Guadalcanal. Several years ago, at a program at the Smithsonian, Senator Chafee joined a group of World War II veterans who discussed their memories of the war. John Chafee related that the lesson he carried with him was that there was no rhyme or reason to who lived and who died in combat. He said he learned that it didn't matter how good a marine you might be, the incoming artillery rounds and the enemy bullets did not discriminate among good and bad marines and that if one survived it was not though personal merit but by the grace of God. He came away from that experience with a commitment to live honorably and well because he recognized that every day was a gift and because he owed that to those who he left behind on those fields.

He went on to receive a commission as a lieutenant and the Marines continued to provide those opportunities to fight in other bloody battles in the Pacific theater including Okinawa.

When the war ended, he took off his uniform, returned home, and picked up where he left off. He graduated from Yale where he distinguished himself as a collegiate wrestler and captain of the Yale wrestling team. Although a supremely modest man, the one honor for which he was always very proud and willing to talk about was his induction several years ago into the Collegiate Wrestling Hall of Fame in Oklahoma.

After Yale, he went on to Harvard and graduated in a class filled with many other veterans with similar war records including Senator TED STEVENS. But soon after graduating from law school, John Chafee learned the Marines weren't done with him and their promise to give him a chance to fight.

In fact, John Chafee related this experience to me when we were driving together in a car to see the mustering out of one of my favorite aides, my legislative aide Dave Davis, whose wife happened to be John Chafee's personal assistant. We were going out together because this was a big day for Dave Davis. He was going to leave the Army and to come with me full time. I must say it was a great day for me. John Chafee said: You know, I left after World War II, and I thought I was finished. I didn't sign any papers saying I had left the service; I didn't think it was necessary. And all of a sudden, one day during the Korean war, I get a notice from the U.S. Marines saying you never left the marines, and we are going to send you to Korea. He said: My gosh, I was so surprised.

He was no longer an 18-year-old who was looking for a place to fight. He had a wife and child. He had just graduated from Harvard Law School with a bright future ahead. John Chafee said: I still have a commitment and I am going to keep it.

He said he had a responsibility to young marines to teach and tell them what he knew from his own combat experience because he knew that would be helpful. He answered the call without complaint and once again distinguished himself as a marine company

commander in battle against the Chinese in North Korea in the mountains of Korea.

One of his young lieutenants in that company in Korea was the novelist and writer James Brady. Brady wrote a book about his experience in the Korea war entitled ''The Coldest War'' and John Chafee is the hero of that story. Brady writes.

> That's how it is in the Marine Corps. There are rules and a subtle understanding some of them are to be broken. Colonels broke rules, I suppose generals did, enlisted men broke them, I broke them whenever I could with circumspection, but Chafee never. Captain Chafee kept the rules. Not that he was prissy. It simply did not occur to Chafee to cut corners.

Brady also writes about not having a chance to tell John Chafee how much he meant to him in a way in which many of us in the Senate can identify with today.

> There was so much I wanted to say: what his confidence meant to me, how I admired him, how much he'd taught all of us. He was the only truly great man I'd met in my life, and all I had the time to do was say thanks. Maybe he understood.

We all know his incredible achievements after returning from battle. He continued to serve his native Rhode Island well as a three-term Governor and then Senator for 23 years. He also continued to serve his beloved Marine Corps as the Secretary of the Navy.

He kept faith with all those marines who paid the supreme sacrifice in the Pacific and in Korea by living a good life and representing them well. He was always Semper Fi to the Corps.

One story recalled by another member of the platoon years later at a gathering of Korean war veterans told of how John Chafee's Marine company was moving across snow-covered ground that was believed to be covered with landmines. No one in the company was eager to march through the area so Captain John Chafee, showing no fear, took point and led his men through the snow. When the marines reached the top of the hill, someone looked back and observed that the entire company had left only one set of tracks as each marine had carefully stepped exactly in Captain John Chafee's footprints.

This lieutenant observed nearly 50 years later that he and the others were still trying to follow in John Chafee's footsteps.

As did his marines so long ago, many of us are trying to follow in John Chafee's footsteps, setting a standard of decency, civility, and kindness, remembering how to disagree without rancor. This is something all of us in the Senate need to remember when we think of John Chafee. It is the lesson all of us could relearn as we are going into some very tough times in the Senate. He loved this institution. He loved what it meant. We have all been enriched and blessed by his presence.

I hope his legacy will be that all of us will be better for John Chafee having been here because he is known as one of the kindest, most civil, and absolutely great Members of this body by everyone who knew him. I have never heard anyone say John Chafee was not a superior person. Whether or not you agreed with him on the merits of an issue, you could never say he wasn't the best of us.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to pay tribute to John Chafee. Although I am a new Member of the Senate, I worked with John for many years as Governor of Ohio and as vice chairman and chairman of the National Governors' Association. I worked with him to reform Medicaid and welfare and to reform our laws to protect the environment.

I always found him to be a gentleman, a thoughtful man who listened and gave a fair hearing, whether it was in his office or before his committee. I also found him to be a man of profound principle with a deep and abiding sense of care for the less fortunate and the environment.

No environmental legislation emerged from this Congress without his imprint. I am sure he looked at the improving environment in this country as part of his public service legacy. In particular, I remember working closely with him on the effort to reform the Safe Drinking Water Act. I was one of the leads for the Governors of the State and local government coalition, and John, of course, was chairman of the Environment and Public Works Committee.

John was a visionary leader insisting on enhancing protection of public health and, for the first time, requiring the use of cost-benefit analysis and risk assessment in setting environmental standards.

When we in the State and local government community started out, we were told we wouldn't succeed; that the environmental community would never accept these far-reaching reforms.

However, due to John's hard work and credibility, we did succeed and the enactment of the bill was celebrated at The White House. The result was that the bill was viewed as a model for environmental reform by state and local elected officials and as an advancement in the protection of public health by the environmental community.

Since I arrived in the Senate earlier this year, I have been privileged to serve on John's Environment and Public Works Committee. We had many oars in the water, so to speak, bills that we were working on. I am saddened that I did not have more of an opportunity to work with John as a colleague here in the Senate, as so many others did, who have spoken so eloquently of their high regard and treasured friendship with him.

However, it has been a privilege to work with him and serve with him. I have learned from him and his example. There is no one who ran a better or fairer hearing than John. When John chaired a hearing, you could count that it would start on time. In fact, I tried to get there before him to let him know that first, I respected his chairmanship and, second, to take advantage of his ''early bird'' rule. For those of you who are unaware of the chairman's ''early bird rule,'' it was his way of specially recognizing those who made the effort to show up on time for his hearings. The ''early bird rule'' provided that he would recognize Senators in the order they arrived—regardless of seniority—although on occasion he did make exceptions if a ''late arrival'' had a special issue to bring before the committee.

John reminded me of my father-in-law—if you weren't 5 minutes early for a scheduled meeting, he would be standing there waiting for you while looking at his watch.

I have decided that in the future I will no longer refer to the ''early bird rule,'' but will begin a new tradition honoring the chairman by now referring to the ''Chafee rule.''

Others have spoken of John's military and civic service to his country with beautiful oratory, but I simply want to say that as a freshman he was my role model. John Chafee was an honest, hard working, decent, principled, and straight-forward man. I will miss him and the Senate will surely be the less for his loss.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, there have been a number of my colleagues who have spoken about a wonderful man and a good friend and colleague, Senator John Chafee. I will take a few moments to talk about John Chafee the friend, John Chafee the legislator, and the man who served as a role model for all in public service, regardless of the partisan affiliation, ideology, or views on any particular issues.

I happened to be in New Hampshire yesterday morning—ironically, discussing the possibilities of attending a function in New England honoring Senator Chafee—when I heard the tragic news of his passing. It was, indeed, a shock. I saw John in his wheelchair on the subway after the last vote on Friday. He was engaged in conversation with some constituents, visitors to the Capitol. I didn't interrupt him because I didn't want to interrupt that conversation. I wish I had. That would have been the last opportunity to say goodbye to him.

My thoughts and prayers are with his family, with Ginny and the children

and the grandchildren, but also with Senator Chafee's very devoted staff, both on the Environment and Public Works Committee and in his personal office.

Others on the floor have reviewed Senator Chafee's record of achievements. It is an inspiring record. Others have dwelled on it extensively. It stands in stark contrast to what many Americans today think about politics, politicians, and political leaders.

I want to emphasize the qualities of public service and patriotism that motivated John Chafee. In the spirit of Jimmy Stewart, who believed that good leaders should occupy the offices here, John Chafee was in that tradition. As a young man of 20, John left college to enlist in the Marine Corps after the attack on Pearl Harbor. He fought at Guadalcanal, and after that he resumed his studies. After the war, he earned an undergraduate degree from Yale and a law degree from Harvard. He again served his country in the Korean conflict where he commanded Dog Company, a 200-man rifle unit in the first marine division. That is not easy duty.

After serving his country with honor in the military, he embarked on what would be another honorable career for John Chafee; 6 years in the Rhode Island House of Representatives, including the rise to the post of minority leader. He ran for the Governor of Rhode Island and was elected by a 398-vote margin in 1962. His constituents recognized John Chafee's leadership, integrity, and intelligence by rewarding him with two more terms as Governor—in both cases by the largest margins in the State's history.

In 1969, President Richard Nixon appointed John Chafee as Secretary of the Navy where he served with and was succeeded by our mutual friend, JOHN WARNER. John Chafee was elected to the Senate in the bicentennial year of 1976 as the first Republican to be elected Senator from Rhode Island in 46 years. His work as a Senator was rewarded with reelection in 1982, 1988, 1994, and he would have been reelected again in 2000 had that been in the cards.

He was looking forward to spending more time with Ginny and the grandchildren. I think that is the greatest tragedy of all, that they will miss a wonderful husband and a wonderful father and grandfather.

I first got to know John Chafee when I was elected to the Senate in 1990. I served on the Environment and Public Works Committee where he was a ranking member and then chairman. We worked together on all of the environmental bills that come down the pike: Clean Air Act, Clean Water Act, the Safe Drinking Water Act and, most importantly, on Superfund, where we shared the frustrations of working and fighting the good fight, where we had differences on the other side of the aisle. But John was a patient legislator in spite of the frustrations, in spite of the times he could have been angry—politically angry—at those on the other side of the aisle. He never was. One couldn't get him to say one cross word about anybody on that committee no matter what. He wouldn't do it.

I was taking the subway and saw John talking to a person, perhaps posing for a picture. And sometimes the people were not sure who he was. One time a person asked: Do you know which Senator that was, sir? And I said: I do. That is Senator John Chafee. They said: What do you know about him? I said: He is the nicest man in the Senate, and don't forget it.

He was. He looked after his colleagues.

In 1996, when I ran for reelection, there were attacks on my environmental record that were not justified. He came to my aid in New Hampshire and spent a day up there with me deflecting those attacks. Although he was criticized for doing it, he did it anyway. He was glad to do it. I will never forget it.

Both New Englanders, Chafee and SMITH, both veterans, both committed to protecting the environment, John a far greater leader than I in that regard, we did have a lot in common. We disagreed on issues, as well. If there was anyone who ever lived who perfected the art of disagreeing without being disagreeable, it was John Chafee. Many times I marveled at his ability to participate in a heated debate, in close quarters, sometimes without losing his composure and his good humor. One of the qualities I will always remember about John was his demeanor and good humor.

When I first came to the Senate—and Senator WARNER referred to this yesterday—one of his favorite expressions was, ''Oh, dear.'' Senator WARNER spoke eloquently about it yesterday. I had a personal experience with ''Oh, dear'' when I first came to the Senate in 1990 and we reorganized the Senate. I didn't know people that well. I was getting pressure from some Senators on one quarter to vote for one person for leadership and others were suggesting I vote for Senator Chafee. As I went into the last moments before the vote in the Republican conference, I still had not made up my mind.

Finally I decided. My decision was to vote against Senator Chafee. So I said: I have to tell him this. My conscience would bother me too much if I didn't walk up and tell him before the vote because it was a secret ballot. I walked up and I said: John, I just want to let you know I decided to vote for the other guy, and he just said, ''Oh, dear.'' And he lost by one vote.

It really was the beginning of a long friendship which I will always cherish. There will be a lot of tributes to Senator Chafee over the next several months. None of them will do justice to the memory of his legacy. I would like to propose one myself today, as one small way to deal with that legacy. As we all know, throughout his career John fought for the protection of our natural resources. One initiative many Americans may not appreciate that was sponsored by Senator Chafee in 1982 was the Coastal Barrier Resources Act. I know enacting that into law was one of the proudest moments of Senator Chafee's tenure here.

For the benefit of my colleagues who are not familiar with this act, its primarily purpose is to restrict Federal expenditures and financial assistance that encouraged the development of undeveloped coastal barriers. Development in ecologically critical coastal barriers along the Atlantic and Gulf coasts not only damaged fish and other natural resources but often resulted in the loss of human life as well.

The act permitted Federal expenditures for energy resource development, military activities, channel improvements, conservation activities, emergencies, navigation aids, and scientific research projects. It permitted, but did not require, interested private landowners to enter the system on a voluntary basis. The Coastal Barrier Resources System comprises approximately 3 million acres and 2,500 shoreline miles.

This act was vintage Chafee. It was balanced. It was fiscally prudent. It was environmentally protective. I can think of no more fitting tribute to Senator John Chafee than to name the system created by that legislation the John H. Chafee Coastal Barrier Resources System. I intend to introduce legislation to that effect and look forward to its quick passage with the support of my colleagues.

In closing, I say to Ginny and to the children and grandchildren, our thoughts and prayers are with you. All of us are proud to have called your husband, your father, and your grandfather, a friend. He was a decent, wonderful man. I am proud to call him a friend.

I would like to close reading Psalm 15, which the Chafee staff read in an effort to comfort one another about their leader. The Psalm is as follows:

Lord, who may dwell in your tabernacle? who may abide upon your holy hill?

Whoever leads a blameless life and does what is right, who speaks the truth from his heart.

There is no guile upon his tongue; he does no evil to his friend; he does not heap contempt upon his neighbor.

In his sight the wicked is rejected, but he honors those who fear the Lord.

He has sworn to do no wrong and does not take back his word.

He does not give his money in hope of gain, nor does he take a bribe against the innocent.

Whoever does these things shall never be overthrown.

It is a wonderful tribute from the Chafee staff to their friend and their boss. I don't think it could be said any better than that.

We will miss you, John, but we are a lot richer because you were here with us.

Mr. BAUCUS. Will the Senator yield? I want to tell the Senator what a gracious suggestion he has made, naming the Coastal Barrier Resources System after Senator John Chafee. I cannot think of a more fitting tribute with respect to legislation with which he has been associated. I hope, therefore, we can bring that bill out quickly—I do not think it is controversial at all—and pass it in this session of this Congress. I thank the Senator. I express my appreciation to the Senator for such a gracious thought, and I will join with him, moving as quickly as we can to make that become law with John's name on it.

All of us are at a loss to find the words. We dig down deep to try to ascertain the meaning of John's death. It was so sudden. It happened so quickly, and to such a wonderful, decent, good man. I think basically all of us are going to be remembered to some degree by who we are as people, more than what legislation we passed. We all work together here to pass legislation, but it is really the character of the person that is remembered by family, friends, associates.

I can think of no person for whom I presently do have a fonder memory or more respect than John Chafee. There is no man who was more of a good man than John Chafee. His decency, his civility—they do not come any better. They just don't. We are all thinking about John. Words don't come to us—certainly not to this Senator at this moment—but we all know what a good man he was. We cherish those memories very deeply.

He was a great Senator.

Mr. HOLLINGS. Mr. President, I rise today to remember our friend John Chafee. The state of Rhode Island and the United States have lost a great man—a valiant soldier, a dedicated statesman and a gentleman of a breed we don't see enough of these days.

I always felt an affinity with John because our political careers followed similar paths. Like me, he returned from military service overseas and soon began his political career in his home state of Rhode Island, eventually serving as Governor and then as a United States Senator.

The courage and integrity that earned John accolades in the Marine Corps marked his tenure in the Senate, where he stood up for issues he believed in, no matter the opposition, and worked to break gridlock between Democrats and Republicans and forge partnerships amid partisanship. He knew when to be a leader in his party and when to be a loner, and most people respected him dearly for it. A former Secretary of the Navy, he steered his own course.

Environmentalists will remember John Chafee as their chief Republican ally, a man whose vision led to the crafting of numerous pieces of key legislation, including the 1988 law against ocean dumping, the 1989 oil spill law and most notably the Clean Air Act of 1990. More recently, he led successful efforts to enact oil spill prevention and response legislation and a bill to strengthen the Safe Drinking Water Act. His years of commitment to the protection of the nation's wetlands and barrier islands are also tributes to his environmental legacy.

John had many visions, one of which was providing all Americans with comprehensive health care. His hard work in drafting a Republican health care package and pushing for a bipartisan compromise will not be forgotten. Neither will his efforts to expand health care coverage for women and children, improve community services for persons with disabilities and reduce the federal budget deficit.

Democrats and Republicans alike in John's home state of Rhode Island knew they had a friend in their Senator. He fought for local issues with the same vigor as national ones. When he announced this March that he would not seek a fifth Senate term in 2000, he became emotional as he explained, ''I want to go home.'' In many ways I think John has gone home, in that he took his deep love of Rhode Island and its residents with him as he left this earth on Sunday.

As a Marine, John Chafee followed the motto ''Semper Fi,'' or ''always faithful.'' He carried that motto with him throughout his life. He was always faithful to his state, his country and his family. I will miss him and his statesmanship on the Senate floor.

Mr. ENZI. Mr. President, even now that we've had a moment to pause and reflect, it's hard to believe just how quickly John Chafee was taken from us. His passing, without any warning, caught us all unawares, and it leaves a hole in our lives and our work that will not be easily filled.

Like so many of my colleagues, I will always recall John's friendly, courteous personality—the way he listened carefully to what you had to say and explained any differences he had in position or philosophy. His interest in a vast variety of subjects and the knowledge and insight that he shared on them made him both a friend and a teacher to his colleagues in the Senate.

I remember my first year in the United States Senate. I was working hard on an issue I really wanted to make some progress on. In an effort to encourage people to clean up environmental hazards, some States had provided a way where businesses could search for problems, identify them, begin to correct them, and then have reduced or no fines depending on the severity of the situation. The language of this regulation varied from State to State. Then the Environmental Protection Agency started coming into the States following these environmental audits and fining people. They were also threatening to take away the State's ability to continue to allow these audits.

I drafted a bill to make the environmental audits federally accepted. I wasn't on the right committee for this legislation and I hadn't had an opportunity to get my bill taken up for consideration when the appropriations process came around. So, I submitted my bill as an amendment. Senator Chafee had me meet with him. He explained the appropriations process, and then explained the complexities of taking up my bill as an amendment. He said if I would withdraw my amendment he would hold a hearing in his committee. I withdrew my amendment certain there would be no further action taken on it that session.

Shortly after my visit with Senator Chafee, and without any additional urging on my part, he had set a date for a hearing on environmental audits. During the hearing, Senator Chafee's indepth questions helped to bring focus and perspective to the issue at hand. When the hearing was gaveled to a close, everyone had a better understanding of the problem and what we needed to do to correct it.

A few months later, Kyoto, Japan became the site for the Global Climate Change Conference. Senator Chafee and I and several others went to Kyoto to reaffirm our position and deliver the message included in the Senate resolution dealing with global climate change. While we were there I attended several meetings with him. I also spent some time outside of the meetings with him. It was a good opportunity to break bread with him and get to know this very fine man a little better.

I recall our first night to Kyoto. Several members of the delegation checked on places to eat and they had selected a restaurant. Senator Chafee checked to see how expensive the restaurant was. He thought that was too much money to spend on any dinner. So, he had his dinner in the hotel lobby. I joined him and appreciated very much the evening of discussion that we had on Japan, global climate change, and a variety of environmental issues. Eating our dinner and sharing our views gave me a little more insight into the character of this phenomenal man who sat next to me.

John had a remarkable ability to bring people together—and keep them together. He also had a gift for putting into words that one, deep, probing question that got right to the heart of the matter. And, in these days when it is sometime more popular to cling to

what is politically correct than what is right—John never wavered in his beliefs and he never compromised his principles. He always stood tall and proud for what he believed in. That's why he was always so deeply respected by this colleagues and his constituents.

Something tells me that God must have had a special need for someone with John's unique skills, so He called him home. I wouldn't be surprised if right now, John is chairing a meeting with God's angels in heaven to help get them more organized and focused, too. That would be just like him.

In the years to come, I think what I will miss most about John will be his warmth, his laugh, his voice, and his walk before and after the cane. John was both a gentleman and a gentle man and his remarkable persona will be greatly missed. For the moment we will each cling to the instant replay memories we have of him to help to fill the void his passing leaves behind.

John, your service in the Senate leaves us all with a good example for us to follow in the way you always gave totally of yourself to your family, to your state, to each of us, to your country and to the world around us. Thanks for all the ways you've served us all. Thanks for all the things you've done. So much of your State, our country, and parts all around this great world of ours bear your mark for your having passed by. Thanks for the seeds that you planted that will effect the future. Because of them, you will never be forgotten.

Mr. INOUYE. Mr. President, I rise to make a few remarks concerning the recent passing of Mr. Chafee.

Mr. Chafee was one of a kind. His life was a life of service. He served in two great wars—World War II and the Korean conflict, rising from private to captain. He served Rhode Island as a member of the Rhode Island House of Representatives and as Governor, then as its United States Senator.

He has left a most positive legacy for the citizens of this land to emulate. But his greatest legacy was a legacy of decency. It mattered very little to Mr. Chafee whether a proposal was made by the Democrats or the Republicans. His only question was: Is this program or project in the best interest of this nation?

Our nation has lost a great leader and a most dedicated public servant. The State of Rhode Island has lost its most brilliant star. But for many, many of us—we have lost a friend. I will miss him.

Mr. KENNEDY. Mr. President, we are all deeply saddened by the sudden loss of our colleague and friend, John Chafee. He was a very special Member of the Senate who embodied the noblest traditions of this institution. He would fight with great vigor and passion for the principles he believed in, trying to persuade colleagues to adopt his point of view. But his devotion to a cause never made him intransigent or unwilling to consider competing ideas.

John Chafee had a unique ability to build consensus, and he was forever searching to find common ground across partisan and ideological battlelines. He was a student of history, and he knew that principled compromise was essential if the legislative process is to serve the public interest. He understood that a Congress mired in gridlock could not solve the Nation's problems.

He cared far too deeply about the country he served to accept political stalemate. Because of his deep commitment to these abiding principles, he held the trust and respect of colleagues across the political spectrum, and he was often able to find that common ground when others could not.

John Chafee's 23 years in the Senate have truly made a difference. The American people enjoy cleaner air and cleaner water because of his tireless and skillful efforts to protect the environment. Foster children are treated more humanely because he assumed the role of their legislative guardian. Poor families who must depend on Medicaid have more secure access to health care because of his concern for their well-being.

While John Chafee was a skilled consensus builder, he was never reluctant to speak out on controversial issues. His gentle and gracious manner was accompanied by a very strong will. His political courage was evident on a broad range of issues—from his outspoken advocacy of banning the manufacture and sale of handguns, to his vigorous defense of abortion rights, to his steadfast support for nuclear weapons control. He was a man of principle, whose strength was evident to all who knew him. I will always remember his extraordinary efforts in 1993 and 1994 to enact health insurance coverage for all Americans. Through that battle, John Chafee never gave up and never gave in. He showed great perseverance under exceptional pressure, and great commitment to a cause he believed in deeply.

His ideals and patriotism was shaped as a young soldier in combat on Guadalcanal and Okinawa during World War II and in the Korean conflict. Tom Brokaw has called John Chafee's generation ''The Greatest Generation.'' In his well-known book by that name, Mr. Brokaw wrote:

> They came of age during the Great Depression and the Second World War and went on to build modern America—men and women whose everyday lives of duty, honor, achievement, and courage gave us the world we have today.

John Chafee symbolizes those eloquent words. As a state legislator, as Governor of Rhode Island, as Secretary of the Navy, and as a four-term United States Senator, John Chafee devoted his entire adult life to public service. He gave our nation not only length of service, but service of the highest caliber. He believed in the capacity of government to improve the lives of its citizens, and he worked every day to make it so. His distinguished service will leave a lasting legacy.

We all feel his loss today. But it will be felt even more deeply by the Senate as time passes. We will miss his wise counsel, we will miss his political courage, and we will miss his extraordinary ability to build bridges across partisan and ideological divides.

I extend my deepest sympathy to John's wife, Virginia, and to his children and grandchildren. Our Senate family truly shares your loss.

Mr. HARKIN. Mr. President, our friend and colleague John Chafee was a good man, a first among equals. He was a statesman and a public servant. He dedicated his professional life to the service of his country. He was a good friend to colleagues on both sides of the aisle.

John Chafee was respected by all who knew and served with him. And he returned that respect in kind. He was a bridge builder, always looking for a way to craft consensus.

He set aside partisanship and put his energies into working for the greater good. And he won high praise from a wide spectrum of admirers, from the ACLU to the Chamber of Commerce!

John had an early and lifelong sense of duty to his country. He left college in 1942 to join the Marine Corps. He fought in the U.S. invasion of Guadalcanal and later on Okinawa. He returned to active military duty in 1951 in Korea. Between his tours of duty, John earned his bachelor's degree at Yale and his law degree at Harvard.

He built a career of distinguished service to his state and his nation. He served in the Rhode Island House of Representatives (1957–63), as Governor of Rhode Island (1963–69), as Secretary of the Navy (1969–72). And in 1977, John Chafee came to the United States Senate, the first Republican Senator elected in his state in 46 years.

No matter where public service took him, his heart was always in Rhode Island. And it was to Rhode Island that he planned to retire next year.

John Chafee wore many titles in his lifetime, and he wore them all with distinction: Captain, Governor, Secretary, Senator.

But I believe that John was proudest of being a husband, father, and grandfather. He was devoted to his family—to Virginia, their five children, and twelve grandchildren. Their loss is tremendous, and I hope in the days and weeks ahead they take some small comfort in John's magnificent legacy.

When the major achievements of the 20th Century are recounted, many of them will bear the mark of John Chafee: the Clean Air Act, the Superfund, Social Security, fair housing, civil rights.

He played a major role in every major piece of environmental legislation that has passed during the past two decades. He fought for health care coverage for low income families and expanded coverage for uninsured children.

He fought for the Family and Medical Leave Act. John made it his mission to ensure that no American fell between the cracks. And America's women, children, and families are the beneficiaries.

John Chafee and I worked together long and hard to protect kids from tobacco addiction. In 1998, we introduced the first comprehensive bipartisan tobacco prevention bill—the Kids Deserve Freedom from Tobacco Act.

Our bill—also known as the KIDS Act—was designed to cut tobacco use by kids in half over a three-year period. John took some risks in joining this bipartisan effort, but he did it because he was a passionate advocate for children.

I also had the privilege of working with John on disability issues. He was a major champion for creating alternatives to institutions for people with disabilities.

Senator Chafee's work to create the Medicaid home and community-based waivers opened the doors to independent living for tens of thousands of people with disabilities. His efforts in this area alone are too numerous to recount.

In addition, he worked in true bipartisan manner to promote maternal and child health programs and to protect thousands of children with disabilities from losing SSI.

John Chafee's commitment to fighting for what he believed in was matched by the dedication of his longtime, loyal staff. Our hearts go out to all of them.

Mr. President, John Chafee was a humble giant. He had a broad, inclusive vision. He was principled and thoughtful. He asked and gave the best of himself in everything he did. He didn't seek recognition. He just rolled up his sleeves and got to work. His spirit and his voice will be sorely missed. I am privileged to call him my friend.

Mr. GRAMS. Mr. President, I rise today to join my colleagues in mourning the untimely death of our friend, John Chafee. Today, we celebrate the enthusiastic spirit he brought with him each day to the Senate, and the generous public spirit exemplified by his work.

With John's passing, the State of Rhode Island has lost a leader, the Senate has lost a statesman, and the Chafee family has lost a loving, dedicated husband, father, and grandfather. As the Senate family, the prayers of John's colleagues and our staffs are with Ginny and her entire family.

Many of my colleagues have recited the accomplishments of John Chafee. They bear repeating, however.

Before his achievements as a legislator, John was a leader in the Marines. He served in the original invasion at Guadalcanal, and when he was recalled to active duty in 1951, he commanded a rifle company in Korea.

John then turned his service to the State of Rhode Island, first as a member of its House of Representatives, where he eventually attained the rank of Minority Leader. In 1962, John ran for Governor and won—though it was a very close race. He increased that margin of victory significantly in the following two elections, in 1964 and 1966, when he was reelected with the largest margin in the State's history.

Following his governorship, John Chafee went on to serve as Secretary of the Navy for three and a half years.

Beginning in 1976, John began his long career in the U.S. Senate. As the only Republican elected from Rhode Island in the past 68 years, John vigorously pursued the interests of his constituents, including environmental issues, health care concerns, and efforts to reduce the Federal budget deficit. Through his position on the Senate Finance Committee, and mine on the Foreign Relations Committee, we worked closely together on a number of fronts to support free trade and oppose unilateral sanctions. I recall at one point we were two of five Senators who opposed a resolution we both thought was harmful to our relationships with another country.

John Chafee's contributions to this Senate, however, go much deeper than just those outlined within the pages of his impressive biography.

I remember when I moved from the House to the Senate, and those early, confusing days working out of the cramped Dirksen basement. John Chafee was moving his office at the same time, and he invited me up to look his over. He made this new Senator feel welcome in a place where bonds between the ''old-timers'' are strong and newcomers can sometimes feel intimidated. Ultimately, I didn't take John Chafee's office, but I gladly accepted his friendship. When I last spoke to John, during a short conversation in this Chamber late last week, he talked about his son, Lincoln, and the possibility that son would replace father in the Senate. I think he took great pride in the thought of his family carrying on his tradition of public service.

I was moved by the words of John Chafee's staff in a statement they collectively issued on Monday. It said, in part: ''His sense of public spirit was infectious, and we have all learned a great deal from him. But more important than any lesson in civics is the example he set for all of us about how to conduct our lives: listen to both sides; do what's right; always look for the good in people; and, even if you don't prevail, be of good cheer.''

Mr. President, John was a tireless advocate for his constituents, a man who sought agreement in the often-acrimonious atmosphere of Washington, a man who brought meaning to the idea of giving one's word and standing by one's principles. And he was consistently of good cheer. I was proud to serve with him, and proud to consider him a friend.

Ms. MIKULSKI. Mr. President, I rise today to celebrate the life and legacy of a dear friend and colleague, Senator John Chafee.

I was deeply saddened yesterday to hear of Senator Chafee's passing. The Chafee family lost a dear husband, father and grandfather. My thoughts and prayers go out to Virginia, his children, and his grandchildren. The Senate lost one of our most principled and reasoned colleagues. Senator Chafee will be greatly missed here. The people of Rhode Island, whose needs and concerns guided his actions on a daily basis, lost an admired Senator. His impact will be felt in Rhode Island for generations to come. Our country lost a tireless leader who consistently fought for what he believed in, and for that, I am deeply saddened.

Senator Chafee was the kind of Senator that this country needs. In times of increasing partisanship, John Chafee always reached across the aisle to form alliances, to build compromises, to get things done. He let principles, not politics, be his guide. And that enabled him to be an unbending bridge between both sides that we have so desperately needed.

Senator Chafee's politics was the kind of politics this country needs. He inspired voters on both sides of the party line with his honest, independent politics. Senator Chafee always believed that persistent honesty and unshakeable integrity were the cornerstones of public life. His was always the quiet voice of reason.

And Senator Chafee was the kind of person this country needs. John Chafee devoted his life to public service—as a Marine, as a State legislator and minority leader in the Rhode Island House, as Governor of Rhode Island, as Secretary of the Navy, and as a United States Senator. He and his wife Virginia raised a beautiful family, and instilled in them the values of public service and integrity. I am proud to have worked with such a distinguished man.

We will always celebrate, and never forget, the work that was born of his public service, his commitment to his family, and his commitment to his principles. Senator Chafee's work here in the Senate has had a tremendous impact on our nation. He leaves a remarkable legacy.

We will always celebrate Senator Chafee's leadership on the Clean Air Act. We will always celebrate his fight to strengthen the Safe Drinking Water

Act. We will always celebrate his hard work in authoring the Superfund program. The air we breathe and the water we drink is cleaner and safer because of his landmark efforts.

We will always remember his unwavering advocacy for a woman's right to chose. We will always remember his fight to enact the Family and Medical Leave bill. We will always remember his important work to curb gun violence in America. Our families are stronger, our constitutional rights have been protected, and our streets are safer because of his steadfast devotion to these causes.

In these ways and more, Mr. President, we will always remember and celebrate his quiet strength, his unwavering commitment to the people of his state, and to his own principles. Senator Chafee has had an indelible impact on our policy and our politics, on our culture and our country. And for that, we will always be grateful.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having come and gone, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:46 p.m., the Senate recessed until 2:14 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

AFRICAN GROWTH AND OPPORTUNITY ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand the Senator from Montana wishes to speak. I know there are a number of other Senators who wish to speak on the Social Security issue.

Mr. President, what is the regular order? Do we have an hour?

The PRESIDING OFFICER. The Senate is on the motion to proceed under cloture to H.R. 434.

Mr. GREGG. Mr. President, I ask unanimous consent that I be given 15 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Reserving the right to object, my understanding is there is no time constraint. We are on the motion to proceed; is that correct?

Mr. GREGG. There is an hour.

The PRESIDING OFFICER. Each Senator is limited to no more than 1 hour.

Mr. BAUCUS. Asking further clarification, is that on the motion to proceed?

The PRESIDING OFFICER. On the motion to proceed.

Mr. BAUCUS. Mr. President, I ask unanimous consent that following the Senator from New Hampshire, I be allowed to speak for 20 minutes as in morning business.

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

The Senator from New Hampshire.

SOCIAL SECURITY

Mr. GREGG. Mr. President, I rise today to express my concern about the President's latest Social Security proposal as outlined in his recent radio address. I hope Congress will resolve to oppose this proposal unless it can be significantly modified, and it does not appear the President wants to modify it.

I am greatly disappointed with the decision by the President to bring forward this proposal. I had hoped to work with the President in a bipartisan manner to resolve the Social Security issue. There are a number of us in the Senate who are willing to go forward in a bipartisan manner on this issue. For example, Senator KERREY, Senator BREAUX, Senator GRASSLEY, and I have introduced a comprehensive Social Security reform bill. I have been pleased with this bipartisan effort, at least in the Senate, but I have been extremely disappointed by the White House's continued partisan approach toward the Social Security problem and especially their most recent proposal, which is, to say the least, a sham proposal. My goal today is to make absolutely clear for my colleagues just why this proposal does not work.

This is not an easy task because it is a complicated and confusing issue, but it is something that must be done. Regrettably, I think the complicated and confusing nature of the proposal was intentionally created in that concept so the people would not understand it, so it would be confusing, and so that, therefore, by glossing over it with terms such as ''saving Social Security,'' they could attempt to hide the underlying documents and energy of it, which is to basically undermine Social Security.

Thus, it is vitally important that we all understand exactly what is at stake. So I am going to go back to basics and try to simplify this as much as I can.

In its simplest terms, the Social Security system has enough money to pay benefits today but does not have enough money to pay the projected benefits in the future, beginning in the year 2014. That is the entire problem.

What will we do in the year 2014 under the current law? We will have to raise additional money through the income tax, through the general revenues of the Federal Government. The gap between benefits promised and the Social Security taxes will get bigger and bigger every year. It will be $200 billion annually by the year 2020 and $666 billion annually by the year 2030. Under the current law, we will simply keep raising revenues every year until the Federal Government has paid everything it owes to the Social Security system in the year 2034.

When we reach that point, we declare insolvency, the Government of the United States, and the benefits would have to be cut, and Social Security would basically go into a tailspin. These funding gaps are so large, it would be unfair to a future generation to wait until that time and do the drastic cuts in benefits or radical increases in taxes which would occur in order to pay for the system. That is why so many of us have been calling for a comprehensive reform, a reform that will begin now, when we have time to work on the system and to make it work.

What has the President proposed? The President has proposed that as part of any lockbox legislation we accompany the lockbox with a provision that will transfer interest payments to the Social Security system. It is vital that my colleagues understand two things: This proposal would do nothing, absolutely nothing, to fund the future Social Security benefit; in fact, it would undermine the Social Security system by giving the false assurance of improvement. Secondly, this proposal would formally commit tens of trillions of dollars in new income taxes, simply through some accounting sleight of hand. That means that future generations, our children, our grandchildren, would get a tax increase as a result of this President's proposal which would run into the trillions of dollars.

To understand why, let me first show my colleagues this quote from the President's budget of last year. It was tucked away on page 337 in the analytical perspective section. Some budget analyst must have experienced an attack of truth in budgeting and included the language. It is definitive.

> Trust Fund balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense . . . They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government's ability to pay benefits.

That last sentence is the clearest explanation of what the problem is. No matter how large the trust fund stated number is, it does nothing to pay down the benefits, if there are not assets to back it up which can be drawn on without raising taxes.

I hope every Member of Congress understands this. I hope the American people understand it. If we use our power to artificially inflate the balance of the trust, it does not do the

beneficiaries one bit of good. If we decree that it is a $1 trillion or a $10 trillion or even a nothing number in the trust fund, it has exactly the same financial impact. It has no impact on the outyear benefit structure. So the President's proposal to credit the trust fund with the interest savings will have no impact at all on the structure of the system and the liability which the American taxpayer will have to pay to support the system in the outyears.

What it would do, however, is give a false impression that we have taken some substantive action. And that, of course, is the goal of this President—politics over substance. We already have a problem of understanding. Already the Social Security system's problems are papered over by the declaration of actuarial solvency through the year 2034. This disguises the fact that the real problem for us and for the next generation begins in the year 2014. What the President is effectively saying is that we should now paper over the problem even further, that we should wait until the year 2050.

Earlier this year, the Comptroller of the United States, David Walker, testified before the Senate Finance Committee. He was speaking about the President's proposal of earlier this year, but his comments are equally valid regarding the most recent proposal he has put forward. He said:

> . . . it is important to note that the President's proposal does not alter the projected cash-flow imbalances in the Social Security program. Benefit costs and revenues currently associated with the program will not be affected by even one cent.

In other words, the proposal the President is putting forward has absolutely no impact on the ability to pay the benefits that are going to be required to be paid to maintain the Social Security system in the outyears.

Moreover, he went on to say: One of the risks of the proposal is that the additional years of financing may very well diminish the urgency to achieve meaningful changes in the program. That would not be in the overall best interest of the Nation. It would be tragic, indeed, if this proposal masked the urgency of the Social Security solvency problem and served to delay the much-needed action.

In other words, even though this proposal would not do anything for Social Security, it would make the representation to the public that we had. This would become a license for irresponsibility. It would break the faith of the Social Security beneficiaries by representing that the problem had been solved for another 50 years, even though we have taken absolutely no real action.

Here is a chart that shows the workings of the Social Security system in a simplified form and represents the problems we confront. On the left of the chart, we can see the projections under the current law. On the right-hand side of the chart, we can see projections under the President's proposal. There is absolutely no difference. The President's proposal has no effect on the problems of the system. Current law problems which caused the system to go into insolvency are going to exist in the same form if we follow the President's proposal.

The numbers are startling. We term it insolvent in the year 2040 because the cost is so high. Under the President's proposal, it is a $1.1 trillion increase in the year 2040 on the taxpayers of America, which, in my opinion, represents an insolvency event, if we follow the President's proposal.

What is the President's argument? He is arguing that his program provides for additional reduction in public debt and that we can justify these additional income tax liabilities by the fact that the public debt has been reduced and debt service has also been reduced. But, once again, the reality is different from the claim. If you study the Social Security actuary's memo in the President's plan written last Saturday, October 23, you would find the following information. I hope the press will pick up on this. Transfers are not contingent on actual amounts of reductions of debt held by the public. Transfers are assumed to be as indicated, regardless of the effect on the budget balances.

Now, it may well be the President will yet propose a way to require that only a reduction in public debt will trigger the transfers he has suggested, but that is not what his current proposal says. His current proposal only issues this new debt and these new liabilities and does not make them in any way contingent upon public debt being reduced. This is not a plan to reduce public debt. It is a plan to issue new debt. It creates new income tax obligations, regardless of what happens with the overall budget balance. It has nothing to do with straightening out the Social Security system by reducing public debt. It is simply an increase in income tax obligations as a result of an increase in debt obligations of the Federal Government.

One other point: The President believes it is appropriate to reward Social Security by giving it the interest savings from the reduced public debt. Current law already credits Social Security with interest, as if we had saved the surplus, whether we do or do not. This is current law. What the President is proposing is that we give a second round of transfers to the Social Security system. We are already crediting Social Security with interest saved. That is what produced the finding that the system is sound until the year 2034.

The President is simply proposing that we arbitrarily issue a second round of credit, not justified or contingent upon anything happening in public debt reduction, and increase the income tax obligations to the program. Remember, again, all the taxes the President is talking about pouring into this program as a result of this accounting process gimmickry are income taxes; they are not payroll taxes.

So we are shifting the burden, under the President's proposal, of the Social Security system from being a payroll tax system to being an income tax system, from going to a system where the people who receive the benefit under the retirement process and pay for it during their working lives are now receiving a benefit from the general revenue fund and the income tax fund versus the payroll tax fund. That is a huge change in the basic philosophy of the way we have supported the Social Security system. The President does this with his proposal, which is to create a new accounting mechanism.

So the practical effect of the President's proposal is to do absolutely nothing in the way of resolving the fundamental problems that confront Social Security. The practical effect of the President's proposal is to create an accounting gimmick that makes you feel as if you have done something. The practical effect of the President's proposal is to undermine the momentum for fundamental, fair, effective Social Security reform in exchange for a political statement that may get you through the next election but which is going to create major crises for the system in the outyears.

The President's proposal fails any form of accounting test. The President's proposal fails any form of a reasonable review. The President's proposal, most importantly, fails the next generation and the generation behind it because what it does is transfer onto their backs, for the sake of a political statement today, a tax burden that will amount to trillions of dollars. It is an action that is absolutely inappropriate and which I hope this Congress and the American people will reject.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Peter Washburn, a fellow with the Environment and Public Works Committee, be allowed floor privileges during the introduction of the Good Samaritan legislation.

The PRESIDING OFFICER. Without objection it is so ordered.

Under the previous order, the Senator from Montana is recognized.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1787 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask unanimous consent to be recognized to

speak for up to 15 minutes as if in morning business.

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

SOCIAL SECURITY

Mr. THOMPSON. Mr. President, I want to address the subject of Social Security, as my colleague from New Hampshire has so eloquently addressed a few minutes ago. It is a matter about which we are all concerned. We all agree that something is going to have to be done about it because the numbers simply don't work. We all know that the money needed to pay to more and more retirees is not going to be sufficient because we are not going to have a sufficient number of people paying into the trust fund. We are going to have more and more retirees and fewer and fewer workers in the future. The numbers simply are not going to add up.

We all recognize that a day of reckoning is coming, and many of us have been struggling to try to decide what to do about it. It seems as if there are really only three choices.

One is to raise taxes. We pay for Social Security with Social Security taxes, FICA taxes. We could raise them astronomically on future workers.

The second is to cut benefits, which, of course, nobody wants to do.

The third choice is to have some kind of fundamental restructuring and reform. I think more and more people have concluded that is what has to happen.

A lot of people, including myself, think we have to have some system whereby the worker can invest some of that money in those FICA taxes for something that will have a much greater return than they are getting today.

We were hoping that before the President left office, there would be some leadership from the President in making some of the hard choices we all know are going to have to be made. Any one of those choices I have just described is not an easy political choice to make. It will never be made unless we get some leadership from the President, at which point I think a lot of people will fall in line.

We have, on a bipartisan basis in the Senate, already been trying to work toward that end. Frankly, I don't think the political risks are as great as a lot of people think. I think we should tell the people the truth and do something, go ahead and do it. There is not a lot of risk to that. Most people believe otherwise. But we will have to have Presidential leadership under any circumstances.

The President has come forth with a plan which does not really do those three things I mentioned before in terms of the alternatives, but he seeks to basically put the problem off to another day. It is a good strategy in a year before an election because it avoids the problem while pretending to solve it. But it certainly doesn't do anything to solve it.

I think we can reach agreement on that with a pretty wide consensus on a bipartisan basis in this body because too many Democrats and Republicans have been working together and concluding that the approach that has recently been suggested by the President is something that just won't work.

Here is the basic situation. Right now, mandatory spending programs such as Social Security and Medicare consume two-thirds of our Federal budget. In 1980, it was 53 percent; 1990, 63 percent; today, 66.5 percent. By 2030, if no changes are made, mandatory spending, including Social Security and Medicare, will eat up 100 percent of Federal revenue.

We know we cannot go down that route forever. At the same time, we are facing a demographic time bomb that will place unprecedented new burdens on the Federal budget. The number of Americans over the age of 65 will more than double between now and 2030. Also, during the same period, the working age of Americans will only increase by 25 percent. This means there will be fewer people paying into the system to support many more beneficiaries. Most everyone, myself included, argues that more people living longer is not a bad problem to have. But it will place tremendous strain on the Social Security Program and on our Federal budget, neither of which is particularly well equipped to deal with it.

I cannot agree with the President when he said in his radio address that his proposal to transfer general revenue credits—getting away from the FICA self-financing system that we have now, but dipping into general revenue credits, coming in from income taxes because we have a surplus now, that to transfer these credits into the Social Security trust fund is ''the first big step toward truly saving Social Security.''

Let me first point out the general revenues the President wants to transfer to Social Security come from the very same projected budget surplus he said we could not count on for tax cuts. Now he is using those same uncertain surpluses to so-called save Social Security. The President cannot have it both ways.

I will quote from testimony of David Walker, Comptroller General, testifying before the Finance Committee in February. The Senator from New Hampshire quoted Mr. Walker saying ''this does not represent a Social Security reform plan.'' I will not quote all of his statement at this point, but an additional statement he made was that ''the changes to the Social Security Program will thus be more perceived than real,'' talking essentially the same as the President's plan. Although the trust funds will appear to have more resources as a result of the proposal, in reality nothing about this program is changed. He concluded that the proposal does not present Social Security reform but, rather, it represents a different means to finance the current program.

It is not Social Security reform and will not save Social Security. One of the risks of the proposal is that the additional years of financing may very well diminish the urgency to achieve meaningful changes in the program. That would not be in the overall best interests of the Nation. In other words, whether it is designed to have the effect of convincing people we are doing something that we are not, that we don't have to address the problem for a while, when, in fact, we are not taken care of, thereby makes the problem worse when we finally do get around to instituting some responsible reforms.

I don't know if I can say it any better than the Comptroller. What the President is proposing is to add more debt to the Social Security trust fund, more paper IOUs that one day will have to be redeemed. What is different about these paper IOUs is that they do not represent excess FICA taxes—money collected for the specific purpose of financing the Social Security Program. For the first time, the President is proposing to inject general revenue dollars into the trust fund, based on a calculation of interest savings we will realize as a result of paying down the debt.

There are several problems with this. One, as the Comptroller General pointed out, adding more IOUs to the trust fund may give the impression on paper of extended solvency but it does not change by one minute the day on which the cash-flow problem comes home to roost; that is, the day on which payroll taxes will not be sufficient to cover benefit payments and we will have to begin redeeming the IOUs in the trust fund.

In the absence of real reform, as I said, there are only three ways to redeem the IOUs. Rather than taking steps to reduce the program's unfunded liability, the President's proposal makes us more reliant on the unhappy choices of raising taxes or cutting benefits. Rather than acknowledging that we will have to either raise payroll taxes, adjust benefits, or find a way to enable people to earn a higher return on FICA taxes, the President makes the program more dependent on future infusions of general revenues from the Treasury—income taxes from young workers that will come into the system later on. That will only exacerbate the trend I discussed earlier in which an ever-increasing portion of the overall Federal budget is being dedicated to entitlement programs for the elderly.

Everyone believes Social Security is a vitally important program, and everyone is committed to making sure

that it is there for current seniors and future generations to rely upon. I am not sure we are all committed to the proposition that 100 percent of the Federal budget should be dedicated to Social Security and Medicare. In fact, I am pretty sure most believe the Federal Government has other responsibilities as well, such as national defense, national parks, infrastructure, and schools. That is the direction in which we are headed and the President's proposal gets us there more quickly.

The second problem with transferring general revenues into the Social Security trust fund, as David Walker pointed out, is that will, in all likelihood, diminish the momentum for real reform. If we continue to avoid real reform, we only have to look at countries in western Europe to catch the glimpse of the problems we face: Pension benefits that are on average 1½ to 2 times as generous as our Social Security; astronomical payroll taxes to fund the benefits; 40 percent in France; 42 percent in Germany; 39 percent in Italy, on top of other taxes imposed by the government, and an average unemployment rate across European Union countries that will be double that of the United States this year, 9.1 versus 4.3.

According to a recent series in the Washington Post, it simply costs companies too much to create jobs in Europe. In Germany, the textile industry, for example, payroll taxes and fringe benefits add 70 percent to the average salary. These countries have promised more than they can afford, just as we have.

We need to have a debate about structural reform of our Social Security Program. It needs to be a bipartisan debate. We need to have real options on the table, not gimmicks designed to give one party political advantage over the other. I hope the President will agree to work toward that goal, but until he does I hope we do not fall into the trap of instituting something that makes the situation worse. That is what this proposal will do.

I yield the floor.

Mr. KERREY. Mr. President, let me thank President Clinton for provoking debate about Social Security and what we ought to be doing to extend the solvency of the program. I don't support the proposal he has made, but I suspect there are many people in this body who don't support the proposal that I have made either. At least the President has put on the table an idea, and it is an idea that enables us, if we take a bit of time, to see what is wrong with the funding of this program and why there is an urgent need to fix it.

First, what the President does is exactly what I just heard the Senator from Tennessee say; what the President would do through his proposal is give beneficiaries who are alive between 2035 and 2050—beneficiaries who are, today, between the ages of 30 and 45—an additional $20 trillion claim on the income taxes of future working Americans. That is how the President's proposal would be funded.

Under current law, we will need $6 trillion worth of income taxes to pay beneficiaries between 2014 and 2034—this is above and beyond the revenue beneficiaries can claim from the 12.4% payroll tax on all working Americans. Today, there are 44 million beneficiaries: 39 million are old-age beneficiaries, 6.5 million are disabled, and 7 million are survivors. These beneficiaries receive the proceeds of a 12.4-percent payroll tax on the wages of most working Americans.

I suspect most Members of Congress didn't realize that back in 1983 we made a change in the law to assess a payroll tax that was larger than needed to pay the bills. Since then, those extra payroll tax dollars have been spent on other things. Between 2014 and 2034, we will have to pay back those borrowed Social Security payroll tax dollars with interest—and we will do so by either increasing income taxes, cutting other spending, or increasing our national debt. This year, for example, we will take in about $513 billion in revenue into the program—but we only need about $387 billion to cover expenditures. My guess is most Members of Congress didn't realize that the Treasury can only use these excess payroll tax dollars to buy special-issue Treasury bonds. Eventually, the Treasury has to reconvert those bond assets to cash—and it does so by using income tax dollars. Starting in 2014, Treasury will have to use income taxes and corporate income taxes to convert each and every single one of those bonds into cash that they will then use to pay beneficiaries—about $6 trillion worth.

If that does not bother you that we have to use an additional $6 trillion to pay benefits between 2014 and 2034—money that could have been spent on important discretionary spending programs, then you probably like the President's proposal. If you want the Social Security program to become more and more a program that uses both payroll taxes in addition to individual and corporate income taxes, you probably like the President's proposal. The President's proposal allows you to avoid making the difficult choices necessary in reforming Social Security, such as either explicitly raising the payroll tax—and I haven't heard anybody actually support that, although some have supported increasing the wage base—or making benefit adjustments out in the future; or a third way, which the Senator from Tennessee and I and half a dozen others in this body have chosen to do, is to use a combination of benefit adjustments out in the future, holding harmless everybody currently over the age of 62, and establishing retirement savings accounts—designed in a progressive way. Our plan ensures that women and low income individuals will receive significantly larger benefits. That is the purpose of these savings accounts—to help all working Americans build wealth for themselves. Privatization is just an attempt to give, especially that lower-wage individual, more than just the promise of a transfer payment coming from Social Security taxes. Our goal is to make individuals less dependent on the government for their financial security at retirement.

One of the most difficult and important things to understand in the Social Security debate is this idea of solvency. Solvency is an accountant's term. There are 270 million Americans today—nearly all of whom will be beneficiaries of the Social Security program at some point during their lifetimes. More than 44 million are eligible today. That means there are 230 million beneficiaries who will be eligible at some point in the future. That is the way to think about solvency—we have to make the program solvent for all retirees current and future. The idea is to keep the promise for every eventual beneficiary, whether you are 20 years old or 70 years old. Right now we cannot keep the promise to all 270 million Americans. There are approximately 145 million working Americans under the age of 45 to whom we cannot keep the promise of paying benefits. According to the Social Security Administration, these 145 million Americans will experience somewhere between a 25- and a 33-percent cut in benefits at some point during their retirement.

So when we talk about solvency, it is a real human issue. There are 145 million Americans today to whom we are not going to be able to keep the promise we made back in the 1930s. That is why a large percentage of young people say they don't believe Social Security will be there. They are partly right—Social Security will be there, but in a much smaller form as a consequence of Congress simply not having enough revenue in the system to be able to cover the bills.

What the President says is that he doesn't want to propose a payroll tax increase, or benefit reductions. He doesn't want to support the idea of individual wealth accounts. What he wants to do is give the Social Security beneficiaries out in the future a larger claim than they would have under current law on income taxes—on the wages of future working Americans.

I believe we made a mistake in 1983; that diverting $6 trillion of individual and corporate income taxes into the Social Security program makes our tight discretionary budget problem even worse. The President's plan exacerbates this problem by saying what we should give an additional $20 trillion in income tax dollars to extend the solvency of the trust for another 20 years.

I will reiterate what I said at the beginning. I still appreciate the President's contribution to the debate. He has provoked, for a short period of time at least, a real debate about what we are going to do to solve the problem of Social Security insolvency. I disagree with one element of his proposal because I think it takes a necessity and converts it into a virtue. I do hope, at least for a short period of time, we will discuss and debate Social Security reform. I hope we can discuss in a constructive fashion, what we are going to do to reform the program—rather than just talk about needing to fix Social Security. We need to discuss what we are going to do to finally change the law to keep the promise to all 270 million American beneficiaries.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask consent I be permitted to speak for up to 10 minutes.

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

Mr. DOMENICI. Mr. President, I did not come to the floor to speak exclusively on the issue of Social Security and the President's proposal. But before my good friend from Nebraska leaves, I wish to make a couple of comments. Then I would like to share with the Senate some very optimistic information with reference to our fiscal house and how well we are doing in terms of growth of government.

I suggest Republicans did a good job when they came up with the idea of locking up these Social Security trust funds so they wouldn't be spent. Frankly, even as short a time ago as last year, nobody thought we could quickly come upon a year when we would not spend a bit of the Social Security trust fund money in paying for our Government and would even have some left over to start a pay-down of Social Security. But in the year just passed, that actually happened. Things changed so much for the positive that last year we did not touch Social Security trust fund money and we accumulated $1 billion in surplus on budget, and it has nowhere to go except to pay down the debt—which helps with Social Security.

Frankly, I do not quite understand why, in the waning moments of this year, over the weekend in his weekly radio address, the President came up with a new idea about Social Security. I speculate maybe the idea of the lockbox and not spending any Social Security money was beginning to take hold and, of course, his new proposal takes 15 years, not 10 years, to get his job done that he perceives to be in the interests of Social Security solvency.

I remind everyone, if in fact the President has a way, with no new taxes, which none of us want, no benefit changes, no increases in what each particular citizen of the United States who puts money through the payroll account—they don't have any share of the profits and the increases that come, either from Wall Street or from investing in debt—somehow the Wizard of Oz came upon us and all of a sudden we can do this by just investing IOUs. As my friend from Texas said, you just take them as a piece of paper, walk them across the street, put them in a cabinet, and say: We have given them to the Social Security trust fund.

The President has one better. At a point in time way out there somewhere he is going to say: That is not the only thing I am doing. I am going to credit the Social Security account for the interest that was saved on the national debt by us putting those IOUs in that box.

Over the weekend I had a chance to discuss this. I look forward to seeing some details. I cannot believe what I am hearing. But I nicknamed this proposal and I think it is so. I think it is the ''Godzilla'' of all gimmicks. That is the way I would classify it, for those who are wondering about gimmicks.

I am not going to talk much more about that. But I will say to the President, if you have a little time left before you leave, and if you would like to fix Social Security, then engage in a bipartisan way, with Senators on both sides of the aisle, who would like to do something that would help make Social Security a better investment for the millions of Americans who are having this money taken out of their payroll and put in an account that yields them little or nothing.

If you had sitting in front of you a group of 22-year-olds, 25-year-olds, just starting out their work years in the American marketplace, and you said to them: For all of you, what is one of the worst investments you could make, in terms of putting money away until you are 65 and then drawing on it? anybody looking at it would have to say it is the Social Security system.

It is one of the worst investments you could make because you do not get anything on your investment. Sooner or later, somebody is going to come into the Presidency—if this President would like to do it, he ought to change his mind again and come to the party—and say we have to make that a better investment. By making a better investment, you enhance the value of the trust fund and thus make it more solvent over time.

Republicans invented the Social Security lockbox; Democratic Senators oppose it. Republicans support locking away every penny of the Social Security surplus—we have made that clear repeatedly to the President. In fact, we came up with the idea of the Social Security lockbox and have tried to pass legislation in the Senate on at least five occasions. This lockbox would stop the President and Congress from spending any of the Social Security surplus. Unfortunately, Democratic Senators have filibustered the lockbox.

The President wants to spend Social Security Surpluses. Congress has nearly completed action on all 13 appropriations bills, and we will do it without touching Social Security. But the President and his staff are demanding that we spend more on scores of government programs, including foreign aid, but they have yet to provide any credible proposals as offsets. Republicans and many Democrats have made it clear that we will not raise taxes to support the President's spending programs. If the President persists in demanding new spending without specifying a credible offset, I can only conclude that he wants to tap Social Security for his programs.

The President's proposal for Social Security solvency is the ''Godzilla'' of gimmicks. The President proposes no changes whatsoever in the structure of Social Security, and yet he wants the American people to believe he has made ''tough choices'' to save the program. It is simply not credible. In fact, for all the talk about gimmicks, it seems to me that this is the ''Godzilla' of gimmicks—a $34 trillion gimmick. The President's plan is nothing more than paper transfers from the general fund of government to Social Security, amounting to a cumulative $34 trillion in new IOUs in Social Security between now and 2050. At some point, when Social Security needs those IOUs to pay benefits, a future President and a future Congress will have to raise taxes to meet those obligations. So, in effect, this proposal is a $34 trillion tax increase on America's future.

There is bipartisan opposition to this gimmick in the Senate, including Senators BREAUX, KERREY, and ROBB, all of whom are on the Finance Committee with jurisdiction over Social Security.

Let me read some quotes from the experts:

David Walker, Comptroller General GAO, in testimony before Senate Budget Committee, February 1999:

> [President Clinton's Social Security proposal] does not come close to ''saving Social Security''.
>
> Under the President's proposal, the changes to the Social Security program will be more perceived than real: although the trust funds will appear to have more resources as a result of the proposal, nothing about the program has changed.

Federal Reserve Chairman Alan Greenspan, in Q&A before Senate Banking Committee, July 1999, when asked if he supported using general revenues to shore up Social Security—which is the basis of the President's SS IOU scheme—the Chairman said this:

> I would very much prefer that we did not move in the direction of general revenues because in effect, once you do that, then you've opened up the system completely and the issue of what SS taxes are becomes utterly irrelevant. And I'm not terribly certain that serves our budgetary processes in a manner which I think is appropriate.

Federal Reserve Board Member Edward Gramlich and Chairman of the 1994–1995 Social Security Advisory Council, in testimony before Senate Finance Committee, February 1999:

During the deliberations of the 1994–1996 Social Security Advisory Commission, we considered whether general revenues should be used to help shore up the Social Security program. This idea was unanimously rejected for a number of reasons . . . there are serious drawbacks to relaxing SS' long-run budget constraint through general revenue transfers.

The Concord Coalition, in a press release, September 27, 1999:

. . . we do not agree that [the President's] plan to credit Social Security with new Treasury IOUs representing interest savings from presumed debt reduction does anything to save the program . . . All it does is simply paper over Social Security's looming shortfalls.

Gene Steuerle, senior fellow, Urban Institute, in testimony before Senate Finance Committee, February 1999:

My own assessment is an additional transfer from the government's left hand (Treasury) to its right hand (Social Security) . . . tends to mask too much. The simple fact is that future taxpayers must cover the cost of the interest and principal on any gift of bonds from Treasury to Social Security.

The President could have had a legacy if he had shown leadership. The President spent most of 1998 telling the country he would show true leadership on Social Security. If he had proposed real reform, many in Congress were ready to work with him. Unfortunately, he chose this non-reform, dooming his chances of any real legacy in Social Security.

Mr. GRAMM. Will the Senator entertain a question or two about Social Security?

Mr. DOMENICI. Absolutely. Surely.

Mr. GRAMM. We are, obviously, all aware Senator DOMENICI has been chairman of the Budget Committee longer than anyone has ever been, or ever will be again, under our new rules. We know he, of all people, knows how the budget works.

If you wanted to write a proposal and implement it in the future, after its potential impact on anything we are doing now would be zero, given our budget rules about things that affect taxes and entitlements, when would you let it go into effect?

Mr. DOMENICI. You have to tell me.

Mr. GRAMM. I will tell you. Under our current rules, we budget on entitlement and taxes for 10 years; right?

Mr. DOMENICI. That is correct.

Mr. GRAMM. So that anything we do today that has any effect prior to 2011 has an impact on our current budget.

Mr. DOMENICI. That is correct.

Mr. GRAMM. When do you think the President starts this godzilla of all phony proposals?

Mr. DOMENICI. 2015.

Mr. GRAMM. Exactly. Actually, he begins on 2011 and then changes the formula on 2015. The first point is that one indication it is phony is that he does not start it until enough time has elapsed that it will have no impact on anything we are doing now.

Mr. DOMENICI. The reason I did not understand the Senator's question is that sometimes we use 5 years. The President came along early this year for the first time in history and used 15 years. Thus, we said 15 is too long; let's do 10. But I am not sure where we are going to be on a permanent basis because we are looking at this to see what makes sense. I think what the Senator just said is absolutely right.

Mr. GRAMM. Let me pose another question. I have a memorandum from the chief actuary at the Social Security Administration which analyzes the President's proposal. I will read one part of a paragraph that analyzes the point the Senator from New Mexico outlined, and that is, the President is saying that in the future, long after it could have any impact on the amount of money we are spending now, we should pay the Social Security Administration for the interest savings we are accruing in the budget from using Social Security surpluses to pay down the debt.

When the Social Security Administration in their memorandum of October 23 analyzed that, they concluded the following:

Calculation of the assets in the combined trust funds on September 30 of the year 2011 through 2015 would treat all amounts transferred as if—

''As if''—

they had been invested in special obligations of the United States. This provision is not likely to have any effect under enactment of this bill alone because the managing trustee of the Social Security trust funds is not authorized to invest any asset of the fund in stock, corporate bonds under either current law or this proposal.

Mr. DOMENICI. Right.

Mr. GRAMM. In essence, the Social Security Administration says the proposal acts as if there is a transfer that can be invested, but since it cannot be invested, what you are doing is simply giving Social Security more meaningless IOUs, and the net result is no impact on anything.

When the President said in his State of the Union Address now 3 years ago, ''Save Social Security first,'' we never heard a program as to how we were going to save it. When he said last year, ''Save it now,'' we had all of these meetings and all of these proposals, and the President ultimately proposed nothing.

Now what we are seeing, sadly, is another gimmick where we do not do anything until the year 2011, and then it is simply a meaningless IOU where the Government owes Social Security but no money is available to pay for it other than if we raise taxes or cut Social Security benefits or cut another program in the future.

I thank the Senator for yielding. If there has ever been a fraudulent proposal, this is it. The tragedy is, the President had an opportunity to lead on this. There were Democrats and Republicans willing to follow him, and he did not do it.

Mr. DOMENICI. I thank the Senator.

I want to take a few minutes and look at this simple chart. We have been engaged for many years—in this Senator's case, 26 years—in talking about getting the expenditures of our Government down so we do not continue to incur huge deficits that force our children in the future to pay for our bills. We got to the point where that was something being spread across this land and everybody understood it. They said: Let's stop spending more than we take in.

Have we succeeded? Are we really doing something about how big Government was growing, and have we taken it by the horns and said we are going to do something about it or not?

This is a simple bar graph which shows in 1970–1975, the combined growth in Government for all of the entitlements—military and discretionary spending—was almost 11 percent. In 1975–1980, it was up even from that. It grew 12.2 percent. From 1980–1985, looking at this chart that has it in detail, all spending grew at 10 percent. From 1985–1990, all spending grew at 5.8 percent. It kept coming down.

Guess what it is for the last 5 years, I say to my friend from Tennessee. The combined growth of Government—entitlements, domestic and military—is now down to an annual spending of 2.8 percent, and that is made up of defense spending at 1 percent growth and nondefense discretionary at 1.4 percent annually.

I know we get into arguments on the floor and those who are worried about spending try to outdo each other as to how much we are going to save and make arguments of every single proposal that comes along in terms of cutting more—let's take some out of this program. All of those are good ideas. We are governed by a majority, so eventually whatever ideas you have, you have to get at least 51 votes.

Success in terms of getting Government down in size so we can live with it and do not have to incur significant deficits every year has occurred most significantly in the last 5 years. I remind everyone, throughout all these other years, we have had either a Republican President and both Houses Democrat, a Democrat President with both Houses Democrat, or a Republican President with one House Republican. And guess which combination has been most effective in getting spending down. It is when the Congress has Republicans in the House and Senate.

For 5½ years, we have had the lowest growth in Government at every level since 1970. It is pretty revealing. I

share with anybody who wants to go through it—and we can talk more about how it has happened—but when people think the Congress did not do much, we were not big players in getting us a balanced budget, I submit this is a pretty big part of it. If those went back up to the levels that were here 15, 20 years ago, we would sure be looking around wondering, are we ever going to stop spending Social Security money to pay for the expenses of our ordinary Government?

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the Chair.

Mr. President, I am going to address the Senate on the issue of the Caribbean Basin Initiative and the related parts of that package. But I appreciated being in the Chamber for these last few minutes to hear some of the discussion on Social Security and budgetary items.

I say with regard to Social Security—and I do not sit on a major committee dealing with the Social Security issue—all I know is, in the last few weeks, the Congressional Budget Office reported that while there may be a lockbox, apparently only one side has the keys to it because some $18 billion has already been dipped into in order to pay for spending in the present budget.

While we have a lockbox, apparently only a handful of people have the keys to be able to dip into it when it becomes necessary to find funding. I hope, as well, we can find common ground solutions to the Social Security issue. As the Senator from Nebraska has pointed out, the long-term interests of all Americans depend upon our ability to make sure we have a trust fund that is sound and in good shape.

I also recall a few years ago when there were proposals to amend the Constitution of the United States to require a balanced budget. The advocates of that proposal, of course, included that Social Security be calculated in reaching a balanced budget. There were those who argued that you couldn't do that because Social Security ought not to be used for that purpose. But those who were the authors of the constitutional amendment to balance the budget are some of the same ones today who argue on the lockbox. It wasn't a lockbox when we were talking about balancing the budget with a constitutional amendment. It is today. Nonetheless, I hope we can come up with some answers to this for the long-term.

AFRICAN GROWTH AND OPPORTUNITY ACT—MOTION TO PROCEED—Continued

Mr. DODD. Mr. President, I want to address the issue of the Caribbean Basin Initiative and the African Growth and Opportunity Act which is pending before the Senate. The package of incentives the Senate is considering this week includes the African Growth and Opportunity Act, the United States-Caribbean Basin Trade Enhancement Act, and the reauthorization of the Generalized System of Preferences and Trade Adjustment Assistance. Those are the four pieces of the proposal before us.

The Trade Adjustment Assistance dates back to 1962, when we decided to provide assistance to men and women in this country who had been adversely affected as a result of trade policies and who lost jobs. Trade adjustment allows for those individuals and companies that may be adversely affected to get some help. It has been a good law for almost 40 years, and I am confident this piece of the package is one all of our colleagues will support.

The matter dealing with the Generalized System of Preferences, the GSP, is also pretty routine, and one that we need to have enacted. I am, again, confident that this provision will also enjoy broad-based support.

The two pieces that are provoking the debate have to deal with the enhancement of the Caribbean Basin Initiative and the Africa Growth and Opportunity Act.

I will spend a couple minutes talking about both of those provisions. I support them. I think they are important pieces of legislation that are going to accrue to the benefit of our country. I know there are those who are going to argue that somehow this is going to cause great damage to certain workers in the country. I don't believe it to be the case. In fact, I argue that if we were to defeat the Caribbean Basin Initiative and the Africa Growth provisions, that they will actually accrue to the detriment of workers.

These are two important provisions which are going to enhance job opportunities in this country and are not going to harm people. I notice the presence of the distinguished Senator from Delaware, chairman of the Finance Committee. I commend him and his colleagues on the Finance Committee for dealing as expeditiously as they did with this trade package. This is the only piece of trade legislation I am aware of that we will deal with in this session of this Congress. I am hopeful that a good, strong majority of our colleagues will support these two provisions on the Caribbean Basin Initiative and the Africa Growth and Opportunity Act.

First, let me share some factual information so people can put this whole effort into context. Today, the Caribbean countries and the Central American nations comprise about 1.9 percent of all of the imports that come into the United States, 1.9 percent total. Of the 48 countries in sub-Saharan Africa that will be affected by this legislation if it is adopted, more than 700 million people who are the poorest in the world, live in these 48 countries. These countries make up .86 percent of 1 percent of textile and apparel imports to the United States. So between the 48 countries and more than 700 million people in the sub-Saharan Africa region and the 24 countries that make up the Caribbean Basin and the Central American nations, we are talking about something around 2.75 percent of imports that come into the United States.

We are talking about millions of people who live in these nations. We have a provision that would allow for the duty-free import of products that come out of these two parts of the world. But it isn't just duty free. It doesn't mean anything they produce automatically comes to this country. In this provision, there is a very important clause regarding textiles, which is the source of most of the argument, I think. The distinguished Senator from Delaware can correct me if I am wrong, but I think the textile provisions are probably provoking the most debate. In the textile provisions, we say that the fabric and the thread that is used to assemble the product in the 48 countries in Sub-Saharan Africa and the 24 countries in the Caribbean, that fabric and that thread must be made in the United States. You can then assemble the product in these other countries and it will come into the United States.

Why is that important? Today, we have a massive amount of imports that come into this country from the Pacific Rim, Asian countries. There is no such requirement in those trade agreements, while there are quotas. In the year 2005, the quotas come off entirely. If we don't pass the Caribbean Basin Initiative and the Africa Growth and Opportunity Act, by 2005, we are going to find our markets flooded by products made in the Pacific Rim, where there is no U.S. content requirement.

There are some 400,000 jobs in this country that make fabric and make the thread used in the production of these textile products that would come out of Africa and the Caribbean Basin. If we don't pass this legislation, those 400,000 jobs are in jeopardy. That is why this bill is important. First and foremost, this bill is important to America. As with any piece of legislation, the first consideration is, does it do any good or do no harm, but most especially, does it do any good for the people of the United States of America? I argue this bill is critically important to the well-being of almost a half million workers in the United States. Our failure to enact this legislation places those 400,000 jobs in jeopardy.

There are other reasons why I think this is important, aside from our own interests. We spent $6 billion of U.S. taxpayer money in the 1980s in one of these Caribbean Basin countries, El

Salvador; $6 billion from the U.S. Treasury went to finance a war basically in the one country of El Salvador. Today, there are some 335,000 Salvadorans living in the United States. In fact, there are 1 million illegal aliens from the 24 Caribbean Basin countries living in the United States. And every day, more come.

Why do they come here? Why did my great-grandparents come here? Why do the grandparents of parents of most people, with the exception of African Americans, come to America? My great-grandparents left Ireland not because they did not love Ireland any longer. It was because they were discriminated against. They couldn't get work. They weren't allowed to be educated. So they were left with no choice but to leave the country they loved to come to America. That is true for millions and millions of people in this country.

Why do Salvadorans, Nicaraguans, people of the Dominican Republic and other nations leave to come here? It is not because they don't love their own countries, but the opportunities in these nations are almost nonexistent in many cases. That is why they come here. Do you want to stop that flood from coming? You have to create economic opportunity or that flood is going to continue, as sure as I am standing here.

This effort doesn't solve that problem entirely. It would be ludicrous to suggest it would. But it would start to create economic opportunities in these countries that would allow their people to have some future without looking for the next boat or raft or plane in which to escape the economic deprivation they see in their own nation and to seek what millions have done over the years; that is, to come to this land of opportunity. If we are going to stem that tide, we have to begin by creating economic opportunity, or at least assisting in that process. I think this bill attempts to do that and does begin that process.

Let me remind my colleagues that many of these Caribbean countries over the last few years have been devastated by natural disaster.

These hurricanes that have swept across these islands and across these countries have left thousands homeless, without any future whatsoever.

I recall that only about a year ago at this time, or a little less—actually in early November of last year—I flew down to Nicaragua, after the hurricane hit there, with the wife of our Vice President, Mrs. Gore, Tipper Gore, and a group of Members of Congress. We went down for a weekend to help out with the international relief organizations to try to see what we could do as volunteers to provide some assistance.

I will never forget, there were six or seven of us inside a one-room schoolhouse in Nicaragua, outside of Managua. It took us an entire day with shovels to shovel out the mud in a one-room schoolhouse. That is how thick it was. It took six people almost an entire day to shovel the mud out of what had been a one-room schoolhouse a few days earlier.

We were looking over a small community that had just been devastated, with tent cities going up. Most of them were made of whatever scrap pieces of metal and cardboard people could find.

So we talk about these neighbors of ours to the immediate south in this hemisphere who have been devastated by these natural disasters and events and our efforts to try to help them get back on their feet. We could write a check, although I suspect we would not come up with $6 billion in aid relief, as we did during the guerrilla conflict in Central America, for one country. We probably could not get that passed.

What we can do is try to provide some opportunity for jobs to be created, using U.S. content product, that would put some people to work in these countries, which keeps people working in America, and will provide some ray of hope for millions of people in these countries.

I commend the chairman of the Finance Committee and those who worked with him. This is a good bill. It is not perfect, and there may be some amendments that would be offered. My good friend and colleague from Wisconsin, Senator FEINGOLD, has an idea that is a different approach to what is included in the Africa Growth and Opportunity Act. I like what he is going to propose. I don't know if he will offer it as an amendment or not. My concern is that it probably would not pass. It has a factor of aid written into it, and I don't think there are 51 votes for a massive aid package here, nor does it exist in the House.

So while I like what he proposes, I am concerned that would not make it, and what we have here, I think, can. I am attracted to what he is suggesting, but I don't necessarily believe that is going to be the answer in terms of how to do it. In the long term, it is creating economic opportunity in these countries that makes the most difference.

We now have a balance of payment and trade in the 24 Caribbean countries that is positive. We talk about a mounting trade deficit, and it is true; but now if we are going to attack the trade deficit, we are aiming at the wrong target.

To give you an idea where the numbers are, in the last several years, the trade surplus with the 24 Caribbean Basin countries is over $2 billion. In the first 6 months of 1999, the surplus stands at $830 million for this year alone. That is getting near $3 billion in a trade surplus with these 24 countries.

It seems to me, if you want to deal with the trade deficit, maybe you ought to be aiming your sights on other parts of the world, although I am not advocating you do it. But if you do, that is where we ought to be looking. We have a trade surplus, and it is only a small amount of imports; 1.9 percent of the total imports come out of these 24 countries. Nonetheless, we have a trade surplus.

It seems to me that trying to expand trading opportunities is one of the few bright spots around the globe when it comes to expanding job opportunities here by providing new markets where American-produced products can be sold.

With regard to these African countries, all of us have seen these photographs. You don't have to go to Africa or necessarily become a great student of what is going on in the sub-Saharan region. But anybody with even a passing awareness of what has happened to these countries over the last number of years has to be moved by it. They have to be moved by what they see.

When you see more than 700 million people living under the most abject conditions of poverty imaginable in the world, with less than 1 percent of textile and apparel imports coming from those 700 million people—I think .86 percent is the number; that is all it is coming into this country. If we can't say to these 700 million people in these 48 countries, look, take our fabric and our threads, and if you can produce a product to sell into this country, keeping the jobs here at home and enhancing your economic opportunities, then what do we stand for? How else do we really, in the long term, provide assistance to these people?

Does anybody really believe we are going to take out a check and write out an aid program to provide assistance to this many people in those countries? I don't think so. Ironically, only two of the countries in the sub-Saharan region have any kind of trading relationship with us at all. The other 46 have virtually no trading relationship. While this bill would potentially affect 48 countries, in fact, only 2 of the 48 really have any kind of involvement in terms of trading. Again, it is almost exclusively in the textile area.

Again, I will make the point I tried to make at the outset. This bill, first and foremost, is good for this country. In the year 2005, the quotas come off. Again, my colleague from Delaware has forgotten more about this issue than I know. He can correct me if I am wrong. In the year 2005, as I understand it, the quotas on trade from the Pacific rim come off. There are no content requirements, as I understand it, with product produced in the Pacific rim.

So if we don't provide an offsetting market to the Pacific rim market in the Caribbean Basin Initiative in the sub-Saharan region, come the year 2005, the people today who produce the fabric and produce the threads that

would be used to produce the products out of the nations affected by this bill would have their jobs in jeopardy because that content requirement is not there on the Pacific rim nations. The quotas do come off, and we could be adversely affected, in my view, by such an event. So it is going to be critically important that we start to build up an alternative market that has U.S. content requirements in it.

I know some of my colleagues have raised the issue of labor standards. They are legitimate issues to raise. I point out that, to the best of my knowledge, all 24 countries in the Caribbean Basin Initiative are signatories to the international labor agreements. They are already on the line for supporting those labor standards. There is a legitimate issue about enforcement of the standards; that is a separate issue.

But the fact is, there are labor standards here. The issue is whether or not you can enforce them and see to it that people are going to be protected to the extent possible by those labor standards. I hope we will figure out a mechanism to enforce the standards in those laws. The laws do exist to require these countries to meet those labor standards.

Again, I commend those who have been involved. I will have more to say on the bill as the debate moves forward.

For those who think that somehow this is a giveaway, this is just a favor we are doing for people who live in the island nations of the Caribbean or the Central American countries, nothing could be further from the truth. This bill is good for America. It protects jobs in America, expands growth and opportunity for businesses to be able to sell into these markets.

The best social welfare program is a job. That is the best social welfare program. Nothing does more for a nation, for a family, or for an individual than to give them an opportunity to have a job, where they are self-sufficient and providing for their families and themselves. This proposal that increases a trading opportunity with these poor countries in Central America and the Caribbean and in the 48 nations of sub-Saharan Africa gives them an opportunity to have a job which, in the long-term, is what preserves democracy and creates the kind of wealth and education necessary for nations to prosper and to grow.

Again, with only 1.9 percent of all the imports coming from the Caribbean, those 24 countries, and less than 1 percent of textiles and apparel coming from the 48 nations in the sub-Saharan Africa nations, I think this country of ours and the Senate should support this initiative and say to the nations and the people: We want you to be partners with us. We want you to have the chance to provide for your own people.

We want to do so without costing jobs for hard-working Americans. This bill does both of those things, and for those reasons is richly deserving of the support and votes of Members of the Senate.

For those reasons, I urge adoption of this bill when the appropriate time comes to vote aye.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I understand that I am entitled to up to 1 hour under the rules at this point, or at any point during the debate on the motion to proceed. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. Thank you, Mr. President.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that during debate of H.R. 434 the following members of my staff have access to the floor: Mary Murphy, Tom Walls, Mary Ann Richmond, Linda Rotblatt, Sumner Slichter, and Michelle Gavin.

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

Mr. FEINGOLD. Mr. President, I come to the floor today to talk about the African Growth and Opportunity Act and the Africa trade debate.

The African Growth and Opportunity Act's supporters believe that this legislation is a landmark—that it represents a real opportunity for growth on the continent, a new way of thinking about Africa.

And they want us to believe, as they believe, that to reject it, or try to improve it, would be to reject all engagement with the continent and indeed to reject all of the African people's enterprise and energy.

On that they are wrong. This bill is deeply flawed, and must be changed in a number of fundamental ways or, quite frankly, if we can't do that, I think it should be defeated.

For 7 years I have served on the Subcommittee on Africa and I have committed myself to supporting democratization, peace, and development in the many varied countries of that continent. I support engagement with Africa as strongly as any Member of this body.

I am deeply concerned about the dearth of economic ties between the people of the United States and those of the African continent. The current level of trade between us is depressingly small. Africa represents only 1 percent of our imports, 1 percent of our exports, and 1 percent of our foreign direct investment.

Should something to done to stimulate our trade with Africa? Absolutely.

But I urge this body—let's not pretend that we are now debating a comprehensive trade package for Africa, for this bill is not in the least comprehensive. Let's not fail to address the need to build an environment that will foster and sustain mutually beneficial economic relationships. If we fail to assemble the components of that environment in this trade package, it cannot be called comprehensive, and I don't think it should even be passed.

There really are only two defensible views of this bill. It either does virtually nothing at all or, worse, it actually does harm.

This legislation actually does very little for Africa. The trade benefits we are talking about are not terribly significant. The African Growth and Opportunity Act makes African states eligible for temporary preferential access to the U.S. market for textiles and apparel only.

Many of Africa's primary exports are not addressed at all by this legislation.

The African Growth and Opportunity is silent on the subject of corruption. But surely corruption ranks right beside instability as one of the primary disincentives for American companies to get involved in Africa.

In fact, of the 17 sub-Saharan African states rated in Transparency International's 1998 Corruption Perception Index, 13 ranked in the bottom half. Shouldn't a major piece of U.S.-Africa trade legislation at least mention this issue? Shouldn't it at least take a stab at addressing the corruption that impedes healthy commercial relationships?

Mr. President, this legislation does nothing at all to address the African context for economic growth. That context is a challenging one—it is a context of boundless potential amid a web of obstacles.

Economic growth in Africa faces the obstacle of a devastating HIV/AIDS epidemic. In the course of 1998, AIDS was responsible for an estimated 2 million African deaths. That's 5,500 deaths a day.

Eighty-seven percent of the world's HIV-positive children live in Africa. Their lives are that continent's future. Their chronic illness and their deaths each day erode a little more of Africa's promise. It is difficult to see how the United States can enjoy mutually beneficial trade relations with Africa unless we commit ourselves to addressing HIV/AIDS crisis on a scale beyond anything we have done before.

Economic growth in sub-Saharan Africa faces the obstacle of a staggering $230 billion in bilateral and multilateral debt. Africa's debt service requirements now take over 20 percent of the region's export earnings. How can Africa become a strong economic partner when its states must divert funds away from schools, away from health care, and away from infrastructure in order to service their debt burden?

How can we talk about economic engagement and simply ignore these painfully obvious realities?

Mr. President, in several ways, I believe that this legislation actually would do harm.

By seriously addressing only the textile industry, it would discourage the kind of diversification that African economies need to gain strength and stability.

AGOA also fails to adequately tackle the problem of transshipment. Transshipment is a practice whereby producers in China and other third party countries establish sham production facilities in countries which may export to the United States under more favorable conditions. Then these producers ship goods made in their factories at home and meant for the U.S. market to the third country, in this case an African country, pack it or assemble it in some minor way, and send it along to the United States marked ''Made in Africa,'' enjoying all of the trade benefits that label would bring.

As my colleagues know, transshipment is a very serious problem. Approximately $2 billion worth of illegally transshipped textiles enter the United States every year.

The U.S. Customs Service has determined that for every $1 billion of illegally transshipped products that enter the United States, 40,000 jobs in the textile and apparel sector are lost.

I'd like to share some words from the Peoples Republic of China with my colleagues.

It is a pretty startling example of what can happen.

This is a quote taken from the official website of the Chinese Ministry of Trade and Economic Cooperation. It says, and this is a direct quote:

> There are many opportunities for Chinese business people in Africa. . . . Setting up assembly plants with Chinese equipment, technology and personnel could not only greatly increase sales in African countries, but also circumvent the quotas imposed on commodities of Chinese origin imposed by European and American countries.

Mr. President, it's not hard to see that those who would engage in transshipment aren't too worried about the protections we currently have in place to guard against it.

If nothing else raises a red flag for my colleagues when they consider the African Growth and Opportunity Act, this should be a crystal clear signal. Whatever opportunities this legislation creates by and large will not be opportunities for Africans.

In fact, the African Growth and Opportunity Act does not require that Africans themselves be employed at the firms receiving trade benefits.

While it is utterly silent on African employment, AGOA actually takes a step backwards for Africa with regard to content. The GSP program requires that 35 percent of a product's value-added content come from Africa. This legislation lowers that bar to 20 percent. This is progress?

Mr. President, AGOA also contains weak provisions for ensuring workers' rights. It relies on GSP provisions to protect African labor. But some countries—like Equatorial Guinea—have GSP today, and still do not allow the establishment of independent free trade unions.

AGOA could lead to exploitation in the name of increased trade. AGOA does not mention environmental standards at all. Any plan for sustainable economic development must include some notion of environmental protection. This is particularly true of a continent like Africa, where in some countries 85 percent of the population lives directly off the land.

We are all affected when logging and mining deplete African rainforests and increase global warming; we all lose when species unique to Africa are lost to hasty profitmaking schemes, hatched without regard to sustainability or long-term environmental effects.

Environmental quality also has serious implications for peace and stability in the region. As we have seen in the Niger Delta, environmental degradation can lead to civil unrest.

Responsible trade policies must adequately address human rights and environmental issues—not just because it is the right thing to do, but also because, in the long run, it will create a better business climate for Africans and Americans alike.

In addition, the failure of the African Growth and Opportunity Act to mention the critical role that development assistance plays in promoting African growth and opportunities has raised alarm here at home and internationally. The perception is that the United States has deluded itself into believing that a small package of trade benefits—benefits which may not actually affect Africans themselves—can replace a responsible and well-monitored program of development assistance. This inevitably must cast doubt on the United States commitment to development in Africa.

I care deeply about Africa and about United States policy towards Africa, and my colleagues know that. But I am here today not just because of my own concerns, but because of others—because I know how deeply they care about Africa, and I have heard them voice their very serious concerns about AGOA.

African-American leaders ranging from Cornel West to Randall Robinson oppose the African Growth and Opportunity Act.

Just 2 weeks ago, a group of African-American ministers representing communities from Massachusetts and Mississippi, California and New Jersey, Virginia and Illinois came to Capitol Hill to express their opposition to the African Growth and Opportunity Act. I will read briefly remarks of Rev. Alexander Hurt of the Hurt Inner-City Ministries, Church of God and Christ on the African Growth and Opportunity Act:

> I have never fully felt like an American until the day that I watched my President land in the land of my fathers. It was like introducing two old friends to each other. That the AGOA is in any way associated with that trip is the saddest part of this debate. There are millions of African-Americans who, like me, connect the President's trip to Africa with a start of a new kind of relationship between not only Africa and America, but Africa and the West. AGOA closes that possibility. For it represents not a new future, but a return to the past.
>
> America in a period of abundance that is unknown in human history, can not be moved to reach out to Africa to help starving nations. In the end we must decide if we will have a foreign policy that reaches out with a hand toward nations as equals, or with a hammer and pound them into subjection.
>
> Few things have changed with America's position toward Africa. What was once done with the canon and the gun is now being done with medicine and debt.

I have heard African voices raise the alarm about AGOA as well as American ones. The Congress of South African Trade Unions has issued a statement opposing the African Growth and Opportunity Act.

A statement issued by 35 African NGO's—including Angola's Journalists for the Environment and Development, Kenya's African Academy of Sciences, South Africa's International People's Health Council, and Zambia's Foundation for Economic Progress—strongly opposed AGOA.

Women's groups have spoken out as well. Women in Law Development in Africa, a coalition of African women and women's advocacy groups, opposes the African Growth and Opportunity Act, as does Women's EDGE, a coalition of international development organizations and domestic women's groups.

The Africa-America Institute organized focus group discussions in eight African countries and the United States to foster discussion of proposed United States-Africa trade legislation. They found that AGOA will not contribute to African development unless the United States and other donor countries also increase investments in African human resource development and take measures to relieve Africa's debt burden.

I know others have voiced support for AGOA, and I don't question their motives. Some of those supporters believe that this is the only game in town, and that a deeply flawed Africa trade bill is better than no bill at all. I think they are wrong. This Senate has a responsibility either to make this bill better, or to refuse to let it become law.

I want to take a positive approach and make this bill better. Therefore, I have proposed alternative legislation, S. 1636, the HOPE for Africa Act. It was based largely on the efforts of my colleague from the House, Congressman

JESSE JACKSON, Jr., and I am grateful to him for his leadership on this issue.

The provisions of the HOPE bill point the way toward a truly comprehensive and a more responsible United States-Africa trade policy. I intend to use elements of HOPE to try to amend and improve AGOA.

Mr. President, I want to amend AGOA to make goods listed under the Lome Convention eligible for duty-free access to the United States, provided those goods are not determined to be import-sensitive by the President. These provisions would mean more trade opportunities for more African people.

At the same time, AGOA must be changed to reflect the importance of labor rights, human rights, and environmental standards. My proposals will clearly spell out the labor rights that our trade partners must enforce in order to receive benefits. They will also contain a monitoring procedure that involves the International Federation of Trade Unions, so that violations will not be glossed over at the expense of African workers.

I will propose stronger human rights language, and incentives for foreign companies operating in Africa to bring their environmental practices there up to the standards that they adhere to at home.

I will propose tough transshipment protections that give American entities a stake in the legality of the products they import. I want to be sure that Africans and Americans really do benefit from our United States-Africa trade policy.

In that same vein, I will propose that trade benefits be contingent upon African content and the employment of African workers.

I will propose that the United States reassert its commitment to responsible, well-monitored development assistance for Africa.

I would be irresponsible if I did not propose changes to AGOA that will address the factors crippling Africa's economic potential today—debt, HIV/AIDS, and corruption.

I will urge this Senate to include anticorruption provisions that I will offer as an amendment to the African Growth and Opportunity Act.

I will propose that we address debt relief in this legislation so that, at the very least, we can put ourselves on the path toward taking well-thoughtout and responsible action.

For all its wealth of natural resources, Africa's people are its most valuable resource. I will support measures to prioritize HIV/AIDS prevention and treatment in AGOA. In addition, I want to address the issue of Africa's intellectual property laws, to ensure that United States taxpayer dollars are not spent to undermine the legal efforts of some African countries to gain and retain access to low-cost pharmaceuticals.

Mr. President, if all of this sounds ambitious, it is. Any plan to seriously engage economically with Africa must be ambitious. My bill and the amendments I will offer to AGOA are the minimum we must do to knock down the obstacles to a healthy, thriving, and just commercial relationship between the countries of Africa and the United States. The bill before us falls short of the minimum meaningful effort. The rhetoric that surrounds the African Growth and Opportunity Act is certainly ambitious. It is the content that is insufficient.

We must demand more of a United States-Africa trade bill than AGOA has to offer. Ambitious plans can lead to rich rewards for both America and Africa. Anything less promises failure, despair, and decades more of lost opportunity.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IN HONOR OF SENATOR JOHN CHAFEE

Mr. CONRAD. Mr. President, it is with great sadness I rise to mourn the passing of Senator John Chafee. Senator Chafee was much more than a colleague to me. Senator Chafee was a very close friend as well. The Senate has lost a giant, and I assuredly have lost a friend.

John Chafee will go down in history as one of the best U.S. Senators to ever grace this Chamber. Senator Chafee was one of those rare people who was able to rise above partisanship and work constructively with others on both sides of the aisle to achieve important things for the American people.

John Chafee always had a smile, he always had a feeling of the possible, and even in the darkest times when it seemed as if there was no way to bring people together in this Chamber, John Chafee had the confidence that if we just reached out, if we were rational and reasonable and talked to each other, we could accomplish great things. That was the spirit of John Chafee, and it will be in this Chamber long after he has left us.

I look at his desk now and I see the bouquet of flowers there. What a fitting tribute to John Chafee because he graced any room he entered. That is the way I remember John. When I learned yesterday that he had died, I was thinking of my last encounter with John, which was on the floor last Thursday. I was exiting the Chamber with a group of Senators. I walked past him and he said: Hey, don't you talk to me anymore? Because I hadn't exchanged our usual greeting.

I came back and I reached out to him. We shook hands, had a brief conversation, and I told him: John, you know I'll always talk to you. We had a little conversation about what was occurring in the Senate and what might be done to improve things. That was John Chafee. That was quintessential John Chafee. How are we going to make things better?

He never spent a lot of time ruminating and worrying. Instead, he spent time figuring out how we were going to make things better. That is what I so admired about John Chafee, that and his basic human decency. You could not find a more decent person to work with in this Senate or in any other forum than John Chafee. I admired him so much because he really gave a life of dedication to public service.

John Chafee, we all know, was very fortunate. He grew up in a family of means. He did not have to spend his life in public service. He could have been on ''easy street.'' But that is not the way John Chafee chose to lead his life. Instead, John determined he would take on one public challenge after another, whether it was serving in the Marine Corps, of which he was very proud, or whether it was serving his State as Governor, or serving as Secretary of the Navy, or serving here in the Senate. John Chafee had a life dedicated to public service. His State of Rhode Island and our country are the richer for it.

I served on the Finance Committee with John. It was the only committee assignment we shared. But I soon became a partner and ally of John Chafee's on the Senate Finance Committee because we thought about issues in much the same way. John Chafee was somebody who believed deeply in fiscal responsibility. He felt very strongly that was something we should pursue. But at the same time, he had a progressive agenda. He was really the leading advocate for the mentally ill, the disabled, and the retarded. As the Finance Committee considered changes to Medicare and Medicaid, I was honored to work closely with John to make sure that changes did not negatively impact those groups.

Together, I remember well, we sponsored an amendment to ensure that disabled children would not be removed from the Supplemental Security Income Program. As a result of John's leadership, more than 100,000 disabled children were able to maintain critical benefits to help their families afford the costs associated with their disability. That was John Chafee. He cared about other people—and really cared, not that superficial ''just talk the talk.'' John Chafee cared enough to

take risks and to make a difference in people's lives.

We all know John was also a strong advocate of health care. In many ways, he became the leader on the Finance Committee on issues of health care and especially health care as it related to low-income Americans. He wanted to make certain people had a chance, an opportunity. Oh, yes, John believed in personal responsibility; there was no question of that with John Chafee. But he also believed there were people who were less fortunate in life who also deserved a hand up—not a handout but a hand up. That, too, was John Chafee.

I especially remember back in the early 1990s when we had a series of very thorny health care issues to work out. A group was formed on the Senate Finance Committee, the Centrist Coalition. That group worked under the leadership of John Chafee and JOHN BREAUX on a series of budget questions. That group was preceded by what we called the Mainstream Coalition, a group of Senators, Democrats and Republicans, who worked together to try to rescue health care reform when it looked as if it was going down the tubes.

In fact, the Senate Finance Committee recessed and gave the Mainstream Coalition a chance to try to bring together the diverse interests in this Chamber so we could have a chance for health care reform to work. I remember spending hundreds of hours with John Chafee and that group down in John's hideaway working on health care reform—hour after hour after hour. John did not want to give up. Even when it seemed as if there was absolutely no hope, John Chafee urged us to continue to work together, to talk together, and to try to come up with a plan that would make a difference in the lives of the American people. That was John Chafee.

Later, with the Centrist Coalition, we focused on the budget. I remember the day we brought a budget resolution to the floor that the Centrist Coalition had put together. It was a very close vote. There were 20 of us in the Centrist Coalition: 10 Democrats, 10 Republicans. We met during the Government shutdown. We met throughout the spring. Even those of us on the Budget Committee separately debated the budget resolution. But when we entered S–201 of the Capitol, Senator Chafee's hideaway, we left all partisanship at the door. That was the rule. We debated numbers and entitlements and discretionary spending. We considered alternatives and options. We voted and we made decisions. We put together a budget package that received 46 bipartisan votes in the Senate despite the opposition of the leaders on both sides. We had the leader of the Democrats and the leader of the Republicans both in opposition to our plan, but we got 46 votes.

I think it shocked many people—24 Democrats and 22 Republicans. I remember John's reaction. He was proud. He was proud we had come forward with a plan that commanded that kind of support on the floor of the Senate, even in the face of leadership opposition.

Do you know what. I believe that plan helped form the basis for what came later. I believe that plan helped demonstrate to the leaders there really was support for balancing this budget, for getting our fiscal house in order and for making a difference. John Chafee was a leader in that effort, and he was proud of it. He deserved to be proud of it because he was making a difference.

The vote on the Centrist Coalition budget and the effort that went into putting it together was public policy at its best. It could not have happened and would not have happened had it not been for Senator Chafee. He demonstrated extraordinary patience, always moving forward, always keeping the debate focused until consensus could be reached.

I remember so well, John, your admonition to us: Steady as she goes. That was one of John's favorite sayings: Steady as she goes. His strong, steady leadership allowed the centrist coalition to be successful.

That is how I will remember Senator Chafee, and that is just one of the reasons we will miss him so terribly in the Senate.

I say to our dear friend, John Chafee, this afternoon as he said so many times to us: Steady as she goes, John, steady as she goes. We will miss you very, very much.

I thank the Chair and yield the floor.

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. FEINGOLD. 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. FEINGOLD. Mr. President, I come to this Chamber concerning the tragic news we received yesterday morning that our friend and colleague, John Chafee, passed away on Sunday.

John Chafee was a leader who moved the Senate to do great things. He embraced the bipartisanship we are so quick to reject in this Chamber, and he did so with a dignity and integrity that made us proud to serve with him in this body and to call him a colleague and to call him a friend.

John constantly worked to bring his colleagues together and to bring his keen intellect and spirit of fairness to bear in an effort to move legislation forward. Whether he was working on health care, the environment, constitutional issues, or Government reform, he approached every issue on its merits and found ways to overcome partisanship to work together.

In an atmosphere which asks us to take sides and defend our ground, John Chafee instead sought common ground, and he sought it with an uncommon commitment to what was best for our Nation. And always, as he worked to foster bipartisanship and civility, he held fast to the principles that guided him: a deep commitment to fiscal responsibility and a dedication to protecting our children, preserving our environment, and striving for better health care for every American.

I had the honor and pleasure of working with Senator Chafee on a number of issues that affected my State of Wisconsin and the entire Nation. As a distinguished veteran and one of the Senate's greatest patriots, Senator Chafee had the courage and the commitment to constitutional freedom to be a vocal opponent of a constitutional amendment on flag desecration.

When he spoke against the amendment before the Judiciary Committee in April, he criticized the measure as the first amendment to the Constitution that would limit, not expand, our freedoms in that great document. But most of all, this great patriot was deeply troubled by state-mandated patriotism. John Chafee said:

> We cannot mandate respect and pride in the flag. In fact, in my view, taking steps to require citizens to respect the flag sullies its significance and symbolism.

With this issue and so many others, it was Senator Chafee's thoughtful and fair-minded approach that commanded my utmost respect and admiration.

His work in the area of conservation was legendary. He won huge gains in the fight to protect the environment, including perhaps his greatest achievement, his vital improvements to the Clean Air Act during its reauthorization in 1990.

Senator Chafee also was a dedicated advocate for the reauthorization of the Superfund Program and the Endangered Species Act, and though his attempts at reauthorizing these programs were unsuccessful in recent Congresses, in characteristic fashion he managed to carve out significant common ground between the parties on both issues.

John's efforts on these issues were a great service to the Nation, as was his support for another issue recently before this body—campaign finance reform. While John and I did not always see eye to eye about each aspect of campaign finance reform, he characteristically found common ground on which we could agree and lent his invaluable credibility to our efforts.

I was also fortunate enough to work with Senator Chafee in the area of health care reform where he displayed an unparalleled commitment to improving access and quality of health

care for those most in need. His ability to rise above partisanship enabled him to do the real work of the people, working in bipartisan coalitions to address problems in the managed care system and doing the vitally important work of examining health promotion, disease prevention, and improving health care quality.

Most recently, I had the pleasure of working with Senator Chafee to draft legislation to refine portions of the Balanced Budget Act of 1997 that have adversely affected home health care agencies.

In everything he did, John Chafee brought a quiet dignity to his work and to the work of this body. We all benefited from the spirit of civility and bipartisanship he fostered during his 23 years in the Senate. I hope we can cherish and nurture that spirit in the years to come.

I extend my deepest condolences to John's family, his wife Ginny, his 5 children, and 12 grandchildren. John Chafee was a hero in battle, a distinguished Secretary of the Navy, a great leader as Governor of Rhode Island, and a towering figure in the Senate for more than two decades. His life was an inspiration to all those who believed public service can, indeed, be an honorable profession. All of us who had the opportunity to work with him will cherish his memory and do our best to honor his legacy to the Nation.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I join with my colleagues, many who are honoring John Chafee today. He was a proud New Englander and a person, in my opinion, who embodied the spirit of service which characterizes so many of his contemporaries and those who came before him, not only from his State but across the Nation, especially from New England.

He came out of a culture which always put public service first. To him, public service was the purpose of being an elected official. He had no other cause or commitment other than doing well by the people he represented and by his Nation.

There is a lot of identity I have shared with John Chafee, more in the sense of a father figure than as a comrade or a contemporary, during my years growing up. He went to Yale at about the same time my father went to Yale. Then he went to Harvard Law School about the same time my father went to Harvard Law School. He was elected Governor not too long after my father was elected Governor. So there was a parallel career path.

In my household in New Hampshire, the name John Chafee, although it came from the distant State of Rhode Island, echoed with great respect. It was a name that had attached to it an understanding that there was a leader who was committed to his Nation and who understood that to be a good leader, you had to be concerned for others first. He was a person who set a standard for all of us.

When I arrived at the Senate and I met Senator Chafee as a contemporary, so to speak, I had great anticipation because he was literally a very large figure for me as I grew up and a large figure within the New England community. I would not have been surprised had he been a person who just sort of smiled at a new Senator and said: Nice to have you here; we'll see you in a couple years when you get your feet on the ground.

No, that wasn't John Chafee's style. He reached out to me, as he reached out to so many Senators who had served with him, both new and those who served with him for a considerable period of time. He said: Join me; I have some ideas. Sit down with me and listen to them. I would like to hear your ideas.

He brought me into this council he had begun, the centrist group, and treated me as someone whose thoughts and concerns were equal to his and were of legitimate importance and significance. I greatly appreciated that, coming from someone with his senior status and great knowledge on issues such as health care. It was really an experience in how one builds consensus to deal with John Chafee at any time but especially during the first few years I served in this body. My respect for him only grew as I had the opportunity to serve with him over the years.

There was no issue he undertook that he did not undertake as a person committed to identifying and obtaining a thoughtful and substantive response to that issue. I never experienced at any time his addressing an issue in a partisan way or in a political way in the negative sense but always in a constructive way and in a manner in which he was looking towards resolution. He would take the most complex issues that this body had to address, issues such as Medicare, the general health care system, environmental laws, issues which created great fervor and intensity on both sides of the aisle. He would sit down and, through the force of his personality, which was one of generosity and intelligence, of sincerity and of commitment, sift through the issue and work with the parties and, more often than not, be able to reach a consensus position—an extraordinarily impressive individual.

His greatest strength, I think, was that he was just plain Yankee. He had a way about him that is personified by the Yankee mystique. It can be defined as being honest and committed, patriotic—of course, a lot of other people fall in that category, too—but there was also that willingness to be precise, curt, some may say, the willingness to cut through the large ferocity of this body to the essence of an issue quickly, and the understanding always that our purpose is to serve. His purpose above all was to serve the people of Rhode Island and the people of this Nation.

As with everyone else in this body, my heart goes out to Ginny and his family. We wish them, during this time of difficulty, Godspeed, and we are thankful for the time which we had with John as he showed us how to be a good citizen, a good legislator and, most importantly, a good American.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, twice I have spoken about John Chafee. He was one of the very special people. We just can't stop thinking about him or talking about him. I will not take a great length of time except to say that as I was listening to my colleague from New Hampshire and other colleagues, it really struck me that he was the quintessential, almost perfect public servant.

I believe service is the most noble human profession—service to family, service to church, service to community, service to friends, public service. There is no more noble pursuit than service. John Chafee epitomized public service.

I wish Americans could have known John Chafee and could have watched him and been with him during the day. If American schoolchildren were to have been with John Chafee, watched John Chafee, I know one thing, most everybody would have wanted to be a Senator. Most everybody would have wanted to emulate John Chafee; he was so good. He taught by example. Somewhat by words, somewhat by telling students what to do, but much more by example.

We are all almost in awe of John Chafee because of his example, what he did. He didn't make a big thing about it. He didn't brag about himself. He didn't try to take credit for anything. He just acted according to what he thought was in the country's best interest and in Rhode Island's best interest. It was just by accident that I learned only a couple years ago that he was a highly decorated Korean war hero. There are Senators on this floor sometimes who like to brag about their exploits in the armed services or at least allude to them and hope that somebody asks them more questions about it, pursue it a little more. Not John Chafee.

If John Chafee's staff would write a statement or a speech on his behalf and allude to his service in Korea or Guadalcanal as a veteran, he would strike it. He didn't want to brag about anything. He didn't want to brag about all the awards he had been given. He was that kind of guy. To me, they don't get any better. There aren't many cut from that bolt of cloth these days.

I wish more people could have seen and watched John as a person, as he was, and a Senator. I know this country would have a much higher regard for public service if they just knew who John Chafee was.

This is really John Chafee's day. I hope we all will savor the good thoughts and the wonderful memories of John, this day and in future days.

OPENING JAPANESE MARKETS

Mr. BAUCUS. Mr. President, when we go to H.R. 434, I am going to introduce a sense-of-the-Senate resolution encouraging the U.S. Government to pursue its bilateral measures with Japan and urge the United States to urge Japan to go further to open up telecommunications markets, particularly its Internet services, and so forth. I will have a lot more to say at the appropriate time. I believe strongly that we, as a country, have to go further and, more importantly, Japan has to go a lot further in opening up its market. It would be in the best interest of Japanese consumers, if it were to do so, and it would surely be in the best interest of peoples all around the world. At the appropriate time, I will speak more at length.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

MINIMUM WAGE

Mr. KENNEDY. Mr. President, I would like to take a few moments of my time under the bill to talk about a subject I am very hopeful we will be able to address in the very near future. It is a subject matter that has been outstanding during the course of this year and that we have still failed to act on, and that is to try to see an increase in the minimum wage for many of the workers in this country.

We have seen in more recent times the Congress move ahead to increase its own salary some $4,600 a year. When we increase the minimum wage, it will mean approximately $2,000 to those who are working the hardest at the lower end of the economic ladder but who perform extraordinarily important jobs that are really, in many respects, at the heart of the engine of the American economy today.

I think all of us are mindful that we have had the most extraordinary economic boom in the history of our country. But there are those Americans who have been left out and left behind. There is no group of Americans who have been more disadvantaged than those who are working at the minimum wage level. That is why I was very hopeful we would see fit to address this issue this year because we find that those minimum wage workers are falling further and further behind.

I want to remind our colleagues about what has happened on the issue of job growth because the most familiar argument we have in opposition to the minimum wage is that it will somehow dampen the increase in jobs and, secondly, it will add to the rate of inflation.

Let's look at what has happened in the most recent times. This chart goes from 1995 up through 1999 and it indicates when the Senate and the Congress actually increased the minimum wage. We increased the minimum wage to $4.75 in 1996, and still we saw job growth continue through 1996 and 1997. We increased the minimum wage then in 1997 up to $5.15. This was a two-step increase of 50 cents and 40 cents, up to what is now $5.15.

There were those who warned the Senate of the United States that if we saw this kind of increase, we would lose anywhere from 200,000 to 400,000 or 500,000 jobs in the job market. But what we have seen is a continuation of the expansion of the job market, where we find it going up and up until September of 1999. Past increases in the minimum wage have not meant the loss of jobs.

Secondly, if we look at this chart, this is the employment rate. Another way of looking at the issue of jobs is the employment in our country with the increase in the minimum wage. The unemployment rate is at historic lows after a minimum wage increase. On the two steps here, if we look, we find that we went from almost 5.5 percent unemployment, and then in September of 1997 we were just below 5 percent. Since that time, it has continued to decline. So we have seen an expansion of the growth rate and a decline in overall unemployment in this country.

Well, you could say there must have been some impact in terms of the rate of inflation. But what we have seen, and as we know, is if you have an increase in productivity and the rise in productivity exceeds the increase in the payment, you don't get the rates of inflation. That is what we have seen.

According to labor statistics, we have seen what is represented by this blue line on the chart—an increase in productivity for American workers over the period from 1957 to 1959, up to 1998. This is the annual productivity increase. We have seen a significant increase in the productivity.

If we look at what has been the impact of the real minimum wage, the kind of decline here, now the spread between productivity and the purchasing power of the minimum wage is at one of its greatest since the enactment of the increase in the minimum wage. Productivity is up, and we should see an increase in terms of the wages for those workers.

If we look at what has happened in terms of the real value of the minimum wage, we see that in 1968 it would be worth $7.49. If we had the minimum wage today in purchasing power of what it was in 1968, it would be $7.49. This is what has happened in terms of real dollars.

We are now at this level of $5.15 an hour. Without this increase, it will drop down to $4.80, almost back to where it was at the time we saw the very modest increase 4 years ago. Even with the increase, it would put the real value at $5.73. With two 50-cent increases over the next 2 yours, the purchasing power would still be only $5.73. We are always playing catchup with the millions of American workers who receive the minimum wage.

We are delighted to debate these issues with those who continue to give the old, worn-out, tired arguments in opposition: that raising the minimum wage will mean loss of jobs and that it is going to add to inflation. We are glad to debate those issues. But we are being denied by the Republican leadership the ability to consider an increase in the minimum wage.

This is a Business Week editorial, May 17, 1999. It is not a Democrat journal. It is not a voice for the Democratic Party. Of course, years ago when we had the increases in the minimum wage, we had bipartisanship. It has been only in recent times when it has become a partisan issue.

As Business Week points out,

> Old myths die hard. Old economic theories die even harder . . . higher minimum wages are supposed to lead to fewer jobs. Not today. In a fast-growth, low-inflation economy, higher minimum wages raise income, not unemployment.

I ask unanimous consent that the full article with regard to the minimum wage be printed in the RECORD.

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

[From Business Week, May 17, 1999]

THE MYTH OF THE MINIMUM WAGE

Old myths die hard. Old economic theories die even harder. Remember the one about inflation rising as unemployment falls? How about productivity dropping as the business cycle ages? Or the U.S. is a mature economy doomed to slow growth? One old favorite is that higher taxes inevitably lead to recession. These days, none of these theories appears to work. A new economy driven by high technology and globalization seems to be changing old economic relationships. But one economic shibboleth still remains popular: the bane of minimum wages.

Congress is debating whether to raise the minimum wage from $5.15 to $6.15. Opponents of the bill cite reams of economic research showing that minimum-wage hikes curtail demand for cheap labor. Like the trade-off between employment and inflation once said to be inherent in the Phillips curve, higher minimum wages are supposed to lead to fewer jobs. Not today. In a fast-growth, low-inflation economy, higher minimum wages raise income, not unemployment.

For proof, look no further than the minimum-wage hike of 1996–97. The two-stage hike of 90¢ raised the wages of nearly 10 million employees. Nearly three-quarters of these were adults, and half the people worked full-time. In 1996, the unemployment rate was 5.4%. Today, it is 4.2% (page 42).

The economy is evolving at a tremendous clip—shedding its old skin before our eyes. In this ever-changing environment, the best policy aims at increasing flexibility and options. Keep markets free, promote growth and entrepreneurship, and open the doors to opportunity for all participants. A higher minimum wage can be an engine for upward mobility. When employees become more valuable, employers tend to boost training and install equipment to make them more productive. Higher wages at the bottom often lead to better education for both workers and their children.

In the New Economy, it often makes sense to leave old economic nostrums behind and take prudent risks. Federal Reserve Chairman Alan Greenspan, for example, has withstood pressure to raise interest rates in the face of strong economic growth. Traditional theory said that inflation follows fast growth. It hasn't. Greenspan bravely took a chance, and America has profited from higher growth. Congress, for its part, has withstood pressure to allow states to impose sales taxes on the Internet. Economic theory says this is harmful because it creates an unfair competitive advantage. But it is the right policy because it nurtures a pervasive technology that is driving the economy.

It is time to set aside old assumptions about the minimum wage, as well. We don't know how low unemployment can go before inflation is once again triggered. But Greenspan is testing the limits. We don't know how high the minimum wage can rise before it hurts demand for labor. But with the real minimum wage no higher than it was under President Reagan, we can afford to take prudent risks.

Mr. KENNEDY. Mr. President, in reading that particular article, you will see that they make the point that the money that is actually used or actually received by minimum wage workers is spent and adds to the economy.

Take a State such as Oregon, that has the highest minimum wage in the country. Since Oregon went to a higher minimum wage more people are working, because it brought people who work back into the labor market because they were able to provide meaningful income to themselves and to their families. It provided an additional boost to the economy.

That concept has been supported by the Card and Krueger studies that have been referred to in other debates on the minimum wage.

Raising the minimum wage is an issue of fundamental and basic fairness, fairness and justice for men and women who are working at the lower economic rungs of the economic ladder. These are people working as assistants to school teachers in many of the schools across the country. These are people who are working as assistants in nursing homes that are looking after our parents and grandparents. These are men and women working in the great buildings in our major cities cleaning up after long days. These buildings effectively would not be functioning unless people were willing to provide that kind of work.

This issue, as I have said many times, is a women's issue because the majority of individuals will benefit from increasing the minimum wage are women. This is an issue of civil rights because one-third of minimum wage workers are men and women of color. This is a children's issue because more than 80 percent of families earing the minimum age are headed by women. Providing for the children in these families is directly related to the incomes that people have, and many have not just one job but the two jobs held down by many minimum wage workers who are heads of households.

We hear a great deal about family values. How are parents going to be able to spend their time with their children when they are out there working on two different jobs trying to put food on the table, a roof over their heads, and trying to clothe their children?

It is amazing to me when we have this greatest economic boom in the history of this country, this body is going to be begrudging to men and women who work hard, 40 hours a week, 52 weeks of the year, and who value work. How many speeches did we hear on the other side of the aisle that we honor work, and we want them to go out and work? People are out there working, and you refuse to give them the kind of income they need so that they can work in dignity and not live in poverty.

I know we have a lot of important pieces of legislation. This isn't a very complicated issue. Every Member in this body knows these issues. Everybody knows this issue. We are not talking about a complicated policy question. It is just a question of whether we are prepared to stand up and speak for those individuals who have fallen further behind economically than any other group—any other group in our society. They are the minimum wage workers. They haven't even been able to maintain the purchasing power of their wages, they have fallen further and further behind and continue to do so.

With all respect to all the other items we have in the Senate in terms of public policy questions, certainly the issue of fairness to our fellow citizens is something the American people understand.

The obstinacy of the Republican leadership in refusing to permit a limited period of time for us to vote on this issue, I think, is a real tragedy for these families. It certainly is. But they have refused and refused and refused with these tired, old arguments. We cannot get this issue on the agenda. They say we are the majority and we will set the agenda.

Let us have an opportunity to vote on those issues.

We saw our colleagues on the other side of the aisle say: Well, all right; if we are going to find an increase in the minimum wage for 2 years, we are going to require $35 billion in unpaid tax breaks that are going to swell to $100 billion over ten years.

If you want to look after the working poor, Senators, they say, you are going to have to provide $100 billion in tax breaks—not related to small businesses, not related to minimum wage individuals, but to the highest paid 10 percent of taxpayers in this country who will get over 90% of the benefit from those tax breaks.

Still we can't even have a chance to debate, they refuse us the time even to debate that. They ought to be ashamed of themselves.

The last time we provided an increase in the minimum wage was the first time we added all the tax goodies. Now the Republican leadership understands they have a train coming along the tracks, and they are piling up and piling up.

They may consider doing $1 over 3 years.

We have already delayed a year—2 years now. They refused to let us bring up the issue up last year, and they are refusing to let us bring it up this year. They want to spread it out three more years. That won't even keep up in terms of inflation for those working families. And to be able to do even that, you have to tag on $100 billion over a 10-year period of tax goodies, unpaid for.

If these individuals end up contributing and paying taxes, they will be paying some of their taxes to try to offset the increase that the Republican leadership wants in these tax breaks.

We may see another hour that goes by without facing the minimum wage issue. We may see another day that goes by without facing the minimum wage issue. But I will tell you, it is inevitable that we will one way or the other bring these measures to the attention of the Senate and try to get accountability.

How many times do we have to hear about accountability on the other side of the aisle? We want accountability. We want accountability for this. We want accountability for that. We want accountability for everything except being willing to vote up or down on the increase in the minimum wage. Yet they were quite prepared to vote themselves—all of the Senate, and the House of Representatives—a $4,600 raise. But they won't even permit a vote on the Senate floor on an increase in the minimum wage.

Mr. President, maybe that goes over well someplace. But it doesn't seem to me that it will go over well with the American people. We intend to continue to press this issue.

Mr. President, I withhold the remainder of my time.

AFRICAN GROWTH AND OPPORTUNITY ACT—MOTION TO PROCEED—Continued

Mr. WELLSTONE. Mr. President, I had a chance to speak this morning and I don't really want to repeat what I said, except to mention one point which is both an argument I want to make to my colleagues here and an argument I want to also make to the administration.

We have a WTO meeting coming up next month in Seattle. There will be many rank-and-file labor people and labor leaders attending, farm organizations, nongovernment organizations, environmentalists. We have been told by the administration that maybe within WTO we can have some enforceable labor standards, some enforceable environmental standards, so we are raising everything up rather than racing to the bottom.

This is important because with NAFTA, in spite of what was said, the truth is, the environmental standards and labor standards were an afterthought and not enforceable. What kind of message are we sending to people when, on the one hand, we have the administration and others saying with WTO we will try to have enforceable standards, and then we have a bilateral agreement, several trade agreements, without enforceable labor standards, without enforceable environmental standards?

As a Senator my bottom line is that I am in favor of the right of people to organize and bargain collectively in our country and in other countries. I am in favor of the rights of ordinary citizens to be able to bargain collectively and have the right to organize so they can make a decent wage and support their families. That is what is sorely lacking in this legislation.

I will mention one amendment. I mentioned several this morning. If we go forward with this legislation tomorrow, I certainly want to have the right to introduce amendments. I talked about a number of amendments. One dealt with campaign finance reform and for the right to apply for clean money, clean elections for Federal offices. I don't think we should abandon this debate or issue.

The amendment I want to introduce tomorrow, if that is the direction in which we are heading, deals with this economic convulsion that is taking place in agriculture. On October 25, Bird Island Elevator, Renville, MN, crop prices: Wheat, $2.89 a bushel; corn, $1.43 a bushel; soybeans, $4.04 a bushel. This has nothing to do with what our livestock producers are getting.

Let me say to those who don't know agriculture, this is way below what it costs farmers to produce a bushel of wheat or corn.

Let me say to my colleagues, in my State of Minnesota, farm income has decreased 43 percent since 1996, and more than 25 percent—a quarter of our farmers—may not be able to cover expenses for 1999.

At the same time, you have these conglomerates that have muscled their way to the dinner table, exercising their power over family farmers. They will do it over consumers, and they are driving our family farmers out.

According to a recent study at the University of Missouri, five firms now control over 80 percent of beef packing; six firms, 75 percent of the pork packing, and the list, frankly, goes on and on.

I want to give a few more figures, then mention the amendment and finish up. The top four pork packers have increased their market share from 36 percent to 57 percent. That is what has been occurring. Smithfield is buying up Murphy, and now they are about to buy part of Tyson Foods that deals with pork production. Our pork producers are facing extinction and these packers are in hog heaven.

The top four beef packers have expanded their market share from 32 percent to 80 percent just in recent years. The top four flour millers have increased their market share from 40 percent to 62 percent. The top four turkey processors now control 42 percent. The list goes on and on.

What we have is a food industry where we are looking for the competition. So here is the amendment I will introduce with Senator DORGAN. I think we may get a majority of votes. I hope so. This will be an amendment to address the market concentration in agriculture. What we would call for is a moratorium that would apply to these mergers and acquisitions over the next 18 months, during which time there are a couple of things that will happen. This would deal with companies that had assets of over $100 million and the second party had more than $10 million. This is the threshold test right now under which these firms would have to apply to the Justice Department and FTC.

The moratorium would last for 18 months or until Congress passes comprehensive antitrust legislation to deal with this problem of the concentration in agriculture, whichever comes first. Moreover, our amendment will establish an antitrust review division to look at this concentration in agriculture and to make recommendations as to what kind of regulations are necessary and what kind of action we should take.

I finish this way. We will be talking about this legislation today. I spoke about it earlier. If we move forward tomorrow, as a Senator from Minnesota I want to have the opportunity to introduce this amendment with Senator DORGAN that calls for a moratorium on these acquisitions and mergers. I want to do it because these big conglomerates are pushing our family farmers off the land. I want to do it because there is a direct correlation between their concentrated market power and the record low prices that our producers are receiving. I want to do it because if we do not have a moratorium over the way in which these huge conglomerates are taking over agriculture, then our rural communities will be devastated and more and more family farmers will be driven off the land. Someone will own the land, someone will own the livestock, but it will be the few.

I think that kind of concentration of power is frightening. It is frightening for our family farmers. It is driving them off the land. It is frightening for our rural communities that depend upon the number of family farmers who live in the communities and buy there. Do you know what else? It is frightening for America. Food is a very precious commodity. We ought not have just a few conglomerates that control all phases of this food industry from seed all the way to grocery shelf. This is wrong. It is not acceptable.

As a Senator from Minnesota, I hope my colleagues will excuse me for saying that for 4 weeks I have asked the majority leader for an opportunity to introduce the amendment. Tomorrow morning, if we go forward with this legislation, I will be here first thing and this is the first amendment I am going to introduce to this legislation. Then we can have an up-or-down vote, and I am hoping we will get a majority vote.

I see my colleague from North Carolina. I gather he wants to spend some time.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, on the Africa-Caribbean trade bill, let me say first I believe in free trade. This country and my State of North Carolina are part of a global economy. To put our heads in the sand and pretend that is not true is completely unproductive and accomplishes nothing.

My concern is that the bills we are addressing this week, the African-Caribbean trade bills, put us in a position of playing with fire. The Senate version of those bills is marginally acceptable but they are significantly different, from my perspective, than the House version of those bills. The Senate version specifically contains provisions for what is called yarn forward and fabric forward, which I will talk about in a few minutes. But both bills are dramatically deficient in one respect; that is, they make it almost impossible, in my judgment, to enforce provisions against transshipment.

Transshipment, as my colleagues know, means a country such as China can ship goods to Africa that they otherwise could not ship directly to the United States because of quotas, have a

button sewn onto a garment or a piece of apparel, and then have it shipped to the United States and otherwise circumvent existing tariffs and quota requirements. The problem is the enforcement mechanisms against transshipment. In the House bill, in my judgment, they are virtually nonexistent. In the Senate bill, while somewhat better, still we rely heavily on African countries to develop and enforce rules against transshipment. That is simply not a bet worth taking. Unfortunately, transshipment has the potential of putting an enormous number of folks out of work in North Carolina and having a dramatic impact on the textile and apparel industry in my State of North Carolina.

The second problem with these bills is the issue of yarn and fabric forward. The Senate bill provides for yarn and fabric forward, which essentially means African countries operating under the Senate bill, if it were passed, would be required to use American yarn, American fabric, which theoretically would help protect American manufacturers in those two areas. The problem is those provisions are not in the African trade bill on the House side. Unfortunately, if this bill passes the Senate, once it gets to conference, there would be enormous pressure to drop out the fabric forward and yarn forward provisions. Without those provisions, the textile and apparel industry in the United States and in my State of North Carolina would be dramatically affected.

I said when I began that I believe in free trade, and I do believe in free trade. But I think there are certain fundamental principles with which every free trade agreement should comply.

First, the agreements must be negotiated and must be multilateral. The countries with which we are entering into these agreements have to give something up. As I will discuss in a few minutes, that is not true with respect to this bill.

All the trade laws have to be fair and enforceable. As I indicated a few minutes ago, there is at least one major area, transshipment, that in my judgment is not enforceable in this bill.

Third, the trade bill must have adequate labor and environmental protections overseas.

That is common sense. If our businesses and workers in this country are going to compete, as they should, with businesses and workers overseas, these bills must have adequate labor and environmental protections.

Finally, the trade bills must have tangible and provable benefits for U.S. companies and U.S. workers.

Those four criteria must be present for a free trade bill to make sense for our country and for my State of North Carolina.

I am going to talk about some of these principles and how they apply to this specific bill.

First, I just mentioned tangible benefits for U.S. workers. Let me tell you a little bit about what is happening with textile and apparel industry jobs in this country and specifically in my State of North Carolina.

We have 177,000 textile jobs in North Carolina. We have 45,000 apparel jobs, 222,000 jobs in total. Almost a quarter of a million workers in my State of North Carolina are dependent on the textile and apparel industry to put food on the table for their families; a quarter of a million families who are going to be impacted if this bill passes and is signed by the President and becomes law.

Let's look at what has happened to folks who have worked in that area in North Carolina over the last several years. In the last 5 years, from 1993 to 1998, North Carolina has lost 62,000 jobs in the area of textile and apparel manufacturing. That is 62,000 families who had a breadwinner working in that industry who lost their jobs. I believe the studies have shown that those folks have had a terrible time finding other employment. The reality is that the people who work in these jobs need these jobs. They are critically important to provide them and their families with a livelihood. Oftentimes, there is nowhere else for them to go.

I want my colleagues to recognize that when we do pass the kind of legislation we are talking about in these trade bills, it is not just an economic issue. This has real and human consequences on families in my State of North Carolina.

We have lost during that same 5-year period in the textile apparel industry almost 300,000 jobs nationally, which means 300,000 families in this country have lost their source of income during that same 5-year period.

What has happened during the 10-year period from 1989 to 1999? In North Carolina, we have gone from 220,000 to 177,000 textile jobs, almost 43,000 jobs lost, a 20-percent drop in 10 years. We have gone from 83,000 to 45,000 in the apparel industry, which means they have almost been cut in half; half the people in North Carolina who were dependent on the apparel industry to provide income and livelihood for their families have been put out of work; a 45-percent drop, almost half. The reality is, these families have been devastated by the loss of these jobs.

The bill we are talking about today, the African-Caribbean trade bill, could very easily have exactly the same impact because it ensures these jobs we are trying to hold on to in the United States are very likely to be exported to the Caribbean and to African countries.

The average apparel wage in the United States is $8 an hour. Let's see how that compares with these other countries. In Mexico, the average wage is 85 cents an hour. In the Dominican Republic, it is 69 cents an hour; El Salvador, 59 cents an hour; Guatemala, 65 cents an hour; and Honduras, 43 cents an hour—$8 an hour to, in all these countries, well under $1 an hour that companies will have to pay in wages. It does not take a mathematical wizard to figure out what is going to happen to these jobs and to all these folks in my State who are completely dependent on the textile and apparel industry to provide for their families, many of whom have been working in this industry for many years.

On a personal note, I grew up in the textile business. My dad worked in the textile business for 37 years before his retirement from that business. I have seen firsthand, having worked in mills in North Carolina when I was in high school and in college, how heavily folks depend on these jobs. They have nowhere else to go.

The bottom line is, it is all they know, and it is all well and good to talk abstractly about retraining, but when you are talking about retraining somebody who does not have a high school education and who has spent the last 30 or 40 years of their life working in a cotton mill, they have no idea what to do and they have no realistic prospect of going to some other field of employment. These people need these jobs. This is a human tragedy that is created oftentimes by these trade bills. I want folks to realize this is real, and it has a real and devastating effect on people's lives in my State of North Carolina and all over this country.

Let me talk briefly about the jobs we know have been lost and the plants that have been closed over the last few years in North Carolina. In September of this year, Pluma Inc. closed a plant in Eden, NC, a small community in North Carolina, 500 jobs lost; 500 families lost their breadwinner. The company of Jasper closed a plant in Whiteville, NC, in September of this year; 191 jobs lost. Whiteville Apparel in Whiteville, NC, in eastern North Carolina, closed a plant in August of this year; 396 jobs lost. Stonecutter Mills in Rutherford and Polk in western North Carolina closed a plant in June of this year; 800 jobs lost. Dyersburg, in Hamilton, NC, closed a plant in May of this year; 422 jobs lost. Unifi in Raeford and Sanford closed a plant in March of this year; 257 jobs lost. Levi Strauss closed a plant in Murphy; 382 jobs lost. Burlington Industries in January of this year closed plants in Cramerton, Forest City, Mooresville, Raeford, Oxford, and Statesville; 2,600 jobs lost. Cone Mills at the end of last year, in December, closed a plant in Salisbury; 625 jobs lost.

In a period of less than a year, 6,173 jobs have been lost in my home State of North Carolina. Just imagine what

impact the passage of this piece of legislation will have. It will accelerate those numbers. It will not retard them. It will accelerate them, so more and more workers who have spent their lives working in textiles will have nowhere to go, no way to feed their families, and their families are just out of luck.

I want to read from a news story that appeared in the Arizona Republic. It appeared on October 23 of this year—just recently. It is entitled ''Textile Industry Unravels Workers Idled By Cheap Labor.'' It does a terrific job of telling the story of what is happening to workers and families all over North Carolina who are being impacted by these trade bills:

It was the only work she'd ever done, the only work she'd ever wanted to do. And a contented Lorie Coleman spent a decade and a half inspecting stitch lines, examining cloth and making sure everything that came out of the Ithaca Industries textile mill here met her ''high standards''—never mind the company's. A $6-an-hour job it may have been, but it was hers.

Then it was gone.

''To think you could work somewhere,'' Coleman . . . said recently, her voice still tinged with disbelief . . .'' and the next thing you know, you're gone, just like that.''

Just like that, a livelihood for the Lorie Colemans of North Carolina and thousands of others in the Piedmont area is disappearing.

Since 1995, according to state labor statistics, more than 160 textile and apparel mills have closed in North Carolina, leaving nearly—

Listen to this, Mr. President—

leaving nearly 30,000 people out of work [since 1995].

Those losses are reflected throughout the Southeast, which, according to federal figures, lost more than 85,000 such jobs, even as the country was experiencing its fabled economic expansion.

During a period of booming prosperity for this Nation's economy, when everyone else is taking advantage of investment in Wall Street, great earnings on Wall Street, companies are doing terrifically well, 85,000 people in the Southeast lost their jobs, 30,000 in my State of North Carolina.

To be sure, North Carolina is still the leading state in the leading region for U.S. production of textiles and apparel. Nevertheless, the State is hemorrhaging.

Few places in the State have felt the sting of such losses as much as Lorie Coleman's native Columbus County. Home to nine mills just three years ago, the county now has 3 mills, and two of those are scheduled to close this fall.

They will have one mill left.

It's a corner of North Carolina that was spared from the worst of Hurricane Floyd's floods last month, but it is bearing the brunt of an industry's decline. After Jasper Textiles and Whiteville Apparel close their gates, the number of textile jobs in this county [Columbus County in eastern North Carolina] will have fallen to 50 from 2,100.

In other words, they have gone from 2,100 jobs to 50. There is nowhere for these people to go to work. They have no comparable jobs. There is nowhere else for them to go.

Those figures also bear witness to the decline of a distinctly Southern way of life.

Lorie Coleman said it best. She spent her life working in this mill and all of a sudden it was gone. Everything she spent her life learning to do has disappeared.

There is another fundamental problem with this bill. These bills are unilateral. They are not multilateral. Every Member of the Senate should require, in order to vote for a trade bill, that it be multilateral.

What does that mean? First, in the Caribbean, the Dominican Republic charges a 30 to 35 percent tariff on apparel imports. Honduras charges 25 percent. Nicaragua charges 20 percent. We are lowering our tariffs in this bill. Do we have a corresponding lowering of tariffs in those countries? The answer is no. We are unilaterally lowering our tariffs and expecting nothing from the countries that are part of this trade agreement. Their tariffs remain exactly the same. Where is the fairness in this agreement?

In Africa, the average tariff on apparel is 27 percent. Exactly the same tariff is charged on home textiles. This simply makes no sense. Why should we as a nation unilaterally lower our tariffs and have our companies in this country subjected to tariffs in the countries we are entering into contracts or agreements with, where they can charge any tariff they want? That is exactly what is happening in this agreement. There is no lowering of trade barriers in Africa, no lowering of trade barriers in the Caribbean. Instead, we have decided unilaterally we will lower trade barriers.

I have heard a lot of my colleagues talk about the poverty that reigns in Africa and in the Caribbean. My heart goes out to those people. They are suffering; they are struggling. The fact that they are working for anywhere from 35 to 85 cents an hour bears witness to the terrible lives with which they and their families are confronted. But we, in my State of North Carolina, have an awful lot of people who are struggling to make ends meet, too. We have an awful lot of people and families who have spent their lives going into those mills every day, 5, sometimes 6 days a week, 8 to 10 hours a day, to learn to do a job, to build up seniority, to provide for their families.

When we enter into these kind of trade agreements, particularly when we can't enforce provisions against transshipment, where there is a real likelihood that yarn and fabric forward will go out when this bill goes to conference and, as a result, there is a devastating economic impact on North Carolina's textile business and on North Carolina's textile workers, those people lose everything. This is not just an abstract economic proposition we are debating. We are talking about human lives. We are talking about an enormous impact on the families I represent in North Carolina.

I want my colleagues, when they come to vote, either on cloture or on the passage of this bill ultimately, if we reach that stage, to understand every single one of them has a dramatic effect on real human beings' lives across this country and in my home State of North Carolina.

IN HONOR OF SENATOR JOHN CHAFEE

Mr. EDWARDS. Mr. President, I want to say a word about my friend and colleague, Senator Chafee. Having had the honor and privilege of being his friend for the 10 months I have been here, the thing that struck me most about Senator Chafee was his kind and gentle nature. It was the sort of thing I am afraid we need more of in government in general and particularly in this body. He was a thoughtful leader who showed exactly the kind of leadership we desperately need in our country today. He was also a thoughtful, nonpartisan voice on issues that were not partisan, issues we ought to be able to work together on, issues that are good for America.

It is an extraordinary loss for me personally to lose Senator Chafee. He was someone I looked up to and admired in my brief time here. I don't know anyone here who did not love and adore him. I can certainly add my voice to those who will miss him dearly.

Ms. LANDRIEU. Mr. President, I rise this afternoon for just a few moments to add my voice to the chorus of leaders in the Senate, in Congress, and throughout the Nation who have expressed in the last 2 days their admiration and respect for our colleague, Senator John Chafee of Rhode Island.

Upon coming to this Chamber almost 3 years ago, one of the first things I did was to try to search out role models who put principle ahead of politics, who held people more important than political parties. John Chafee was such a role model.

As has been mentioned many times on this floor, as a young marine who battled at Guadalcanal, to the Rhode Island Statehouse as Governor, to the floor of this Chamber, John Chafee answered the call of his country. While he was never afraid to fight for his country or for his principles, as we all know, he knew that common ground provided a better place to find solutions than the battleground. That is one of his most outstanding legacies to this body, to his State, and to our Nation.

Throughout his public career, John Chafee was a tireless fighter for America's children and their families. He correctly perceived that the future of our country would be dictated by how

we treated and nurtured our children and set about to create laws, policies, initiatives, and programs which prepared them for the future.

We were all privileged to work with him on many issues. I was, indeed, privileged to work with him on a particular issue of which he was so proud: The Adoption and Safe Families Act. I spoke on the floor about this act, of which he was a tireless advocate and leader, just a few weeks ago and said in its first year 37,000 children had been moved from foster care to a place of limbo, to a place where they were not certain anyone wanted them, to families of their own. That was a 32-percent increase over the previous year. John Chafee had a great deal to do with making that happen.

As leaders retire or pass on, as in this case, through our meager ways we try to construct buildings, highways, and bridges and name them in their honor. I am sure Senator Chafee will have the prerequisite number of bridges or buildings or statues in his honor. I think knowing him the way I did, the way we all did, the legacy of which he will be most proud is that he spent an entire career building up families, building up children, building up people. There will be millions of families built stronger and nurtured and provided for because of the great work he did, not only on the floor of this Senate but in the many ways he has served his State and Nation.

I also want to mention his legacy in regard to the environment. I find, unfortunately, few voices of reason on a subject that is so important to the future of our country. I was so proud, as we all were, to work with Senator Chafee on many issues regarding the environment. He was one of our outstanding leaders working to find a permanent source of funding for the Land and Water Conservation Fund, funding of Teaming with Wildlife programs, for wetlands, for estuaries, for endangered species. I am confident that as we continue the work in these areas, many of his dreams and aspirations on these initiatives will come to pass.

In addition, his passion for history and historic preservation was evident until the end. Fittingly, his last public appearance was at the 50th anniversary of the National Trust for Historic Preservation, just this last Thursday at the National Cathedral. In his final speech, he wisely warned of the danger to America's future if it forgets its past. It was a fitting tribute to 50 years of tremendous work, 25 years or more by a leader in this particular area.

The poet Abraham Joseph Ryan wrote:

> A land without ruins is a man without memories. . . . A land without memories is a land without history.

John Chafee understood that. Today we honor his memory. Let us never forget his example as an excellent role model, a tireless crusader forfamilies and for children, and a tremendous and reasoned voice in our debate on how to balance the needs of our Nation and our world with the great need to preserve and protect our environment.

Today there is an emptiness in this Chamber that we all sense, a terrible emptiness because a grand man, a great man, has left us. We hope our work in these areas will be pleasing to him so we can carry on many of the initiatives he started.

I yield the floor.

Mr. BROWNBACK. Mr. President, I rise to speak regarding the late Senator John Chafee. I have a few comments I want to make.

I was privileged to be presiding whenever our colleagues spoke about Senator Chafee and what a great man he was. People have gone through his resume. It struck me as I was listening that it is rare for us to recognize giants when they are among us. It is generally only after they leave us that we recognize the giant of the individual.

Senator Chafee was such a giant. For all the things he has done and for which he has been recognized—his work for his country, his fighting for his country, his service in this body, his service in Rhode Island—he was truly a giant among us. Only now do we measure his true greatness because we have this void in that he is no longer with us. He was a great giant, he was a humble giant, he was a kind giant, a giant of a man, and a giant of a soul.

We can look at his desk and see the flowers—and they are beautiful flowers. As I look at Senator Chafee's desk, I see this giant oak tree. It is a soaring oak tree, and it has limbs that branch out everywhere. It has leaves that are providing shade and support and nurturing and housing for so many people. It glistens and reaches all the way across America. That is the kind of person he really is. He is a giant of that stature and that nature. The other thing about him is, he doesn't even want to be noticed that he is there. He just wants to do that. He just wants to provide this great shade and this great tree and this great support for this country. He really doesn't even want to be noticed.

When you said, my, isn't that great; he just kind of said, no, I just wanted to do this. I just wanted to help the people in this country whom I love so much, these people who are here for whom I feel so strongly. I believe that I have been given much. To whom much is given, much is expected. I am just providing what I think I ought to.

That was the kind of humble man he was.

I have my own personal experience and memory, as all of us do, about working with him. I am a newer Member, so I didn't have the length of service others did. But I was working with him on a rails-to-trails bill that had a particular problem for Kansas. This was a program he deeply loved. Yet I was having a particular narrow problem. Normally, one would think—I am a new Member and this is a program he loves; I am having a problem with it—that he would kind of quickly shuffle me to the side, that that would have been the normal experience. Yet he was the kindest man about it. He said: I know you have a problem with this. Let's see if we can work it out. He could have easily said: I really don't have time for this. I have more important things to do. But my problem was his problem. He worked with me, and he worked with me in kindness and in gentleness to try to deal with the problem I had with which, in many respects, he disagreed. Yet that was the kind of man he was. There was a great kindness about him.

In my estimation, few have carried greatness so gently as John Chafee carried it. If pride is the first sin, humility is the first grace. And John was a truly humble man. John was a man of grace. We will all miss him dearly, as we see this giant that is no longer amongst us. We loved him. God loves him. Our prayers will be with him and his family.

I only hope his memory can stay with us as long and that we can recognize that giant who was amongst us and in many respects that giant tree which is still there.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair for an opportunity to join my voice with others who have talked about our dear friend, John Chafee.

This place is sadder these last couple days because of the unexpected passing of Senator John Chafee. His death has left the Senate and the entire country mourning the loss of one of our most admired and respected elected leaders.

Senator Chafee belonged to a breed of public servants who have become a vanishing species in American politics. He was always a gentleman, even under attack while defending causes about which he felt deeply. He always stood for moderation and common sense over political extremism.

Senator Chafee was a consensus builder. He believed in bipartisan solutions as an alternative to the typically partisan bickering which is now often a feature of congressional debate.

I served for 15 years with John Chafee on the Environment and Public Works Committee—some of those years, obviously, before he became chairman, and these recent years when he was chairman of the committee. He and I were allies on many battles for a cleaner environment. Even when our approaches diverged, his commitment and leadership were always to be admired. He worked tirelessly to make our air cleaner, to keep pollutants

from being dumped into our oceans, and to preserve those species that were endangered.

He had a wonderful patience factor in his being. Senator Chafee and I spent years trying, in good faith but, unfortunately, unable to reach a consensus on a Superfund reform bill. The reason we failed to reach a consensus was not for lack of effort Senator Chafee put in to try to get a Superfund bill out that was satisfactory to both sides and a majority view.

Senator Chafee played an important role in most of the major environmental bills that have come before the Senate since 1977. In standing up for the environment, he often had to stand firmly against overwhelming pressure from powerful special interest groups—not to mention, by the way, pressures from members of his own party, and certainly from some pressures on our side as well—to try and form the consensus we so much wanted to have. He was a role model for all of us in public service and for anyone considering a career in government. He voted his conscience on issues as diverse as child care, welfare reform, tobacco, and transportation, even when voting his conscience meant crossing party lines.

I was particularly proud to have Senator Chafee agree with me, when he supported my bill to require background checks at gun shows. These were not easy votes to make because most of the Members of his party felt differently about that. But he stood up for what he believed in and voted that way and spoke that way and was honored for his views. His own gun safety initiatives made him a hero to me and to all Americans. This was noteworthy, considering his wartime experiences in the face of deadly combat. In World War II, he fought with the Marine Corps in the invasion of Guadalcanal. In 1951, he reentered the service and commanded a rifle company in Korea. His political career was exemplary, including 6 years in the Rhode Island legislature, 3 terms as the State's Governor, and 3 years as Secretary of the Navy. And his four highly distinguished terms here in the Senate made him one of the most treasured figures in American politics.

In his home State, Senator Chafee was known directly as ''the man you can trust.'' No one was more deserving of that trust or worked harder to earn it. His constituents in Rhode Island and all of us here always knew where Senator Chafee stood on an issue. That was true largely because he believed in the Government's ability to help people, to make their lives better. He didn't buy into the notion that Government was the people's enemy.

Mr. President, Senator Chafee's death is an incalculable loss to the Senate and the American people. He set an example that all of us here would be proud to emulate. I know I speak for everyone in the Senate when we extend our deepest sympathies to his wife Ginny, whom we have gotten to know over the years, and his entire family. Senator Chafee's unique style and his physical and moral courage are irreplaceable. The country has lost a great public servant. We are all poorer with his demise, and we will all miss him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as in morning business.

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

PRESCRIPTION DRUG COVERAGE FOR SENIORS

Mr. WYDEN. Mr. President, this is the sixth time I have come to the floor in recent days to talk about Medicare coverage for prescription medicine and particularly to talk about bipartisanship. I want to talk about this issue of prescriptions for senior citizens.

I am very pleased to see my good friend and colleague from Oregon in the chair. He has been extremely supportive of the effort Senator SNOWE and I have been making over these last few months to try to show that we can deal in a bipartisan manner with this issue of prescription drugs for the Nation's elderly. I think a lot of people have pretty much consigned this issue to part of the campaign trail in the fall of 2000 and that Republicans and Democrats are just going to fight about it and nothing is going to get done. But what Senator SNOWE and I have been talking about for the last few weeks is that we ought to act on this now; we ought to deal with it in this session of Congress. I thank the Chair, my friend and colleague from Oregon, because he has been very supportive.

I am going to read this afternoon, as I have done on five previous occasions, from some of the letters we are getting from seniors across the State of Oregon who are concerned about this issue. In fact, this is part of a campaign Senator SNOWE and I are making to urge seniors across the Nation, as we say in the poster, to send in their prescription drug bills. We hope they do send them to their Senators, in the hopes that we can galvanize bipartisan action in this session. It is more than a year until the next election. It would be a shame, with all of the suffering and hardship we are seeing in these letters, to have the Senate just take a pass on this issue and say, well, we will deal with it some other time and on some other day.

So I am going to, as I have on five previous occasions, read from some of these letters in an effort to try to make the case for bipartisanship and action in this session.

One senior from Lebanon wrote recently that she has about $990 per month in income. This senior spends about $175 of that for just one prescription each month. That leaves this older person a little over $700 a month on which to live. Think about what it is actually like for a senior citizen on a $990-a-month income to spend $175 of that for just one prescription each month. It is pretty clear that you just can't pay for necessities if you have to pay out of your monthly income that very large prescription drug bill.

It would be one thing if that letter were a rarity, but here is another letter I got recently from a couple in The Dalles, OR—the Chair and I have been in that community often—who has to spend something like $1,500 a year for tamoxifen, a drug used to fight cancer. It is very clear that with their other health expenses, their dental work, eyeglasses, a variety of things that Medicare doesn't cover, this couple in The Dalles, OR, is walking on an economic tightrope, having to balance food costs against fuel costs, their fuel costs against their medical bills.

So I am very hopeful that, as a result of this campaign Senator SNOWE and I are making to urge seniors to send in their prescription drug bills, we are going to have a chance to respond in this session.

I see our good friend, Senator MOYNIHAN. He has really led in the area of health research and prevention. We talked a little bit about it on Friday last. What is so important about this issue and dealing with it in this session of Congress and not in 2001—by the way, we won't have the good fortune of having Senator MOYNIHAN as a Member of this body then. The reason we ought to deal with it now is that the drugs seniors need most are preventive in nature.

Back when I was director of the Gray Panthers, which was for about 7 years before I was elected to the Congress—and I think the Chair was still practicing law at that time. It is clear that these new drugs can make a tangible, significant difference in the lives of our elderly people. I talked about a drug last week, an anticoagulant that a senior could get for just over $1,000 a year; and if they take that medicine, it can prevent strokes and debilitating illnesses that can cost more than $100,000 a year. Think of it—a modest, preventive investment in an anticoagulant drug, helping us to save $100,000 that seniors might need to treat a debilitating stroke.

I am going to be brief this afternoon. I am going to wrap up with a few additional cases.

In Portland, I was told by a constituent about her mother and father. They are 83 and 79 years old. Right now at their home in Portland, OR, they

are being treated for diabetes, hypertension, and a variety of illnesses relating to arthritis. They have a monthly income of $1,600 a month. They are spending more than $400 of it on prescription medicine—25 percent of their monthly income for an older couple 83 and 79 in our home State of Oregon just for prescription medicine.

From Silverton, OR, a senior sent me a copy of all of her prescription drugs for 1 year. She spent more than $1,000. Her annual income that year was $868 a month. She is spending more than 10 percent of her income on prescription drugs.

From Astoria, OR, a couple on a modest income wrote that for the first 10 months of 1999 they spent over $5,000 on their prescription drug costs.

What Senator SNOWE and I have said is that we have an opportunity to deal with this on a bipartisan basis. We can steer clear of price controls and one-size-fits-all Federal policy. We can use a model that we know works. It is based on the Federal Employee Health Plan, one that serves all of us and our families here in the Senate.

Our bill is called the SPICE Program, the Senior Prescription Insurance Coverage Equity Act.

Our legislation now is the only bipartisan prescription drug bill now before the Senate.

Frankly, I am very confident in the bipartisan team I see assembled from the Finance Committee with Chairman ROTH and Senator MOYNIHAN.

I would like to see as a result of seniors sending in to all the Senators—as this poster says, ''Send in your prescription drug bills''—I would like to see the Senate Finance Committee have the opportunity under Chairman ROTH and Senator MOYNIHAN to devise a good bipartisan proposal in this area.

Senator SNOWE and I have an approach that we think works. More than 54 Members in the Senate have voted for the funding mechanism we have proposed. We have a majority in the Senate already on record supporting the funding approach that we would take.

Frankly, when Chairman ROTH and Senator MOYNIHAN sit down, they may well have better ideas for dealing with it. It is not as if Senator SNOWE and I are saying we have the last word in terms of dealing with this issue. What we are saying is given the severity of the problem, given the stakes and the chance to do some real good with anticoagulant drugs where $1,000 a year worth of help can save $100,000 in terms of the cost of a stroke, let's go forward, and let's not let this issue become fodder for the 2000 election.

I am going to wrap up because the chairman and Senator MOYNIHAN are here. They want to talk about this important trade bill, which I also happen to support.

But I hope seniors will keep sending me copies of these bills. Just as the poster says, ''Send your prescription drug bills'' to your Senator. Senator SNOWE and I are collecting these.

We are going to talk again and again on the floor of the Senate about the importance of this issue.

I think we can do this with market forces. We can use an approach that gives senior citizens the kind of bargaining power that a health maintenance organization has.

What is so sad about this is these vulnerable older people, such as the ones I have described in these letters, are getting hit twice.

First, Medicare doesn't cover their prescriptions. When the program began in 1965, it didn't cover the cost of prescriptions. So there is no coverage either under Part A or Part B of Medicare for most of the Nation's seniors.

Second, the seniors end up subsidizing the big business. Big buyers can get discounts.

So you have big buyers, health plans, and a variety of big purchasers using their marketplace clout in order to get a good price, and the senior citizen in Silverton or Pendleton, the Presiding Officer's hometown, who walks in and buys their prescription off the street ends up subsidizing those big buyers. That is not right.

Senator SNOWE and I are going to continue to try as a result of our conversation with colleagues to catalyze a bipartisan effort to address this issue.

I think the question of adding prescription drugs to Medicare would be a real legacy for this session of the Senate.

I think about all of the accomplishments of Senator MOYNIHAN in this health care field over the years, what he has done in terms of graduate medical education, and what he has done in research is extraordinary. I would like to see as part of the great legacy that he leaves for his career in the Senate action on this bipartisan issue before he retires at the conclusion of this session of Congress.

Mr. President, I will be back on the floor—I know Senator SNOWE intends to as well—talking about this issue. We hope seniors send us a copy of their prescription drug bills. We are going to address this issue in a bipartisan way. I will be back on the floor soon to talk about this issue and bring other real, live, concrete cases to the Senate in hopes, as the Presiding Officer of the Senate and I have done at home in Oregon, we can work on this in a bipartisan kind of way.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise once more to thank our dear colleague, the Senator from Oregon, for his remarks and his typically self-effacing mode. He said we may not have the last word. Indeed, we may not. But we have the first word. We have to do this together; that is, both sides of the aisle. We can. He and the Senator from Maine have the votes. But we need a vehicle.

His most important point is that medication is now making that great move from treatment of disease to prevention. That is always the great advance in health for everyone. The single most important health measures that we have done in the last century have been to clean up our water supplies so that we don't get ill. These drugs do the same.

He is right. I am with him.

I yield the floor, sir.

The PRESIDING OFFICER. The Senator from Delaware.

UNANIMOUS-CONSENT AGREEMENT—H.R. 434

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.R. 434 at 10:30 a.m. on Wednesday, notwithstanding rule XXII, and the yeas and nays be vitiated on the motion to proceed.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. There is no objection.

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

Mr. ROTH. In light of this agreement, there will be no further votes this evening.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from New York.

IN HONOR OF SENATOR JOHN CHAFEE

Mr. MOYNIHAN. Mr. President, as have so many of our colleagues today, I rise to speak in memory of and in praise of John Chafee. He was my dearest friend for nigh onto a quarter century.

We came to the Senate together in 1977. As it happens, we were both appointed to the same committees. As we all know, the life of a Senator very much depends on the committees he or she is appointed to and the amount of time that they remain on those committees.

We were appointed to the Committee on Finance with its enormous range of jurisdiction, and to the Committee on Environment and Public Works. Only recently at that point had the ''environment'' come up and made its way onto the title of what had previously

been a Public Works Committee. We worked together on both committees from the very first. These are exceptional committees. Possibly because of the great common interests that are dealt with, they have been exceptionally bipartisan committees.

I point out at this point we have three measures before the Senate: The trade legislation which we will go to tomorrow morning, the tax extender legislation which we must get to, and the Medicare and Medicaid amendments to the Balanced Budget Act of 1997. All three of these measures come to the floor with practically unanimous agreement. Two cases were unanimous; on another, just a voice vote with two dissents.

John Chafee, ranking Republican, as Senator ROTH, the chairman, would agree, was part of this consensus development from the first. He was instinctively a man of this body, and the national interests always came first. I can recall an occasion on the Committee on Environment and Public Works when we took a vote and afterwards John said: Hold it, hold it, did we just have a vote along party lines? We haven't had one of those in 15 years on this committee.

It happened we had one, and that moment passed.

He was deeply involved in environmental matters—the world environment as well as our own. I tended to emphasize public works, and we had a remarkably reinforcing and effective time, or so we like to think. Everyone has commented on his work.

On the Finance Committee—which not everyone understands is, in fact, also the health committee of the Senate—we deal with Medicare and Medicaid. John did a great many things. The one that was so typical and wonderful was to transmute gradually —over a quarter century—the Medicaid program from a program of health insurance for persons on welfare under title IV(a) of the Social Security Act such that we confined the population who could benefit to those persons who were dependent on welfare and added another incentive to dependency. He slowly moved this program to a health insurance program for low-income Americans. It was brilliantly done, not least of all because he never said he was instituting it; it just happened at his insistent and consistent behest.

The last great matter we addressed together was the effort to postpone, so as not to reject, the Comprehensive Test Ban Treaty. He was deeply involved with that. It is perhaps not easily accessible to others now that he was of a generation—I suppose I was of that generation—who can very arguably be said to owe their lives to the atom bomb. He was with marines already in the Solomon Islands. I was in the Navy; I would soon be on a landing craft. We were all headed for Honshu. The war would go on but then stopped because of that terrible, difficult, necessary decision President Truman made.

It was the most natural thing in the world for someone such as John Chafee to spend the rest of his life, in effect, trying to ensure that such a terrible act never was repeated. He was deeply attached to maintaining the essentials of the antiballistic missile program and believed that a rejection of the test ban treaty would then lead to our insisting on that. He did not prevail, but he was witnessed, as he was all of his life, as a man of valor, a man of courage, and such a decent man.

He was chairman of the Republican Conference. Around 1990, I believe, he was challenged, and openly—legitimately, in politics of our type—as too liberal. It was a very close contest, decided by a single vote. Another colleague of his from that side of the aisle, of course, thought the honorable thing to do was to tell him in advance that he would be voting against Senator Chafee's role as party conference chairman and came over to John on the floor and told him this. It was, in effect, devastating news. John's reaction was, ''Oh, dear.'' Never a word of acrimony. He told me about it smiling the next day. He was hurting a bit, but he smiled even then.

He was so wide in his concerns and his empathy and his sympathy. I can only say all of us deal with special interests; we all have special interests. But the only one I can identify with him was the Rhode Island Jewelry Manufacturers. Never did a trade bill pass through our committee without a little essay by him on the subject of the necessity to protect this important sector of the American economy; and he did, and without difficulty. If he wanted it, we wanted him to have it.

I close with the lines of W.B. Yeats, a wonderful poem, ''The Municipal Gallery Revisited,'' which concludes:

Think where man's glory most begins and ends.
And say my glory was I had such friends.

We, all of us, share in that as we contemplate our loss, a loss which is more than made up by the great glory of his friendship. Liz and I send our deepest love to Ginny and to his family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, a life lived richly is the phrase that comes to my mind as I think of John Chafee: A life lived richly, not of the material things of this world but in the magnificent service he provided from the time before he was old enough to vote until his dying day; a life lived richly in the love and honor and respect of those who knew him best, many of whom are Members of this Senate, but love and honor and respect that came from his fellow citizens of Rhode Island and from men and women all across the United States of America.

I knew John Chafee for only 18 years. The word ''only'' and the phrase ''18 years'' do not generally go together, but even that relatively extended period of 18 years was only a modest fraction of the life of service performed by John Chafee. As a U.S. Marine before his 21st birthday, and through many battles and two wars, as Governor of the State of Rhode Island, as Secretary of the Navy, and for almost 23 years as a Member of this body, John Chafee dedicated his life and his entire career to the people whom he represented in the State of Rhode Island and, beyond that, to the grand concept that is the United States of America.

Unlike my eloquent colleague from New York who just spoke, I only served on a committee of this body with John Chafee for a relatively short 2 years. But I do remember vividly the work of several years in his office here in the Capitol in what seemed at the beginning almost a forlorn hope to balance the budget of the United States and to put this Nation and its economy on the sound footing that has been so evident in our economic successes over the course of the last few years.

As was the case with his work on the Committee on Environment and Public Works, that effort was a bipartisan effort, with most of its time being spent with the cochairmanship of the Senator from Louisiana, Mr. BREAUX. It was not at first successful, but it was the immediate parent of the success that this body, the entire Congress, and the President of the United States had in 1997 with a result that was greater than the expectations of any of those who began that lonely struggle or who were in on its completion. It might accurately have been said that success would not have taken place as dramatically or as soon without the dedicated efforts of John Chafee.

On a lesser but still significant level because, of course, each one of us does represent a particular constituency, I can remember vividly the way in which John Chafee, a Senator from Rhode Island, would make requests of me in connection with each of the year's Interior appropriations bills I have managed, softly and diffidently, but with a persuasive manner and reasoning and a persistence that lasted until the conclusion itself—a conclusion that, if my memory serves me correctly, was always favorable to Rhode Island and to the specific requests John Chafee made, partly on the merits of the case and partly because of the respect and love I held for John Chafee, along with all of my colleagues.

He did love his small State. He cared deeply about its people and carried the burden and responsibility of representing them both lightly and well. John Chafee, not surprisingly for a former member of the U.S. Marines

with many battles and much conflict under the flag of his country in his early life, was not afraid to be alone even in this body and even in contentious times when he believed, as he often did, that his position was the right one. Equally, he was not afraid to join with others to test his ideas against the ideas of others and to reach a conclusion that could command the respect and the votes of a majority of this body.

He was a highly successful Member of the Senate, and so we will miss him, even though, in a way, some can envy a man who, continuously from the age of 18 or 19 until his dying day, was permitted to serve his country in so many ways and in so vital a fashion.

Now we are constrained to bid him farewell. But he goes with our admiration, our respect, and our prayers.

Mr. ABRAHAM. I will speak briefly with respect to the passing of our dear colleague, John Chafee. He was a great friend to all Members, those who had the chance to work with him closely across the board from one side of the Chamber to the other. I think all felt the highest degree of respect and admiration for him. Today I want to express to his family my deepest condolences and those of my family.

A lot of great things have already been said about John Chafee's remarkable career both in public service and in service of his country, his academic achievements, as well as his professional achievements. I will have many memories of him. Probably one that will be the most vivid in a certain way is something I took note of after reading a book about the Korean war which talked about John Chafee. The book made reference to his very distinguishable way of walking, the sort of commanding stride with which he moved among the troops. After I read that, I started noticing the way he walked from one building to another of the Senate, and I noticed the same absolutely distinguishable stride with which he carried himself; somebody who was in command, somebody who moved purposefully forward to meetings, to the floor of the Senate, to attain the objectives which he had for his State and his country.

Certainly, anyone who had the chance to work with him, whether in the context of the issues that came before the Finance Committee or the Committee on Environment and Public Works, knows he brought to the Senate a great sense of dedication, commitment, integrity, and principle. We worked together quite a bit last go-round on the highway transportation bill. I remember on numerous occasions appearing in his office to make the plea for my State of Michigan. While he didn't have the ability to provide each and every Member with everything we wanted, he certainly put the time in to make sure he did the best for all of us in our States. That was his way of addressing all the things that came before him.

It will be hard to move forward without him because we will all miss him, and I think as a collective chamber we will miss his leadership.

As I said to his family and those close to him, I offer both my condolences but, at the same time, I express how much admiration I had for him and how I hope all Members can draw from our experiences with Senator Chafee some insights into how to make sure we conduct ourselves as Senators, with integrity and with the willingness and ability to work together to achieve great things. He certainly achieved many great things in his career, and I hope other Members can come close in our careers to achieving what he did.

Mr. MURKOWSKI. Mr. President, when I first came to this body in the Congress that convened in January of 1981, I was the 100th Senator. There is no question about that. There is a certain degree of humility associated with that prized and coveted position.

As a consequence of the reality that we came in with 16 other Republican Senators in what was somewhat of a revolution associated with President Reagan, some suggested we came in on his coattails. Those of us who prided ourselves on our accomplishment were not ready to attribute totally that responsibility to President Reagan, but nonetheless we were fortunate to be here.

In the determination of how this place works, as a freshman Senator, one quickly has an opportunity to participate in the selection of committees. Being the 100th Senator, you take what is left and what you get. I found myself having perhaps made the choice, but clearly with the realization that while my first choice was the Finance Committee, my realistic choice was the Environment and Public Works Committee. At that time, Senator Chafee had taken over the chairmanship of that.

One of the interesting reflections is not too many of the Republicans, in spite of their seniority, knew what chairmanships were all about because it had been a long dry spell in the Senate —several decades.

In any event, I had an opportunity to serve with the late Senator John Chafee. As a junior member of that committee, I was quickly immersed in the technical aspects of such issues as emissions, NO_X, CO_2, clean water, clean air, the role of the Environmental Protection Agency, and a host of other eventualities that suggested that clearly there was an institutional memory associated with many of these issues. I found, much to my relief, that the late Senator Chafee was a patient, caring, and intensely dedicated Member of this body. I know many Members have discussed his military role, his individual and personal sacrifice on behalf of our Nation in serving. Having dedicated his life to public service, I think it is a reflection of the type of American and unique Senator he was.

During that time on his committee, I was privileged to participate in significant events that were charged to his responsibility. Looking back on those instances, they were really opportunities to get to know and understand and appreciate the contribution Senator John Chafee made to the Senate.

Later, I had an opportunity to serve with him on the Republican health care task force. Even later, finally, after some 14 years in this body, I did get my first choice of committees, the Senate Finance Committee. John Chafee was on that committee as a senior member. John took over an obligation to coordinate the Republican health task force. John studied in depth the details of health care. He probably knew them better than anyone in this body. He cared very deeply about bettering the lives of those he met. I remember the morning meetings when he went into great depth on the health care issue and how we could meet our obligations to provide reasonable health care for the Nation. It was a disputed area of concern relative to a certain amount of partisanship, which occasionally raises its head around here. Nevertheless, John was above that; he was dedicated and committed to trying to accomplish something meaningful in that area. He never gave up, as he didn't on many of the issues about which he cared so deeply.

So as we look at John's desk and the flowers that adorn it, it is with fond memories that we think of a fine American and an outstanding Senator with whom we were privileged to serve for a number of years—in my own case, for some 19 years. I treasure that time with John Chafee. I shall miss his contribution to this body. We had certain disagreements from time to time on issues, as Senators do in this body, but I always respected where he stood. I always knew where he was coming from. He was a gentleman whose word was his bond.

Coincidentally, recently I made a telephone call to a friend who has been ill for some time. He was known to many in this body. The gentlemen's name is Duffy Wall. He was a friend to many Members of this body. Duffy Wall passed away yesterday, as well, at about 4:15 in the morning. I talked to his wife Sharon, who was kind enough to phone me and advise me that Duffy had passed on. It was kind of memorable that, in her reflection, she said, ''You know, Frank, Duffy was a great friend of John Chafee's.'' She believed that Duffy wanted to go with Senator Chafee. So wherever the two are today, obviously, they have affection and great friendship. As Senators, we suffer the loss of our dear friend John Chafee.

I thought it fitting to add that there was another dear friend of ours and John Chafee's who also passed away yesterday morning.

Mr. President, I extend to Mrs. Chafee and her family my sincere sympathy. I also extend to Sharon and the Wall family our sympathy for the loss of Duffy Wall.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I offer my condolences to Ginny and the entire Chafee family for the loss of her husband, their father, and our friend, John Chafee.

When a great person leaves us, we know we can't replace him and we know have suffered the loss in a very personal way. All of us feel that loss with John Chafee. It is not just the loss of a Senator, it is someone now who is missing in our lives, and we have to deal with that in the way human beings have to deal with losses of this kind. Also, when a great man leaves us, when great people leave us, oftentimes they will put on the television screen the date of birth and the date of passing, and they did that in this case with John Chafee: 1922–1999. He was 77 remarkable years, Mr. President.

I had a conference in Omaha with young people recently on the question of how to save money. They were juniors and seniors. I have done this for 2 or 3 years in a row. Warren Buffett, a rather wealthy man, was our keynote speaker. He talked for a couple of minutes, and then he took questions. Two years ago, a young person said to him, ''Mr. Buffett, I mean no disrespect, but aren't most wealthy people jerks?'' Warren answered, ''No, that is not my experience. Wealth just allows you to be a little more of what you already were. If you start off a jerk and become wealthy, you can be a real big jerk and hire lawyers for $1,000 an hour and sue all your friends. On the contrary, if you start off a good person and you acquire wealth, you can be a really good person.''

That was John Chafee. John was born into wealth and privilege. At the age of 19, after the United States was drawn into World War II after being attacked by Japan, he volunteered, but not for any special duty; he was an enlisted man in the U.S. Marine Corps. Among other places, he had to fight in one of the bloodiest battles in Guadalcanal. Then he went back to college, and the Korean conflict broke out, and there was no question that had he chosen to, he could have figured out a way not to go. But he went in this time as an officer commanding a rifle company.

I have had many occasions where I would say, ''I was so impressed, John, by what you did''; and, of course, all of us who knew him would know he would blush and change the subject. He did not want praise. He didn't want people to think he was anything special. He did this all as a consequence of the way he was. He didn't think he deserved any special attention at all.

Again, taking my Warren Buffett experience, in talking to the young people, he didn't talk about wealth. He said: You are born with three things—intelligence, endurance, and the opportunity to build integrity. You have to decide how much intelligence and endurance you are going to use. You build integrity every single day with the choices you make. Sometimes you make good choices, and sometimes they are bad.

I would scratch my head if somebody asked me to give them a choice John Chafee made that was bad, which produced inferior integrity. And I don't just mean the issues. I am impressed by what he did on the environment. He believed we needed to leave the world better than we found it. He knew we had to think beyond our lifetimes in order to do that. I was impressed by his courage on public safety. I never have and never would go as far as he did on gun control, but it took guts to do that. All of us who watched him do that had to admire that.

On health, there were always other people—the disabled and people who were born with less than he was born with. He didn't just fight with them, and he knew it wasn't for political reasons. He cared about the lives of other people. So I was impressed with what he did on all the issues. But the thing that moved me the most and causes me to say that I will miss this man and I will note his absence is that I consider what the world is like without him, and I think it is less without him. So it was considerably more as a consequence of the choice he made to be kind, the choice he made to be considerate, the choice he made to respect other people. That is a choice we all have to make. Are you going to be kind? You are not born with an attitude of kindness. You have to choose it. You have to choose to be considerate and respectful.

Again, I have been here for 10 years. I can't think of a single moment even when he was provoked that John Chafee ever said an unkind word about anybody. He would disagree. He would argue. I never heard him say an unkind word. That was a choice he made. It didn't come as a result of him being a man or a human being. It was a choice and a decision that he made. It was old school values, in my opinion.

As a consequence of that, I find myself wondering what life is going to be like without John Chafee.

I hope his wife and family understand what a big impact he made. John caused not just improvement in our laws, improvement of our country, and improvement of our world but improvement of our values.

For those of us who fall short of the mark that John Chafee laid down with his behavior, there is an ideal of a goal that he set for ourselves.

I hope as we debate and make decisions about how we are going to treat one another that we remember the way John Chafee treated us. I think if we remember that, it is likely that we will treat not just one another better but as a consequence of that treatment this will be a better place, and the country will be a better place, and the world will be a better place as well.

I yield the floor.

Mr. CRAPO. Mr. President, I rise today to join so many of my colleagues in making a few remarks about our colleague, Senator John Chafee.

As we all know, many of us have risen over the last 2 days to speak of our memories of Senator Chafee and the friendships we have developed with him over the years. Because of my short time in the Senate, my experiences with Senator Chafee are more limited, but I have had ample time to observe Senator Chafee as the good, kind, and honorable man so many of my colleagues have spoken about in the last couple of days.

I can recall when I first came to the Senate and we were organizing. I wondered what my committee assignments would be. John Chafee, knowing of the interest of Idaho in natural resource issues, came to me and said I ought to try to get on the Environment and Public Works Committee which he chaired. I said: I would love to work with you on that committee. When the appropriate opportunity to make a selection came along, I ultimately did, make that choice and had the chance to work with Senator Chafee.

John Chafee represented what is good about American politics. Senator Chafee was a man of the highest principles and utmost integrity. The Washington Post referred to him as ''a gentle but stubborn champion.'' That is exactly right.

I was remarking to one of our colleagues as we walked back from the Capitol Building after a matter of business earlier today that John was always friendly and helpful and was such a kind man, but he was also a firm man in championing the principles he advocated. I believe that description of him, ''a gentle but stubborn champion,'' is a very apt way to describe him.

John Chafee was deeply committed to the issues he undertook to fight for, and, at the same time, he was always a gentleman and a statesman. Senator Chafee was instantaneously a likable person. Part of his charm was he was entirely unassuming and friendly.

Perhaps what made his demeanor more unique was he had enjoyed such an impressive career. Senator Chafee clearly worked hard to make a difference throughout his entire life. His career accomplishments were extraordinary, but then he was an extraordinary man. These things have already been said, but I want to repeat them.

He served in World War II at Guadalcanal and Korea. He was a graduate of Yale University and Harvard Law School and served in the Rhode Island House of Representatives and as Governor of Rhode Island. In 1969, he was appointed Secretary of the Navy and served in that post for 3½ years during one of the most critical times in our history.

Senator Chafee's life's work has been furthering the issues he believed would make America a better place. His commitment to the issues and his good nature are what I will miss the most.

I knew if I needed to talk with someone who would have a unique and heartfelt perspective on an issue we were debating, all I had to do was sit down at his desk, where there are now flowers, and talk to John. He would have thought through the issue carefully and whatever his position on it, he would have a good, balanced, thoughtful reason for it.

I particularly want to share some of the personal experiences I have had with him.

Being from a different part of the country—I come from the West and John comes from the Northeast—it is no secret those of us from different parts of the country often approach environmental issues and some of the natural resource issues in a different way, and that was true about John and me on some of the issues. We found a lot of common ground where we worked together, and we found those issues where we were different.

What was always remarkable to me is that he was always willing to work with me to try to understand my point of view and to see if the issues and concerns of the people I represent in Idaho could be squared with the issues and the concerns of the people he represented in Rhode Island, and if the interests of the Nation could be brought together in a solution that found common ground, that was one of his strengths.

I note he always engaged the people in our hearings in a friendly fashion that made them feel at home and at ease. He took a direct interest in legislation and in each committee member's personal interest in legislation which was important to them.

He personally worked closely with me on legislation on which we found we could develop common ground. It is because he chose to make his life one of service that so many people today stand in honor of him. America truly lost one of our great leaders. I believe he stands as a tremendous example to all of us of the kind of difference you can make if you are willing to put your life into the service of the people of this country.

John Chafee truly did that. On behalf of all of us in America, I say thank you.

ACADEMIC ACHIEVEMENT FOR ALL ACT

Mr. GORTON. Mr. President, I rise to express my gratitude and my appreciation to the House of Representatives for an action it took last week, under the leadership of Congressman GOODLING, chairman of the House committee dealing with education. The House has now passed the Academic Achievement For All Act, or Straight A's, a concept and a crusade in which Mr. GOODLING and I have joined as sponsors in our respective Houses of Congress. It is so dramatic a reform, so dramatic an expression of understanding on the part of the majority of the Members of the House of Representatives, that those who provide educational services for our children—their teachers and principals and superintendents and elected school board members, not to mention their parents—ought to be empowered to use the money they receive from the Federal Government for that education in a way they deem best, given the circumstances of each child and of each of the 17,000 school districts in the United States.

That philosophy is very much at variance with the standard philosophy of Acts of Congress, which increasingly over the years have told our schools in detail what they must teach, how they must teach it, and how they must account for it if they are to receive a modest percentage of their budgets that Congress itself supplies to them.

In order to pass Straight A's through the House of Representatives, Mr. GOODLING and his supporters had to scale it back to a 10-State experiment.

Even at that level, I believe it will be a dramatic reform, not simply because it provides this trust in our local educators and parents and school board members, but because it carries with it a requirement for accountability that is a real bottom line requirement; that is to say, in order to take advantage of Straight A's, a State must have a system of determining, through some type of examination or a test, whether or not it is actually improving the educational achievement of the children under its care. It is only results that count in Straight A's and not how you fill out the forms or what the auditors say you have done with the money.

I believe we in the Senate will take up Straight A's in that form, or in some similar form, sometime during the winter or very early spring of the year 2000 when we deal with the Elementary and Secondary Education Act. But I am delighted that we have made such progress already in the House of Representatives.

Simply to ratify some of my remarks, I want to share with my colleagues comments that we have received from across the country about this dramatic change in Federal education policy:

I am pleased to offer my support to the Academic Achievement for All Act. This proposal, if enacted into law, would serve to complement the Commonwealth of Virginia's nationally-acclaimed national education reforms.

Governor James Gilmore of Virginia.

A new relationship between the states and Washington, as reflected in Straight A's, can refocus federal policies and funds on increasing student achievement.

Governor Jeb Bush of Florida.

Straight A's would allow us to use federal funds to implement our goals while assuring taxpayers that every dollar spent on education is a dollar spent to boost children's learning.

Governor John Engler of Michigan.

I'm not a Democrat or a Republican. I'm a superintendent. And what GORTON is trying to do would be the best for our kids.

Superintendent Joseph Olchefske, Seattle public schools.

The Straight A's Act will allow those closest to the action to make decisions about education in their own local school district.

Robert Warnecke, Washington State Retired Teachers Association.

Senator GORTON's Straight A's proposals is well-conceived with great flexibility for states and districts. It would help to focus federal resources where they are most needed.

Janet Barry, Issaquah Superintendent and 1996 National Superintendent of the Year.

I look forward to the debate in the Senate on these changes with particular delight because the House of Representatives' majority has already said that this is the direction in which we ought to lead the country.

(The remarks of Mr. CRAPO pertaining to the introduction of S. 1795 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 761

Mr. ABRAHAM. Mr. President, I would like to propound a unanimous consent request.

I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of Calendar No. 243, S. 761, under the following limitations:

That there be 1 hour for debate equally divided in the usual form, and the only amendment in order to the bill be a manager's substitute amendment to be offered by Senators ABRAHAM, WYDEN, and LOTT.

I further ask unanimous consent that following the use or yielding back of

time and the disposition of the substitute amendment, the committee substitute be agreed to, as amended, the bill be read a third time, and the Senate proceed to a vote on passage of S. 761 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, there are a number of people on this side of the aisle who reluctantly have asked that we object to this matter with the caveat that it is very clear that there should be something worked out on this in the near future. We hope that will be the case. In the meantime, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ABRAHAM. Mr. President, I appreciate the perspective offered by the Senator from Nevada.

I want to acknowledge, while he is still on the floor, the continuing interest that I have in trying to work to a resolution on this issue because I think it is one, as is evidenced by the bipartisan nature of both the original bill and the proposed substitute, where there are, in fact, Members on both sides of the aisle who have an interest in proceeding in this area. So I hope we will be able to reach some kind of an agreement soon.

I have a little bit more I want to say about the legislation before we adjourn, but I thank the Senator from Nevada for his expression of a continuing interest to work together.

THE MILLENNIUM DIGITAL COMMERCE ACT

Mr. ABRAHAM. Mr. President, we originally introduced this legislation, which is entitled ''The Millennium Digital Commerce Act'' on March 25. I introduced it with Senators WYDEN, MCCAIN, and BURNS.

The Senate Commerce Committee held a hearing on the legislation May 27. Subsequently, the legislation passed unanimously by the Senate Commerce Committee on June 23.

President Clinton's administration indicated a statement of support. That was issued on August 4.

I think that sequence of events suggest that there is a strong degree of support for this type of legislation.

The same week the President expressed his support, we attempted to pass the bill in the Senate by unanimous consent. That was just before the August recess.

Concerns were raised by two Members of the Senate about the possible impact of this bill on consumer protection.

Since that time, we have worked to try to incorporate some of the changes and some of those considerations into the legislation to address consumer protection concerns while still providing the tremendous benefit of electronic signatures to the public which was intended by the legislation. I believe the substitute which we would propose to offer does just that.

As was the case with the legislation which passed the Senate Commerce Committee, the substitute will promote electronic commerce by providing a consistent framework for electronic signatures in transactions across all 50 States.

That framework is simply a guarantee of legal standing in each of those States. Such a guarantee will provide the certainty which today is lacking and will encourage the development and the use of electronic signature technology by both businesses and consumers.

The legislation addresses the concerns raised by the use of electronic records and electronic transactions. It will allow people to secure loans on line for the purchase of a car, home repair, or even a new mortgage by giving both companies and consumers the legal certainty they need.

However, the bill now includes safeguards to guarantee that electronic records will be provided in a form that accurately reflects the original transaction and which can be reproduced later. These safeguards are taken directly from the completed version of the Electronic Transactions Act, the ETA.

This legislation also recognizes that there are some areas of State law which should not be preempted. These are specifically spelled out and excluded in this bill. They include but are not limited to wills, codicils, matters of family law, and documents of title.

As almost anyone in this country knows who has paid the slightest degree of attention to developments in the areas of sales, or economy, or the markets, or watches their television and follows the commercials to the slightest degree, we are entering an age in which electronic commerce is rapidly serving as a substitute for traditional means of commercial activity.

Many individuals and companies, as well as others who wish to engage in electronic commerce and other electronic exchanges, are suffering because there is no uniform supporting legal infrastructure in the United States which could provide legal certainty for electronic agreements.

The problem is simple. We have about 42 States that have adopted their own basic version of how to authenticate documents that are entered into through electronic transmission. They are all different. Because of those differences, the potential exists for transactions and contracts entered into online through electronic commerce to be challenged in court because the laws of one State might be different from the laws in another. We wish to end that problem.

The States are moving as fast as they can to address it through a uniform act which has been developed by the States. And slowly but surely we believe that act will be adopted by State legislatures and signed into law by Governors. But until the States get to that point, we need an interim solution so that electronic commerce can continue to expand and people can continue to engage in electronic commercial activity.

The current and prospective patchwork of law and regulation cannot support, and in some cases is incompatible with, the e-commerce market's demanding requirements that are flowing from the interstate and international nature of Internet commerce.

The uncertainty and certainly the existence of all these different State laws provides a lot of uncertainty, and the resulting risks that stem from that harm America's businesses and consumers because it puts a limit on the amount of commercial activity that is capable of being handled in this fashion.

I think it further hinders the broad deployment of many innovative products and services by American companies, and, of course, in turn limits the choices for those who are prospective consumers, whether it is in business-to-business transactions, or business-to-consumer transactions.

The point is this legislation cannot continue to wait. We have tried on several occasions already to bring it to the floor. We tried to pass it through unanimous consent agreements. We have tried to negotiate. So far we have been unsuccessful.

The concepts and the goals behind this move toward electronic commerce and authentication are not a subject of controversy. Obsolete statutes that exist in State law should not be permitted to bar innovation and economic growth.

This is no longer a States rights issue because we are dealing with otherwise enforceable contracts involving interstate commerce. Thus, passing legislation that contains crucial provisions providing interstate commerce certainty for electronic agreements, in my judgment, and I believe in the judgment of a lot of others, should be a top priority for the Congress before leaving this year.

The legislation which we are talking about has been endorsed by numerous organizations and companies who are trying to expand e-commerce in our country.

They are: America Online, American Bankers Association, American Council of Life Insurance, American Electronics Association, American Financial Services Association, American Insurance Association, Business Software Alliance, Charles Schwab, Chase Manhattan Bank, Citicorp, Coalition of Service Industries, Consumer Bankers

Association, Consumer Mortgage Coalition, Digital Signature Trust Co., DLJ Direct, Electronic Check Clearing House, Electronic Industries Alliance, Equifax, Fidelity, and Ford Motor.

Also, the Financial Services Roundtable, Gateway2000, General Electric Company, GTE, Hewlett-Packard, IBM, Information Technology Association of America, Information Technology Industry Council, Intel, International Biometric Industry Association, Internet Consumers Organization, Intuit, Investment Company Institute (ICI), Jackson National Life, Keybank, Microsoft, National Association of Manufacturers, National Association of Mutual Insurance Companies, National Retail Federation, NCR Corporation, New York Clearing House Association L.L.C., PenOp Inc., Securities Industry Association, Telecommunications Industry Association, U.S. Bancorp, U.S. Chamber of Commerce, Wachovia Corporation, Zions First National Bank, and Zurich Financial Services Group.

The fact that the legislation passed the Commerce Committee unanimously, the fact the President has endorsed it, should be a signal to everybody that this is legislation that does have the kind of bipartisan backing that should allow it to move fairly quickly through the Senate. Yet it is not. It has been since June that we have tried to do this. We have yet to have a successful completion of our efforts.

There are many issues involved in electronic authentication that can wait for the market to mature for resolution. Contractual certainty cannot. The absence of certainty with respect to electronic authentication contracts creates a huge impediment to the development of e-commerce both here and internationally.

Before I finish on this issue, I am still very much interested in working with people who have objections. I hope we can work something out in the next day or two, but I do think we need action this year. If we can't work something out in the next day or two, it will certainly be my intention to ask the majority leader to see if we can't file a cloture motion on a motion to proceed to this legislation so we can work it out. It seems to me if people have substantive differences we ought to be able to enter into a consent agreement to afford the opportunity for a limited number of amendments on this legislation so those differences can be worked out on the floor. To hold the bill up and prevent proceeding to the bill jeopardizes our ability to get anything done this year. I appeal to those who raised objections to work with Members in the next day or two to find an amicable as well as hopefully a fairly quick process by which we can bring the legislation through the Senate.

Mr. LEAHY. Mr. President, along with many of my colleagues on both sides of the aisle, I have long been an advocate of legislation to enable and encourage the expansion of electronic commerce, and to promote public confidence in its integrity and reliability. In that bipartisan spirit, many of us worked together in the last Congress to pass the Government Paperwork Elimination Act, which established a framework for the federal government's use of electronic forms and signatures. I believe that the same spirit, and the same process of listening to the people involved and the experts on the issue, and of reasoned deliberation, could yield an electronic signatures and electronic contracting bill that would benefit our entire national economy.

Sadly, however, the bill before us today is not the product of such a process, and it is not such a bill. Where the Government Paperwork Elimination Act was an object lesson in bipartisanship, the bill before us today is an object lesson in special interest politics.

This bill has a history. If we listen to that history, we may hear some of the voices that have been silenced in the rush to bring it to the floor. So let me recount it briefly.

On May 27, the Commerce Committee held hearings on Senator ABRAHAM's original S. 761. Remarkably, for a bill that proscribed rules for business-to-consumer transactions as well as business-to-business transactions, neither the Federal Trade Commission, nor state consumer protection authorities, nor any consumer advocates, were invited to testify at those hearings. Sometimes it seems that we forget that the purpose of commerce is to provide goods and services for consumers.

In June, neglecting the concerns of silent consumers, the Commerce Committee reported a bill of quite unprecedentedly sweeping preemptive effect. The Commerce-passed bill would have overridden untold numbers of federal, state and local laws that require contracts, signatures and other documents to be in traditional written form.

I was concerned that the Commerce-passed bill was federal preemption beyond need, to the detriment of American consumers. For example, the bill would have enabled businesses to use their superior bargaining power to compel or confuse consumers into waiving their rights to insist on paper disclosures and communications, even when they do not have the technological capacity to receive, retain, and print electronic records.

On August 10, I asked the FTC whether S. 761 as reported by the Commerce Committee could undermine consumer protections in state and federal law, and how the bill might be improved. The FTC responded by letter dated September 3 that, while it shared the broad goals of S. 761, the bill's potential application to consumer transactions raised questions that needed to be addressed:

> For instance, would the bill preempt numerous state consumer protection laws? Would borrowers be bound by a contract requiring that they receive delinquency or foreclosure notices by electronic mail, even if they did not own a computer? Would consumers who had agreed to receive electronic communications be entitled to revert to paper communications if their computer breaks or becomes obsolete? Would consumers disputing an electronic signature have to hire an encryption expert to rebut a claim that they had 'signed' an agreement when, in fact, they had not? What evidentiary value would an electronic agreement have if it could easily be altered electronically?

The FTC concluded that further clarification was needed to provide protection for consumers while allowing business-to-business commerce to proceed unimpeded.

Consumer and privacy advocates, consumer lawyers and law professors echoed the FTC's views. Among the many national organizations opposed to the bill: Consumer Union, Consumer Action, Consumer Federation of America, National Consumer Law Center, National Association of Consumer Agency Administrators, National Consumers League, National Center on Poverty Law, National Legal Aid and Defenders Association, National Senior Citizens Law Center, Privacy Rights Clearinghouse, United Auto Workers, U.S. Public Interest Research Group, and Utility Consumers Action Network. They wrote to the Senate on September 9, that, while consumers can potentially benefit from receiving information electronically, ''the broad-brush approach of S. 761 . . . would eviscerate important consumer protections in state and federal law, as well as interfere with a state's rights to protect its own consumers without imposing any protections against misuse, mistake, or fraud.''

The Commerce Department also came to oppose S. 761 as reported by the Commerce Committee, because of its spillover effect on existing consumer protection and regulatory standards. In a letter this month to the Chairman of the House Judiciary Committee, the Commerce Department noted its concern that enactment of S. 761 was desired by some precisely because of this spillover effect.

Faced with a bill that proclaimed an objective that I agreed with, but also presented serious dangers for consumers, I committed to working with Senator ABRAHAM and others to rewrite S. 761 in a manner that would benefit businesses and consumers alike. For many weeks, we strove to do the work that the Commerce Committee had failed to do, meeting with business and consumer representatives in order to make sure that we understood and fully addressed their concerns.

I was and still am proud of what this consultative process produced. The Leahy-Abraham compromise bill satisfied the primary and valid goal of the

business community, which was to ensure that contracts could not be invalidated solely because they were in electronic form or because they were signed electronically. The bill also promoted competition and innovation by proscribing that regulations would not discriminate between reasonable authentication technologies. At the same time, the bill left in place essential safeguards protecting the nation's consumers.

As of September 28, then, the prospects looked good for a bipartisan compromise that furthered the interests of industry and consumers alike. The prospects looked even better two weeks later, when a bipartisan majority of the House Judiciary Committee adopted the Leahy-Abraham compromise bill as a substitute to the radically preemptive H.R. 1714.

That was the history of S. 761, until today. Senator ABRAHAM is now seeking unanimous consent to pass a totally different bill, a bill that is more preemptive and potentially more harmful to consumers than the bill reported by the Commerce Committee in June. How did this reversal happen? I as one of the architects of the compromise was not consulted. But that is not what troubles me.

What troubles me is that, so far as I know, the FTC was not consulted; the Commerce Department was not consulted, and consumer groups were certainly not consulted. I do not know who was consulted, but I do know that, whatever process created this new bill, it was not a bipartisan process, it was not an open process, and it completely bypassed the Committee system.

What is in this mystery bill, which was unveiled less than 24 hours ago, and which we are now asked to pass by unanimous consent? A very small part of this bill focuses, as did the Leahy-Abraham compromise, on validating electronic contracts. A much larger part of the bill is devoted to electronic records, which is broadly and vaguely defined in such a way as to encompass any text on any computer anywhere.

The bill provides that if any law, federal or state, requires a record to be in writing, an electronic record satisfies the law. I frankly do not know what that means. My fear is it means that if a patient purchases medication from ''drugstore.com,'' the listing of dosage instructions and counter-indications on the ''drugstore.com'' web site could be deemed to satisfy the FDA's safety labeling requirements. To take another example, what happens if the homeowner cannot access an email from the bank threatening foreclosure because her computer is broken?

The bill also sweeps unduly broadly in its provisions on electronic signatures. Under this bill, if any law, federal or state, requires a signature, an electronic signature is deemed to satisfy that law. The term ''electronic signature'' is defined to include any electronic sound, symbol or process used with intent to sign and associated with an electronic record. This captures everything from the most secure, encrypted, state-of-the-art authentication technology to my typing my initials at the end of an email.

This one-size-fits-all legislative approach substitutes for the uniqueness and reliability of a human signature a wide range of unreliable and unauthenticable technologies, without providing any of the protections that, say, credit card owners have. To take an old-fashioned example, where parents used to sign their children's homework, this approach would suggest that the teacher should be satisfied by the sight of the parent's initials attached to an email. The ramifications are much more serious when we consider the prospect of children using insecure technologies to bind their parents to electronic transactions that they cannot afford.

There are other problems with this bill as well. It has a new and complex provision regarding what it calls ''transferable records,'' in effect, electronic negotiable instruments. This provision has never been considered by any Committee of the House or Senate, or to my knowledge by any banking regulators. Maybe the sponsors of the bill are prepared to take us through it in detail on the floor today. If not, we would be derelict in our duty if we brought into force a whole new legal regime that we have neither scrutinized nor understood.

Then there is the issue of preemption. State laws include a large number—usually thousands—of references to signatures and writings. A recent review of the Massachusetts General Laws uncovered over 4,500 sections dealing with or requiring a signature or writing, and I understand that this is typical among the states.

In some cases, it may be appropriate to reform such requirements to allow electronic means rather than paper and pen. In other cases, it may be appropriate to maintain paper requirements or, if the law is to be changed to allow electronic means, to tailor the law to maintain the legislative intent, as for example in the case of consumer protection provisions requiring conspicuous terms. But aside from a handful of specific exclusions, the new S. 761 does not attempt to differentiate among state laws, nor does it concern itself with the reasons why state legislatures required a signature or writing in the first place; rather, S. 761 simply wipes these thousands of state laws off the books.

We have heard a lot of late about the integrity of state law. We have heard that providing federal protections for battered women would unduly intrude on the states' authority. We have heard that allowing federal authorities to prosecute hate crimes would violate state sovereignty. It is interesting to note that the principal sponsor of this bill is also a cosponsor of S. 1214, the Federalism Accountability Act, which aims to protect the reserved powers of the states by imposing accountability for federal preemption of state and local laws.

I myself have always taken a more pragmatic line about the pros and cons of federal versus state law. But it is ironic to hear Members who speak the rhetoric of states' rights on a regular basis to turn around and advocate a bill that would preempt thousands of state laws ranging from the common-law statute of frauds to California's recent enactment of a modified version of the Uniform Electronic Transactions Act.

Finally, one important provision that we included in the Leahy-Abraham compromise is missing from this bill—a provision that asked the FTC to study the effectiveness of federal and state consumer protection laws with respect to electronic transactions involving consumers. That kind of scrutiny would be all the more valuable in the context of this new bill, which would radically change the legal landscape by stripping consumers of a host of current legal protections.

It is a disturbing testament to the power of special interests that the reporting provision at the end of this bill one-sidedly demands a report on what it calls ''barriers to electronic commerce,'' while creating no provision for any investigation of the effects of its new regime on the nation's consumers.

I do not consent to passage of S. 761 in its current form.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I take this opportunity to address in the Senate some matters that I believe are important as we approach the end of the fiscal year 2000 appropriations cycle.

Foremost among my concerns is the increasing role the Federal Government plays in our everyday lives in the area of education, and the budgetary impact on our nation that results from assuming this and other roles more properly and constitutionally the responsibilities of State and local government.

I have witnessed during my first year in the Senate a number of positively amazing and enlightening experiences that have made me feel proud to be able to serve in this body and at this level of government. Yet my pride is increasingly tempered by subjects which have caused me great concern.

You needn't be an experienced member of the Senate, a Governor, or public official to appreciate the dire situation our nation faces with regard to the solvency of Social Security and Medicare. However, as public officials and stewards of our Nation's finances, I believe

that we must be all the more vigilant of this reality since every decision we make at this level in some way will impact whether we as a nation will be able to honor the commitments we have made.

I wish to highlight some recent examples as to how we in the Senate have, I believe, erroneously prioritized with respect to our federal responsibilities.

For example: Mr. President without a doubt, improvement in the quality of education is a top concern for parents, teachers, and employers across the country—in fact, improvement in the quality of education ought to be our number one priority as a nation.

As with all issues, when discussing education we must ask two key questions: 1. What level of government is responsible? 2. How are we going to pay for it?

Since the introduction of the Elementary and Secondary Education Act of 1965 by President Johnson, the Federal Government has gradually been increasing it's involvement in education.

Rather than the role of a very junior partner in education reform, the President has offered a number of initiatives throughout his term that would substitute the U.S. Department of Education for most local school boards.

Mr. President, we recently spent hours and hours of debate on the subject of education in the context of the fiscal year 2000 Labor, HHS, and Education Appropriations Bill.

We allocated $2.3 billion more on education in this year's Senate bill compared to fiscal year 99, a more than 6% increase at a time when we have a problem balancing the budget.

Yet, the primary responsibility for our nation's education doesn't and shouldn't reside in Washington.

The text of the Constitution and the Federalist Papers indicate that responsibility for our Nation's education resides with State and local government—not the Federal government.

And indeed, States have upheld their constitutional responsibilities and have responded to our education needs by moving forward with appropriate reforms and spending.

State spending in education has increased dramatically in the past decade.

According to a recent report by the National Governors' Association and the National Association of State Budget Officers entitled The Fiscal Survey of States, elementary and secondary educational now accounts for slightly more than one-third of State general funds spending and about one-quarter of State spending from all funding sources.

The report goes on to say that:

. . . elementary and secondary educational has been the largest state expenditure category, with almost $182 billion in total expenditures in 1998. Its growth has outpaced the growth in total state expenditures, with overall state expenditures increasing by 6 percent between 1997 and 1998 and elementary and secondary education spending increasingly by 7.2 percent.

Governors' recommended budget for fiscal year 2000 include an average proposed increase for elementary and secondary education of 4.8 percent, and an average proposed 4.3 percent increase for post-secondary education.

During my two terms as Governor of Ohio, we increased education spending from our General Revenue Fund by $2 billion, or 50.7 percent. The amount of Basic Aid per pupil rose during my term from $2,636 to $3,851, or 46 percent—and a 56 percent increase in per-pupil expenditures was measured for the poorest one-fourth of Ohio's schools.

In addition, under my administration, State funding support for capital improvements for Ohio's primary and secondary school buildings totaled more than $1.56 billion. We have wired every classroom for voice, video, and data to the tune of $525 million.

We have increased accountability and established higher classroom standards in Ohio and are implementing a more stringent set of academic requirements that students must meet to earn a high school diploma.

In particular, State funding for Ohio's youngest children has grown tremendously. Child care spending alone increased by 681 percent under my administration!

I am especially proud of what we have done in Ohio with the Head Start program. Ohio is now the national leader in State support for Head Start. When I began as Governor, State support for Head Start in fiscal year 1990 was $18.4 million. In fiscal year 1998, State spending for Head Start had increased to $181.3 million, making Ohio the first State in the nation to provide a slot for every eligible 3- or 4-year-old child whose family desires quality early care and education services.

The first question we should ask is: whose responsibility is education—and mostly it is a State and local responsibility. The second question is: how are we going to pay for it?

A few weeks ago I spoke on the Senate floor in response to the President's announcement of a $115 billion surplus in fiscal year 1999, indicating that it would be wonderful if it were only true.

The President, however, neglected to mention during his remarks in the Rose Garden that OMB also projected an on-budget deficit.

The only way the President could claim an on-budget surplus was by using the employee payroll taxes coming into the Social Security trust fund.

During the recent debate over the Labor, HHS, Education appropriations bill, I heard a lot of talk in the Senate with respect to funding for schools, funding for 100,000 new teachers, funding for teacher training.

We spent a great deal of time discussing Federal class size initiatives. Additional debate on the role of the Federal Government in providing funding for school construction is likely to follow in future debates.

The reality is, however, that many States already have class size initiatives in place—I know of at least 20 States that are doing this now. Additionally, it is also reported that at least 28 States have already proposed major initiatives in the area of school construction in their fiscal year 2000 budgets.

Governors of at least 13 states have already recommended using a portion of their tobacco settlement funds for education. Ohio itself would commit $2.5 billion of their tobacco settlement funds for school facilities under Governor Taft's plan.

You will recall that the States fought hard to keep the President from using any of the tobacco settlement funds recovered from State-initiated lawsuits for his own priorities in his budget.

Instead, many States are exercising responsible leadership by recommending these funds be used to honor a number of key state priorities and commitments such as education.

My point is this: The Federal Government is not the school board of America. The Members of the U.S. Senate are not members of the school board of the United States. The responsibility for education is at the state and local level, where they are in much better financial shape than the Federal Government, as I've illustrated.

We have a staggering $5.6 trillion national debt—a debt that has grown some 1,300 percent in the last 30 years. I remind my colleagues, with each passing day, we are spending $600 million a day just on interest on the national debt—$600 million a day!

Most Americans do not realize that 14 percent of their tax dollar goes to pay off the interest on the debt, 15 percent goes to national defense, 17 percent goes for non-defense discretionary spending, and 54 percent goes for entitlement spending.

We are spending more on interest payments today than we spend on Medicare and Congress needs to spend more money on Medicare as we all know—now!

When my wife and I got married in 1962, interest payments on the dept were at 6 cents on the dollar. If we would have only had to pay 6 cents on the dollar last year, Americans would have saved $131 billion dollars. We would have saved $229 billion if we didn't have to make any interest payments on the debt last year!

Meanwhile, States have been both cutting taxes and running true surpluses—a reality that does not exist here in Washington.

For fiscal year 1999, my last budget as Governor, Ohio had a budget surplus

of $976 million, and operates a rainy day fund containing $953 million—up from 14 cents in 1992. And because of good management and a strong economy, we provided an almost 10 percent across-the-board reduction this year for those filing their 1998 returns.

As I said earlier, the States are in a much better position to spend money on education than we are, yet we continue to advocate more Federal spending—more than last year, more than the year before—dipping into our nation's pension fund.

As it is, the Federal Government does have responsibilities to the American people to uphold the promises we have given to them in Medicare, Social Security and national security—promises that we are desperately struggling to maintain.

We need to begin establishing just what our priorities are as a legislative body, and where our responsibility lies.

One instance in the context of the Labor, HHS, Education legislation we just completed where I believe the Federal Government has been particularly irresponsible is in the almost $1 billion decrease in funding for the Social Services Block Grant originally written into the bill.

As you know, States rely on the Social Services Block Grant to provide crucial services to low-income individuals, including children, families, the elderly and the disabled.

However, funding for this block grant has been cut repeatedly the last few years, despite the Federal commitment made in the 1996 welfare reform agreement with the States. Congress and the administration guaranteed that funding would be maintained at $2.38 billion each year from fiscal year 1997—fiscal year 2002.

Instead, funding for the Social Services Block Grant for fiscal year 2000 has only reached the level of $1.05 billion.

Yet, in the appropriations bill we have somehow managed to increase funding in a number of other areas, including a $2 billion increase above the fiscal year 1999 funding level of $15.6 billion for the National Institutes of Health.

In the process of providing for the 13 percent increase in funding for the National Institutes of Health, we have cut the Social Services Block Grant, which provides for the most vulnerable and underserved in our population, by 45 percent. How do we reconcile these kinds of decisions based on our responsibilities here in Washington and with previous commitments to the States?

I should add I believe many of the services provided to young children under the Social Services Block Grant serve as preventive medicine for a number of ailments they may encounter later in life—ailments the Federal Government funds the National Institutes of Health to research.

In other words, if we do not take care of those kids during that prenatal period, they will develop many of the things that the National Institutes of Health are trying to take care of, like high blood pressure and diabetes. Why not take care of it earlier? That does not make sense to me—$2 billion more, and cutting the Social Service Title 20 block grant. It does not make sense.

Before we go off spending more money on new education initiatives, such as 100,000 new teachers and financing for new school construction, we should at the very least make it a top priority to honor the Federal Government's funding commitment to the Individuals with Disabilities Education Act—currently the largest unfunded mandate by the Federal Government on the states. IDEA currently contains a provision authorizing the Federal Government to fund up to 40 percent of the services provided under Part B of the act. Since its enactment, however, the Federal Government has only appropriated funds for 10 percent of these services—only 10 percent.

In the meantime, we must begin taking a serious look at the billions of dollars we spend on education programs to determine whether these programs are effective, and whether the Federal Government should have a role in these programs in the first place.

According to GAO, there are 560 different education programs administered by 31 Federal Government agencies. I have asked GAO to formulate methodology that determines the overall effectiveness of Federal education programs. Currently, there is no methodology to do this.

Wouldn't it be nice to sit down and look at what we are doing as a country in education, identify the programs definitively, look at those that are really making a difference, get rid of those that are not, and put the money in the programs that are successful?

It all gets back to the fact that at each level—Federal, State and local—we all want value, which is getting the best product for the least amount of money, and we all want positive results.

To this end, we must work with State governments as partners to come up with a system where we can maximize our dollars to make a difference in the lives of our children.

Rather than enact more Federal mandates and raid Social Security to increase Federal spending on State and local responsibilities—we should be giving states greater flexibility to innovate and tailor their education programs to the unique needs of their children.

Congress has been talking about drawing a line in the sand, committing not to raid any more from the Social Security trust fund to pay for increased spending for Federal programs. Yet we recently learned from CBO Director Dan Crippen that the FY2000 spending bills that we've been laboring over are already eating up billions of the Social Security surplus—even while our promises to maintain the integrity of the trust fund still hang in the air! I have not forgotten the lockbox I had on my desk, and many other Members of the Senate, putting a firewall between spending and the Social Security trust fund.

When faced with honest choices, the American people will not accept the Federal Government paying for programs that are primarily the responsibility of the States at the expense of sacrificing our commitment to Social Security and Medicare, as well as to numerous other commitments the Federal Government has made under law and under the Constitution of the United States of America. That is absolutely unacceptable, and the American people have a right to be upset. We need to be doing better.

As the appropriations legislation is finalized in negotiations, I hope that we in the Senate can inject some common sense into the dialog, taking into account our priorities as a Federal legislative body, and weighing the extent to which we should or should not maintain our involvement in various programs that are more properly the responsibility of State and local government. Even now, however, I fear we are primarily driven to compete with the President for political oneupsmanship in the area of education which, while ranked first as a national priority according to polling data, is not the primary responsibility of State and local government.

Medicare, Social Security, and national security—these are the primary challenges before us. As fiscal stewards of our Nation's economy, we cannot afford to continue maintaining our involvement in so many other areas, spending at such a pace as we have and it has been enormous. We must define our responsibilities. We must prioritize. We must exercise fiscal discipline and restraint and insist that we work harder and smarter and do more with less.

The current budgetary path that we are on is both dangerous and irresponsible and downright misleading.

I am sad to say that many of the fiscal year 2000 appropriations bills with which we have invested so much of our time, despite our best intentions, are flawed by the use of budgetary gimmicks that I cannot help but say overshadow the labors of so many of my colleagues who are shouldered with the difficult task of constructing a budget that both meets all of the perceived demands placed on this body and keeps us out of the red. That is why we must prioritize.

In the meantime, I cannot condone the sleight of hand that allows us to postpone making the kind of tough

choices that are required to balance our books, and because of that I have voted against a number of these spending bills—bills that, to be sure, would benefit Ohio in a number of ways.

We have committed over $17 billion in emergency spending in these bills, and that does not even count the billions of dollars of other spending that's being hidden. We are plastering—and I mean plastering—this spending over with something called directed scoring. Instead of using CBO numbers—that is, the Congressional Budget Office numbers—we have been selectively using numbers from the Office of Management and Budget, the agency for which the President is responsible, whenever they allow us to spend more.

Incidentally, does anyone remember the last time we did not have an emergency for which we had to account? Let's end the charade and admit we use emergency spending to avoid the balanced budget spending caps and, while we are at it, admit we are spending every dime of the projected on-budget surplus in fiscal year 2000.

When I go back to Ohio, people say to me: What about the tax reduction? You guys are having a tough time just balancing the budget.

I want to say this: If we do not have substantially more revenues in fiscal year 2000 than what is currently projected, CBO will announce in January that we are using Social Security to balance the 2000 budget. We have to pray the dollars come in a lot more, but if the dollars do not come in more, then CBO is going to announce in January this budget uses Social Security.

It is time to bite the bullet and make the hard choices. Nobody else but us can exercise the fiscal responsibility that is needed. If we cannot do it now, with the lowest unemployment we have had and a booming economy, the question I have is, When will we ever be able to do it? If we fail to make the tough choices now, we will soon be facing a train wreck that will make it impossible for us to respond to the needs specifically delegated in the Constitution to the Federal Government and fail to keep the sacred Social Security and Medicare covenant we have with the American people. Let's get back on track so when we return to Washington at the start of the new millennium, which is just around the corner, we can say with confidence we have, indeed, been the stewards of a government the American people deserve.

I yield the floor.

NOTICE OF OBJECTION

Mr. WYDEN. Mr. President, today I have informed the Minority Leader in writing that I will object to any motion to proceed or to seek unanimous consent to take up and pass H.R. 2260, the Pain Relief Promotion Act of 1999, when it is received from the House.

BRING ON THE WRITE STUFF

Mr. BYRD. Mr. President, according to recent results from the 1998 National Assessment of Educational Progress (NAEP), only about a quarter of fourth, eighth, and twelfth graders write well enough to meet the ''proficient'' achievement grading level, and a measly one percent of students attained the ''advanced'' grading level. Approximately six out of ten pupils reached just the ''basic'' level—defined as ''partial mastery'' of writing skills by the National Assessment of Educational Progress exam.

What startling results, Mr. President! How do we expect our nation to forge ahead in a global economy with a ''partial mastery'' of writing skills? From the typical thank-you note to a cover letter for a job opening to a simple exchange with friends over the Internet, writing is a skill essential to everyday existence, no matter what path in life one may choose to pursue. The power of words and the blending of thoughts in a succinct, clear, and grammatically correct manner is often a daunting endeavor, and one that is too easily dismissed with a poor letter grade or a critical evaluation by a mentor or coworker.

The path to becoming a solid writer is a long and arduous road. I continue to improve my writing skills each day through reading and through practice. As the old saying goes, ''practice makes perfect.'' Well, Mr. President, this dictum does not just apply to perfecting your baseball swing or your tennis serve. It is an edict we all ought to follow with a little greater will and fortitude in all of life's quests.

What makes someone a better writer? Lots of things, I say, but perhaps a strong foundation is the most critical, and often the most neglected, step along the way. Today's children are ripe with great ideas and creativity, but without proper instruction and strong reading skills, bright promise fades into fractured thoughts and misspelled words on paper. Based upon the results of the 1998 NAEP test, students who did well tended to be those who planned out their compositions and had teachers who required practice drafts. Moreover, youngsters from homes filled with books, newspapers, magazines, and encyclopedias had higher average scores.

So often, we hear students gripe about burdensome summer reading lists, and even more shockingly, we witness parents encouraging their children to buy the ''Cliff Notes'' of the book to provide them with the basic character and plot summaries while avoiding the hefty task of reading the novel from cover to cover. What nonsense! Perhaps, the greatest benefit of a child's summer agenda is reading. Skimming and reading shortened versions or the so-called ''Cliff Notes'' rob children of wonderful learning experiences.

Reading is an essential ingredient to enhancing one's writing skills. From enjoying the morning newspaper over a cup of coffee to reading an educational magazine or a novel, one can benefit greatly from this endeavor. Given the expansive English vocabulary, there is much to learn from different styles of writing. How often does a person come across an unfamiliar word or phrase in reading? Quite often, I suspect. But how often does the person actually interrupt their reading to consult the dictionary for the word's definition or origin? Not very often, I venture to guess. An appreciation of the soaring majesty of the English language is the key to unlocking one's own writing skills and letting one's own words take wing.

I am pleased to be a cosponsor this year of S. 514, legislation to reauthorize the National Writing Project. The National Writing Project (NWP) is the only federally funded program that specifically works to improve a student's writing abilities and provide professional development programs in the area of writing instruction for classroom teachers. This program operates on a ''teachers teaching teachers'' model, meaning that successful writing teachers conduct workshops for other teachers in the schools during the school year to improve overall writing skills. It is critically important that our nation have skilled teachers in the area of writing, and this program goes straight to the heart of that. West Virginia is home to three federally funded National Writing Projects, including programs at West Virginia University and Marshall University.

The act of writing is itself an art, one which not only requires creativity, but one that can also glisten with beauty. Calligraphy, for example, is a beautiful form of writing, very popular in formal invitations and for special events. And while most of us are not gifted calligraphers by nature, we all ought to take a little more pride in the presentation of our writing. A beautifully worded poem or essay can be easily tarnished by poor penmanship. Conversely, good penmanship can enhance the overall beauty of one's writing by simple finishing touches, beginning with the dotting of our i's and the crossing of our t's. It is very easy to become sloppy in one's writing, but we must not forget that appearance does matter, and a good essay that is illegible will have little impact.

Sadly, today's young generation seems to be more happily occupied with a telephone in one hand and a television remote control in the other than with a book or a newspaper. I fear that the entertainment luxuries of the twentieth century have misplaced the old-fashioned art of reading and writing. Computer electronic mail too often has become a replacement for a hand-written thank-you letter to a deserving colleague or peer. Reading

from Plutarch's ''Lives,'' Homer's ''The Iliad'' and ''The Odyssey,'' or a Shakespearean play has taken a backseat to video games and Hollywood movies.

I challenge all of us to set higher standards in our reading and writing skills, and to help our young people do the same. Put down the remote control and pick up a good book. Write a poem for a friend on her birthday. Poetry is a wonderful gift—such heartfelt thoughts on paper tend to last much longer than a piece of clothing exhibiting the latest fashion trend. Embrace the English language and take pride in each word that you place on paper—after all, your writing is a reflection of you.

I yield the floor.

CBO COST ESTIMATE FOR S. 1377

Mr. MURKOWSKI. Mr. President, at the time Senate Report No. 106–177 was filed to accompany S. 1377, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 6, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1377, a bill to amend the Central Utah Project Completion Act regarding the use of funds for water development for the Bonneville Unit, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Hadley, who can be reached at 226–2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 6, 1999

S. 1377: A BILL TO AMEND THE CENTRAL UTAH PROJECT COMPLETION ACT REGARDING THE USE OF FUNDS FOR WATER DEVELOPMENT FOR THE BONNEVILLE UNIT, AND FOR OTHER PURPOSES

(As ordered reported by the Senate Committee on Energy and Natural Resources on September 22, 1999)

CBO estimates that enacting S. 1377 would have no impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

S. 1377 would authorize the appropriation of up to $60 million for the Secretary of the Interior to acquire water rights for instream flows and to complete certain other projects, if such funds are not needed for the projects currently authorized by the Central Utah Project Completion Act. Based on information from the Department of the Interior, CBO expects that the department will use all available funds for purposes authorized under current law, assuming appropriation of such amounts. Thus, the bill would neither affect funds already appropriated nor increase the total amount of funds authorized to be appropriated for the Central Utah Project.

The CBO staff contact is Mark Hadley, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CBO COST ESTIMATE FOR S. 986

Mr. MURKOWSKI. Mr. President, at the time Senate Report No. 106–173 was filed to accompany S. 986 the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 18, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 986, the Griffith Project Prepayment and Conveyance Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll (for federal costs), who can be reached at 226–2860, and Marjorie Miller (for the state and local impact), who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 18, 1999

S. 986: GRIFFITH PROJECT PREPAYMENT AND CONVEYANCE ACT

(As reported by the Senate Committee on Energy and Natural Resources on October 6, 1999)

SUMMARY

S. 986 would direct the Secretary of the Interior, acting through the Bureau of Reclamation (Bureau) to convey the Robert B. Griffith Water Project (Griffith Project) to the Southern Nevada Water Authority (SNWA). The transfer would occur after the SNWA pays about $121 million to the Bureau to meet its outstanding obligations under an existing repayment contract with the federal government. A substantial portion of the Griffith Project is located on federal land administered by the National Park Service (NPS) and the Bureau of Land Management. Under S. 986, the SNWA would retain rights-of-way across this federal land at no cost.

CBO estimates that enacting S. 986 would yield a net increase in asset sale receipts of $112 million in 2000, but that this near-term cash savings would be offset on a present value basis by the loss of other offsetting receipts over the 2001–2033 period. Because the bill would affect direct spending, pay-as-you-go procedures would apply. CBO also estimates that implementing S. 986 could cost up to $50,000 a year in appropriated funds over the 2001–2004 period. S. 986 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The project conveyance, and any costs associated with it, would be voluntary on the part of the SNWA. The bill would impose no costs on any other state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 986 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars				
	2000	2001	2002	2003	2004
CHANGES IN DIRECT SPENDING [1]					
Estimated Budget Authority	−112	9	9	9	9
Estimated Outlays	−112	9	9	9	9

[1] S. 986 also would authorize additional spending, subject to appropriation, of up to $50,000 a year over the 2001–2004 period.

BASIS OF ESTIMATE

For this estimate, we assume that S. 986 will be enacted early in fiscal year 2000. Based on information from the SNWA and the Bureau, CBO expects that the authority will make the prepayment during fiscal year 2000, and that the formal project conveyance will be completed during fiscal year 2001.

Direct Spending. S. 986 would direct the Secretary of the Interior to sell the Griffith Project to the SNWA, in exchange for a one-time payment of about $121 million. The sales price would be adjusted to reflect any additional payments made by SNWA before the project transfer is completed. CBO expects the prepayment to occur during fiscal year 2000 and estimates that those receipts would be offset by the loss of currently scheduled repayments of about $9 million a year between 2000 and 2022 and $6 million a year between 2023 and 2033.

Spending Subject to Appropriation. Presently, the SNWA bears the full cost of operating and maintaining the Griffith Project. In addition, pursuant to an agreement with the Bureau, the SNWA will absorb all administrative costs associated with the conveyance. Thus, implementing this provision would not affect discretionary spending. The NPS currently collects about $50,000 a year from the SNWA to offset the costs of administering and monitoring rights-of-way within the Lake Mead National Recreation Area. Under S. 986, the SNWA would maintain rights-of-way across these federal lands at no cost after the conveyance is completed. CBO estimates that implementing this provision would require a net increase in amounts appropriated to the NPS of about $50,000 annually to continue administrative activities related to monitoring these rights-of-way.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

	By fiscal year, in millions of dollars									
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays	−112	9	9	9	9	9	9	9	9	9
Changes in receipts	Not applicable									

Under the Balanced Budget Act, proceeds from nonroutine asset sales (sales that are not authorized under current law) may be counted for pay-as-you-go purposes only if the sale would entail no financial cost to the government. Based on information provided by the bureau, CBO estimates that the sale of the Griffith Project as specified in S. 986 would result in a net savings to the government, and therefore, the proceeds would count for pay-as-you-go purposes.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 986 contains no intergovernmental mandates as defined in UMRA. In order to receive title to the Griffith project, the bill would require the SNWA to assume all costs associated with the project and to prepay their outstanding liability to the federal government. The conveyance would be voluntary on the part of the authority, however, and these costs would be accepted by it on that basis. Further, the authority is already responsible for all costs of operating and maintaining the facility. The bill would impose no costs on any other state, local, or tribal governments.

ESTIMATED IMPACT ON THE PRIVATE-SECTOR

This bill contains no new private-sector mandates as defined in UMRA.

Estimated prepared by: Federal Costs: Megan Carroll (226–2860). Impact on State, Local, and Tribal Governments: Marjorie Miller (225–3220).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CBO COST ESTIMATE FOR S. 1211

Mr. MURKOWSKI. Mr. President, at the time Senate Report No. 106–175 was filed to accompany S. 1211, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 5, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for 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.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz (for federal costs), who can be reached at 226–2860, and Marjorie Miller (for the state and local impact), who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 5, 1999

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

(As ordered reported by the Senate Committee on Energy and Natural Resources on September 22, 1999)

SUMMARY

S. 1211 would authorize the appropriation of $175 million for a program to control the salinity of the Colorado River upstream of the Imperial Dam. Under current law the Congress has authorized the appropriation of $75 million for this activity. The bill would direct the Secretary of the Interior to prepare a report by June 30, 2000, on the status of the comprehensive program for minimizing salt contributions to the Colorado River.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1211 would result in additional discretionary spending of about $6 million over the 2000–2004 period. Enacting this legislation would not affect direct spending or receipts, so pay-as-you-go procedures would not apply. S. 1211 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments might incur some costs to match the federal funds authorized by this bill, but these costs would be voluntary.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1211 is shown in the following table. Of the $75 million authorized under current law about $36 million has been appropriated through fiscal year 2000. Assuming that annual appropriations for this program continue near the 2000 level of $12 million as anticipated by the Department of the Interior, the balance of the $75 million authorization would not be exceeded until fiscal year 2004. Thus, CBO estimates that the additional $100 million authorized by S. 1211 would be appropriated in 2004 and in the following years. We estimate that the report required by the bill would cost less than $500,000 in fiscal year 2000. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars				
	2000	2001	2002	2003	2004
Spending subject to appropriation					
Spending Under Current Law:					
Budget Authority/Estimated Authorization Level [1]	12	12	12	12	2
Estimated Outlays	12	12	12	12	6
Proposed Changes:					
Estimated Authorization Level	[2]	0	0	0	10
Estimated Outlays	[2]	0	0	0	6
Spending Under S. 1211:					
Estimated Authorization Level [1]	12	12	12	12	12
Estimated Outlays	12	12	12	12	12

[1] The 2000 level is the amount appropriated for the Colorado River salinity control program for that year. The estimated levels for fiscal years 2001 through 2004 represent the use of the remaining authorization under current law.

[2] Less than $500,000.

Pay-as-you-go considerations: None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 1211 contains no intergovernmental or private-sector mandates as defined in UMRA. State and local governments might incur some costs to match the federal funds authorized by this bill, but these costs would be voluntary.

Estimate prepared by: Federal Costs: Mark Grabowicz (226–2860). Impact on State, Local, and Tribal Governments: Marjorie Miller (225–3220).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

OPPOSITION TO FRAMEWORKS LANGUAGE IN CONFERENCE REPORT TO H.R. 2670

Mr. AKAKA. Mr. President, I rise today in opposition to a provision in the Commerce, Justice, State and the Judiciary conference report, which Congress passed a few days ago, and which the President vetoed yesterday. As the ranking member of the Senate Subcommittee on Proliferation, International Security, and Federal Services, with jurisdiction over the census, I am disappointed the conference report requires that decennial census activities be appropriated by specific program components, known as frameworks.

Appropriating by framework for the decennial census has never been done before and would cause serious management problems for Census 2000. According to Census Director Kenneth Prewitt, such a change in funding practices would come at the same time that Census 2000 activities are at their highest. Past congressional direction on the allocation of funds by framework has been in report language, which afforded Congress the ability to guide spending without hamstringing operational management of the census.

Director Prewitt noted in a letter to the Chairman of the House Subcommittee on the Census, ''Congressional approval in the form of a reprogramming would be required for any movement of funds between decennial program components.'' This would necessitate obtaining clearance by the Department of Commerce and the Office of Management and Budget, as well seeking congressional approval. The Senate version of H.R. 2670 did not include this onerous provision, which will seriously impede the Census Bureau from shifting needed funds in a timely manner. ''A decennial census is, by its nature, an unpredictable exercise. Decisions must be made quickly and frequently adjusted to adapt to ever-changing conditions in the field,'' Director Prewitt said.

In its budget presentation, the Census Bureau designed eight frameworks for major decennial activities, such as management, field data collection, address listing, automation, Puerto Rico and Island areas. The frameworks have been used as strong guidelines rather than strict appropriation limits because funds may need to be shifted quickly between frameworks to cover unexpected contingencies. Historically, the Census Bureau has been able to move funds among its frameworks—it is inappropriate and damaging for Congress to mandate reprogramming at this time.

Any delay in census operations in order to accommodate having to wait for affirmation of a reprogramming request will seriously degrade the quality and completeness of the resulting population count that must be delivered by December 31, 2000. The President vetoed the conference report yesterday, and it is my hope this provision, retained from the House version of the bill, will be deleted. Mr. President, I ask unanimous consent to print Director Prewitt's letter in the RECORD.

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

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington, DC, October 15, 1999.

Hon. DAN MILLER,
Chairman, Subcommittee on the Census, Committee on Government Reform, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On Tuesday, October 12, 1999, you requested a summary of the Census Bureau's views on the comparative versions of the Commerce, State, Justice and the Judiciary Appropriations bills for FY 2000. There is language in the version of the bill passed by the House that is of significant concern to the Census Bureau.

In the House version of the FY 2000 appropriations bill, funding is provided by specific program components (known as frameworks). Consequently, Congressional approval in the form of a reprogramming would be required for any movement of funds between decennial program components. This is a dramatic departure from past practices and takes place at precisely the time when Census 2000 activities peak, when the need for program flexibility is most crucial. If the need to obtain Congressional approval significantly delays the transfer of funds, Census 2000 operations could be compromised. The companion legislation passed by the Senate does not contain this restrictive provision and would permit the timely transfer of funds, if necessary, to attain the results we are all working so hard to achieve.

In the past, formal reprogramming has only been required to shift funds between different programs, accounts, and bureaus within the Department of Commerce. This has allowed Congress to exercise its oversight responsibility without constricting the operational management of Bureau activities. The proposed House provision would trigger a time-consuming reprogramming process, in addition to the bill's provision that mandates a delay of at least 15 days for Congressional review.

As you know, the Census Bureau has spent literally thousands of hours developing a carefully analyzed Operational Plan, which we believe can achieve the most accurate and complete census possible within the parameters required by the recent Supreme Court decision requiring a complete enumeration of all census non-respondents.

A decennial census is, by its nature, an unpredictable exercise. Decisions must be made quickly and frequently adjusted to adapt to ever-changing conditions in the field. One obvious example of the need for this type of flexibility is in dealing with our new construction program. The Census 2000 New Construction procedures perform a vital role in address list development after all other addressing processes have concluded. If the volume of new construction listing work is significantly higher than anticipated, funds must be rapidly shifted from other frameworks to cover the costs of investigating areas, listing households, and preparing maps and other materials for enumeration. Reprogramming could inhibit the timely completion of listing operations and jeopardize the quality and completeness of the population count in states with high rates of new construction.

The census has the potential to be a civic ceremony that celebrates participation and responsibility. It is up to all of us to ensure that it is. Congress has consistently expressed and demonstrated a commitment to ensure the most complete and accurate census possible.

I appreciate your support and commitment in making Census 2000 a success.

Sincerely,

KENNETH PREWITT,
Director.

THE AFRICA TRADE BILL

Ms. SNOWE. Mr. President, I rise today to voice my objections to the Africa trade bill. I have listened to how this bill will help those countries on the African Subcontinent, and I support that goal. However, Mr. President, what I don't support is watching mills close in my State, and around the country, and having to tell these people that they no longer have jobs because cheap labor overseas has either caused their company to go out of business or move overseas.

At the same time, I don't believe that this legislation will serve the intended purpose of helping to raise the living standards of Africans through increased trade and economic cooperation between the United States and African countries. In order for this to occur, workers need to be paid well, treated well and have a suitable workplace. Workers in many countries in both Africa and the Caribbean Basin are subjected to abusive conditions at work while their governments remain uninvolved, or, with government complicity. This legislation does not have the provisions necessary to guarantee that the workers in these countries receive the benefits of U.S.-Africa trade.

In addition, being from Maine, I understand the importance of balancing the needs of loggers with the desires of environmentalists. This legislation would result in increased rates of logging, which has been cited as the greatest threat to Africa's remaining native forests. As only eight percent of Africa's forests still exist in large undisturbed tracts, forcing African nations to give even more access to foreign logging companies could be fatal to these vital tropical forests.

In the last 57 months, from December 1994 to September 1999, the U.S. apparel industry has lost 309,000 jobs. The textile industry has lost 128,000 jobs, for a total of 437,000 American jobs lost.

My home state of Maine has seen its fair share of lost jobs as well. Since 1994, 26,500 Mainers have been told that they no longer have a job to provide for them and their families. I have heard some of my colleagues state that this legislation is about jobs. Well, I am unwilling to trade well-paying jobs with benefits for lower paying ones—but that's precisely what's happened under our ill-conceived trade agreements. As the trade deficit and globalization of U.S. industries have grown, more quality jobs have been lost to imports than have been gained in the lower-paying sectors that are experiencing rapid export growth. Increased import shares have displaced almost twice as many high-paying, high-skill jobs than increased exports have created.

It was my concern about the impact of foreign labor on the American job market, Mr. President, that led me to oppose passage of the North American Free Trade Agreement (NAFTA) in 1993. Unfortunately, NAFTA has become a trade agreement whose provisions are not adequately enforced—to the detriment of the United States, our industries, and our workers.

I am in agreement with my distinguished colleague from South Carolina, Senator HOLLINGS, in his assessment of NAFTA last week. We were told that NAFTA would create jobs in America. I have seen in my state that they were wrong.

The U.S. textile and apparel industry has been decimated by imports from the Far East as a result of the Asian ''flu'' and also illegal transshipments that our government does not catch and which find their way into this country in what is estimated to be an annual volume of somewhere between $4 and $10 billion.

For 23 years, U.S. imports have exceeded U.S. exports. Consequently, in the last quarter of the 20th century, the United States has amassed a total trade deficit of more than $2 trillion. As a result, the United States, which entered the decade of the 1980s as the world's largest creditor nation, leaves the 1990s as the world's largest debtor country.

This is no time to further liberalize trade policy that is hurting not only the textile and apparel industry but also steel, computers, and auto parts where net imports have climbed enormously. Last year, all of manufacturing lost over 340,000 jobs.

Mr. President, when I became a United States Senator, one of my pledges to the people of Maine was that, and continues to be, that I will work to the best of my ability to ensure that their jobs are not lost because of actions taken by their government.

The administration and proponents of NAFTA told us over and over again how good the Agreement would be for creating American jobs. I now hear the same argument with this legislation and I want to say that if what has happened is considered good, then I could not imagine what poor trade legislation would do to the textile and apparel industry.

THE CLIMATE CHANGE ENERGY POLICY RESPONSE ACT AND THE CLIMATE CHANGE TAX AMENDMENTS OF 1999

Mr. ENZI. Mr. President, the Climate Change Energy Policy Response Act would bring the debate on global warming and climate change out of the arena of mass speculation and back to the refuge of sound, practical science. This legislation I am cosponsoring with my colleague from Idaho, Senator LARRY CRAIG, would not only move our Nation toward a healthier environment by requiring Federal agencies to establish clear goals for addressing climate change concerns, but it also seeks to protect rural economies that are currently threatened by policies based on scare tactics developed by professional global warming special interest activists and the politicians that cater to their agenda.

One thing that should be pointed out is that for many of the people who attend global warming conferences and who circulate global warming propaganda, global warming is an occupation. This is how they make their living. I make my living by ensuring the people of Wyoming and the United States get a fair deal. Committing our Nation's valuable resources and our children's futures to policies that unduly burden our communities is, to me, not only unfair, it's unconscionable.

This bill would direct the Secretary of Energy to coordinate and establish Federal policy for activities involving climate change. It would require increased peer review of the science used to create that policy and it establishes important objectives for the science such as understanding the Earth's capacity to assimilate natural and man-made greenhouse gas emissions and to evaluate natural phenomena such as El Niño.

I also am cosponsoring companion legislation that would put the power of addressing global warming issues into the hands of those most affected by climate change initiatives. It does this by amending the Internal Revenue Service Code to provide incentives for voluntary reduction of greenhouse gas emissions and for the development of global climate science and technology. This would permanently extend a tax credit for research and development involving climate change. It also would apply tax credits for greenhouse gas emission reduction facilities. This rewards industry for investing in cleaner technology without punishing it for thinking beyond short-term profits.

Our entrepreneurs, small businesses and the employers and employees of large companies have the ability to protect and preserve the environment without sacrificing the global economy. The goals of environmental health and economic stability are not mutually exclusive. For example, voluntary, incentive-based programs, in combination with private efforts, have been largely responsible for the success of wetlands restoration. We made developing and preserving wetlands an asset instead of a burden and as a result we have more wetlands now than before we enacted the incentive-based programs. Resorting to Federal regulations, on the other hand, has produced hostility and confusion on the part of private citizens. Why? Federal regulations are typically cost prohibitive and are promulgated with a single-minded purpose that sacrifices America's ability to respond to future challenges via proactive incentives.

It is my hope that proponents of government-knows-best policy and special interest mandates will set aside their rhetoric and walk with us on the practical path of real, reasonable environmental progress.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 25, 1999, the federal debt stood at $5,676,428,132,415.49 (Five trillion, six hundred seventy-six billion, four hundred twenty-eight million, one hundred thirty-two thousand, four hundred fifteen dollars and forty-nine cents).

Five years ago, October 25, 1994, the federal debt stood at $4,711,435,000,000 (Four trillion, seven hundred eleven billion, four hundred thirty-five million).

Ten years ago, October 25, 1989, the federal debt stood at $2,876,559,000,000 (Two trillion, eight hundred seventy-six billion, five hundred fifty-nine million).

Fifteen years ago, October 25, 1984, the federal debt stood at $1,599,358,000,000 (One trillion, five hundred ninety-nine billion, three hundred fifty-eight million).

Twenty-five years ago, October 25, 1974, the federal debt stood at $480,139,000,000 (Four hundred eighty billion, one hundred thirty-nine million) which reflects a debt increase of more than $5 trillion—$5,196,289,132,415.49 (Five trillion, one hundred ninety-six billion, two hundred eighty-nine million, one hundred thirty-two thousands, four hundred fifteen dollars and forty-nine cents) during the past 25 years.

FULL DISCLOSURE ON CHILE

Mr. KENNEDY. Mr. President, the National Security Archives recently released an additional selection of declassified documents from the State Department, Defense Department, and the CIA on U.S. relations with Chile between 1970 and 1973, when the democratically-elected government of President Allende was overthrown by General Pinochet. The release of these documents is part of the Administration's ongoing "Chile Declassification Project," an effort begun following the arrest of General Pinochet last year. According to the President's directive, U.S. national security agencies are directed to "review for release * * * all documents that shed light on human rights abuses, terrorism, and other acts of political violence during and prior to the Pinochet era in Chile."

On October 24, the Washington Post carried two articles which emphasized the need for full disclosure by the CIA of its documents related to its covert operations in Chile during this period. The release of these documents will facilitate a full understanding of this period in U.S.-Chile relations. I believe that these articles will be of interest to all of us in Congress concerned about this issue, and I ask unanimous consent that they may be printed in the RECORD.

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

[From the Washington Post, Oct. 24, 1999]

STILL HIDDEN: A FULL RECORD OF WHAT THE U.S. DID IN CHILE

(By Peter Kornbluh)

As Augusto Pinochet continues to fight extradition from England to face charges of crimes against humanity, the historical record of U.S. support for the former Chilean dictator remains desaparecido—disappeared—like so many victims of his violent regime. Unless President Clinton ensures that the record is brought to light, a singular opportunity to find answers to unresolved cases of atrocities against Chileans and Americans, and to fully understand the role U.S. Government played in this Cold War tragedy, will be lost.

In the wake of Gen. Pinochet's stunning arrest in London one year ago, the Clinton administration has been conducting a special "Chile Declassification Project." On Feb. 1, U.S. national security agencies were directed "on behalf of the president" to begin searching their archives "and review for release . . . all documents that shed light on human rights abuses, terrorism, and other acts of political violence during and prior to the Pinochet era in Chile."

What began as a precedent-setting exercise in official openness, however, has devolved into an example of government censors holding history hostage. The "securocrats" of the national security bureaucracy are blocking the release of virtually all documents

that chronicle the full extent of the U.S. role in Chile. The result, so far, is a public record skewed by omission, open to charges of fraud and a coverup.

Chile holds a special place in the annals of American foreign policy. During the mid-1970s, the country that poet Pablo Neruda described as ''a long petal of sea, wine, and snow'' became the subject of international scandal. News reports revealed that the CIA had conducted massive clandestine operations to undermine the democratically elected socialist government of Salvador Allende and help bring the military to power in 1973. Secretary of State Henry Kissinger's embrace of the Pinochet regime, despite its ongoing atrocities, prompted Congress to pass the very first laws establishing human rights as a criterion for U.S. policy abroad.

The CIA's covert operations and the debate over U.S. policy toward Pinochet generated a slew of secret documents. So, too, did the 1973 murder in Chile of two U.S. citizens, freelance writers Charles Horman and Frank Teruggi, as well as the brazen 1976 car bombing in Washington that killed former Chilean ambassador Orlando Letelier and his American associate, Ronni Karpen Moffitt. The Clinton administration's special review carried the promise of finally declassifying these records and answering the outstanding questions that haunt this shameful era.

Such questions include:

What role did the United States play in the violent coup that brought Pinochet to power?

Why was Horman, whose case was made famous in the Hollywood movie ''Missing,'' detained and executed? Did U.S. intelligence somehow finger him, as recently declassified documents suggest, for the Chilean military?

What support did the CIA provide to Pinochet's notorious secret police, the DINA?

Could the United States have prevented the assassination of Letelier and Moffitt on American soil?

Since the White House ordered declassification, the agencies' review has yielded almost 7,000 documents—a major feat given the usual snail's pace of the national security bureaucracy. On June 30, the administration released same 5,800 records, covering the most repressive years of Pinochet's bloody rule, 1973 to 1978. Significantly, however, 5,000 of those were from the State Department; the CIA released only 500 documents—a fraction of its secret holdings on that period.

On Oct. 8, approximately 1,100 documents were declassified in a second phase that was supposed to cover the years of Allende's presidency, 1970 to 1973. Based on the accumulated evidence of U.S. involvement in Chile during that period, that figure is a meager percentage of the true record.

To be sure, some of the documents that were declassified contain extremely detailed information on the Pinochet regime, and they undoubtedly will prove useful to future efforts within Chile to hold Pinochet's military officers accountable for human rights violations.

But while Chileans are learning about their dark history from the U.S. documents, American citizens are learning almost nothing about their own government's actions. Among more than 25,000 pages released to date, there is not a single page of the thousands of CIA, National Security Council (NSC) or National Security Agency (NSA) records on U.S. policy and operations to bring down Allende and help Pinochet consolidate his rule. This documentation includes the files of the CIA's covert ''Task Force on Chile,'' planning papers from the Nixon White House, records of U.S. material support for the DINA, and intelligence documents on the Horman and Letelier-Moffitt cases.

That such records exists is beyond dispute. As the subject of repeated controversy over the years, the U.S. role in Chile has generated congressional inquiries, murder investigations, criminal prosecutions and civil lawsuits—not to mention hundreds of requests under the Freedom of Information Act. These have yielded extensive information (which I have spent almost 20 years compiling and analyzing) about what still is hidden.

A close reading of two detailed Senate reports published in 1975, for example, shows that the CIA station in Santiago sent a number of cables about its ''liaison relations'' with the Chilean DINA after the coup. Justice Department files on the prosecution of former CIA head Richard Helms for lying to Congress about covert operations in Chile reveal that the agency filed daily progress reports on ''Track II''—the code name for U.S. efforts to foment a coup against Allende. An aborted lawsuit filed by the Horman family against Kissinger produced references to classified records containing information about Charles Horman's death. But while President Clinton clearly intended these cables, files and records to be released, none of them have been.

The Horman case is a classic example of the cult of secrecy. As the movie ''Missing'' suggests, his family has long suspected that the U.S. intelligence community knew far more than it admitted about how and why he was singled out by the Chilean military after the coup. But it took 26 years for the U.S. government to acknowledge that State Department officials shared the family's suspicion. ''U.S. intelligence may have played a part in Horman's death. At best, it was limited to providing or confirming information that helped motivate his murder. . .'' according to a passage in an Aug. 25, 1976, State Department memorandum released this month—a document that Horman's widow, Joyce calls ''close to a smoking pistol.'' (When the same document was released to the family in 1980, this critical paragraph was blacked out.) And although Clinton's order explicitly directed agencies to declassify documents on Horman, neither the CIA nor the NSA has released a single record relating to his case.

Hundreds of documents have also been withheld on the Letelier and Moffitt assassinations—albeit with the explanation, wholly unsatisfactory to their families, that these records are material to an ''ongoing'' investigation into Pinochet's possible role.

As coordinator of the Chile Declassification Project, the NSC bears responsibility for failure to comply with the president's directive. Under its watch, countless documents have been blocked from release.

The CIA, which has the most to offer history but also the most to hide, has refused to conduct a full file search of its covert action branch, the Directorate of Operations. After I sent a comprehensive list of documents missing from the first release to the CIA's declassification center—the address of which is classified—an official informed me that the agency was ''not legally obliged'' to search such file because it had never ''officially acknowledged'' covert operations in Chile. (President Gerald Ford's public admission in 1974 that the CIA had covertly intervened in Chile apparently doesn't count.)

Moreover, with the acquiescence of the NSC, the intelligence community has taken the position that policy and planning documents are ''not responsive'' to the president's directive. Under this narrow interpretation, the deliberations of Nixon, Kissinger, Helms and others in plotting and financing political violence in Chile will not be considered for declassification—severely distorting the historical record.

Consider one example: The CIA has released one heavily blacked-out cable reporting on the October 1970 kidnapping and murder of Chilean Gen. Gene Schneider, who opposed a military move against Allende. But the agency did not even submit for review the dozens of secret ''memcons'' (memorandums of conversations), meeting minutes and briefing papers showing that the White House and the CIA covertly orchestrated this operation in an aborted attempt to instigate a coup in Chile.

To the surprise of the intelligence community, the National Archives Records Administration (NARA) found such documents among Nixon's papers. In compliance with Clinton's order, these records were submitted to the Chile Declassification Project, but CIA and NSA officials objected to their release. Since the documents deal with the Allende era, they should have been made public on Oct. 8. They weren't.

It is unclear how many, if any, will be included in the third and final declassification, now scheduled for April. Under the media spotlight, the CIA recently said it will review some records related to covert action. But it is unlikely that the credibility of this important project can be salvaged unless the president explicitly orders full cooperation and maximum disclosure.

There are compelling reasons to do so:

Abroad, Washington's reputation as a standard-bearer on human rights is at stake. It will prove far more difficult to encourage Chileans to undergo a process of truth and reconciliation if Washington is unwilling to admit its own involvement in their history. Indeed, the credibility of U.S. diplomatic efforts to press other nations, from Germany to Guatemala, to acknowledge and redress their mistakes of the past will be undermined by this flagrant attempt to hide our own.

At home, the American public has the right to know the full story of U.S. policy toward Chile and Pinochet's brutal regime. And his victims' families deserve to be able to lay this painful history to rest. Clinton's directive said the declassification project responded, in part, ''to the expressed wishes of the families of American victims.'' But an incomplete review, as Joyce Horman wrote recently, would be ''little more than an exercise in hypocrisy.''

At least rhetorically, Clinton appears to agree: ''I think you're entitled to know what happened back then and how it happened,'' he recently told reporters. We are indeed. But only if he takes concrete action to support his words will Americans finally learn what was done in Chile—in our name, but without our knowledge.

[From the Washington Post, Oct. 24, 1999]

THE 'JEWELS' THAT SPOOKED THE CIA

(By Vernon Loeb)

President Clinton's order to declassify all U.S. government documents on human rights abuses and political violence in Chile has forcefully recalled the most painful period in agency history.

It is a cautionary tale of secrets and lies, burned deep into the CIA psyche. It begins

on Feb. 7, 1973, with the question that Sen. Stuart Symington put to former CIA director Richard Helms before the Senate Foreign Relations Committee:

''Did you try in the Central Intelligence Agency to overthrow the government of Chile?''

''No, sir,'' Helms replied.

The facts told a different story, and three months later, after an order came down asking all CIA employees to report any evidence they had of any unlawful acts, someone at Langley questioned the truthfulness of Helm's response.

His prevarication found its way into a 693-page compendium of CIA misdeeds that was being compiled by the new director of central intelligence, William Colby—a document that came to be known as ''the Family Jewels.''

The Family Jewels told all: of plots to assassinate foreign leaders, overthrow government, bug journalists, test psychedelic drugs on unwary subjects. And, of course, of the agency's efforts to destabilize the socialist regime of Chilean President Salvador Allende.

Colby shared the Family Jewels with Congress, the White House and, to a lesser extent, the news media. He hand-delivered a chapter to the Justice Department that directly led to Helms facing criminal charges over his Chile testimony. And Colby's revelations prompted the creation of the Senate Select Committee to Study Government Operations with Respect to Intelligence Activities, known as the Church Committee after its chairman, Sen. Frank Church.

Once the committee issued its final report, the CIA's ability to do pretty much as it pleased without telling anyone was over: Both houses of Congress created standing select committees to oversee the CIA as a full-time pursuit.

To this day, Helms—who pleaded no contest in 1977 for failing to testify fully to Congress, was ordered to pay a $2,000 fine and was given a two-year suspended sentence—remains one of the most revered figures in the secrecy-based CIA culture. (At 86, he is currently working on his memoirs.) But Colby, who died in 1996, is deeply resented by many for what is seen as betrayal.

''The first principle of a secret intelligence service is secrecy.'' Thomas Powers wrote in his 1979 biography of Helms, ''The Man Who Kept the Secrets.''

''It was bad enough this ancient history was being raked up at all, but to have it raked up in public, with all the attendant hypocrisy of a political investigation conducted by political men . . . This, truly, in Richard Helms' view, threatened to destroy the agency he and a lot of men had spent their lives trying to build.''

Whether a new spirit of openness prevails at the CIA remains to be seen, at least when it comes to Clinton's declassification order on Chile. No covert action documents relating to CIA operations in Chile have yet been made public. But CIA spokesman Mark Mansfield said their release is only a matter of time.

''We're still very much in the middle of this, and we are going to be as forthcoming as possible,'' Mansfield said, ''consistent with protecting legitimate sources and methods.''

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

A DRAFT OF PROPOSED LEGISLATION RELATIVE TO THE SOCIAL SECURITY SYSTEM—MESSAGE FROM THE PRESIDENT—PM 68

The PRESIDING OFFICER laid before the Senate the following messages from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I transmit herewith for your immediate consideration a legislative proposal entitled the ''Strengthen Social Security and Medicare Act of 1999.''

The Social Security system is one of the cornerstones of American national policy and together with the additional protections afforded by the Medicare system, has helped provide retirement security for millions of Americans over the last 60 years. However, the long-term solvency of the Social Security and Medicare trust funds is not guaranteed. The Social Security trust fund is currently expected to become insolvent starting in 2034 as the number of retired workers doubles. The Medicare system also faces significant financial shortfalls, with the Hospital Insurance Trust Fund projected to become exhausted in 2015. We need to take additional steps to strengthen Social Security and Medicare for future generations of Americans.

In addition to preserving Social Security and Medicare, the Congress and the President have a responsibility to future generations to reduce the debt held by the public. Paying down the debt will produce substantial interest savings, and this legislation proposes to devote these entirely to Social Security after 2010. At the same time, by contributing to the growth of the overall economy debt reduction will improve the Government's ability to fulfill its responsibilities and to face future challenges, including preserving and strengthening Social Security and Medicare.

The enclosed bill would help achieve these goals by devoting the entire Social Security surpluses to debt reduction, extending the solvency of Social Security to 2050, protecting Social Security and Medicare funds in the budget process, reserving one-third of the non-Social Security surplus to strengthen and modernize Medicare, and paying down the debt by 2015. It is clear and straightforward legislation that would strengthen and preserve Social Security and Medicare for our children and grandchildren. The bill would:

—Extend the life of Social Security from 2034 to 2050 by reinvesting the interest savings from the debt reduction resulting from Social Security surpluses.

—Establish a Medicare surplus reserve equal to one-third of any on-budget surplus for the total of the period of fiscal years 2000 through 2009 to strengthen and modernize Medicare.

—Add a further protection for Social Security and Medicare by extending the budget enforcement rules that have provided the foundation of our fiscal discipline, including the discretionary caps and pay-as-you-go budget rules.

I urge the prompt and favorable consideration of this proposal.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 26, 1999*.

MESSAGES FROM THE HOUSE

At 11:20 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 754. An act to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made.

H.R. 915. An act to authorize a cost of living adjustment in the pay of administrative law judges.

H.R. 2303. An act to direct the Librarian of Congress to prepare the history of the House of Representatives, and for other purposes.

H.R. 3111. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995.

H.R. 3122. An act to permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch.

The message also announced that the House has agreed to the following resolution:

H. Res. 341. Resolution expressing the condolences of the House of Representatives on the death of Senator John H. Chafee.

The message further announced the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 194. Concurrent resolution recognizing the contributions of 4–H Clubs and their members to voluntary community service.

ENROLLED BILL SIGNED

At 2.36 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2367. An act to reauthorize a comprehensive program of support for victims of torture.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 754. An act to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made; to the Committee on Commerce, Science, and Transportation.

H.R. 915. An act to authorize a cost of living adjustment in the pay of administrative law judges; to the Committee on Governmental Affairs.

H.R. 2303. An act to direct the Librarian of Congress to prepare the history of the House of Representatives, and for other purposes; to the Committee on Rules and Administration.

H.R. 3111. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995; to the Committee on Governmental Affairs.

H.R. 3122. An act to permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch; to the Committee on Rules and Administration.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 194. Concurrent resolution recognizing the contributions of 4–H Clubs and their members to voluntary community service; to the Committee on the Judiciary.

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–5791. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''November 1999 Applicable Federal Rates'' (Revenue Ruling 99–45), received October 21, 1999; to the Committee on Finance.

EC–5792. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Customs Bonded Warehouses'' (RIN1515–AC41), received October 21, 1999; to the Committee on Finance.

EC–5793. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to a new Unified Command Plan; to the Committee on Armed Services.

EC–5794. A communication from the Independent Counsel, transmitting, pursuant to law, the annual report for the period ending September 30, 1999; to the Committee on Governmental Affairs.

EC–5795. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Nixon Presidential Materials'' (RIN3095–AA91), received October 22, 1999; to the Committee on Governmental Affairs.

EC–5796. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Public Housing Assessment System (PHAS); Transition to the PHAS'' (RIN2577–AC08) (FR–4497–N–02), received October 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5797. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Housing Choice Voucher Program'' (RIN2577–AB91) (FR–4428–F–04), received October 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5798. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Renewal of Expiring Annual Contributions Contracts in the Tenant-Based Section 8 Program; Formula for Allocation of Housing Assistance'' (RIN2577–AB96) (FR–4459–F–03), received October 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5799. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Public Housing Agency Plans'' (RIN2577–AB89) (FR–4420–F–05), received October 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5800. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to projects, or separable elements of projects, which have been authorized, but for which no funds have been obligated for planning, design or construction during the preceding seven full fiscal years; to the Committee on Environment and Public Works.

EC–5801. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan; Indiana'' (FRL #6446–5), received October 22, 1999; to the Committee on Environment and Public Works.

EC–5802. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Determining the Extent of Corrosion on Gas Pipelines'' (RIN2137–AB50), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5803. A communication from the Secretary of the Commission, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Guides for the Dog and Cat Food Industry'', received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5804. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Qualification and Certification of Locomotive Engineers'' (RIN2130–AA74), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5805. A communication from the Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Relocation of Standard Time Zone in the State of Nevada'' (RIN2105–AC80), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5806. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment—Opens D Fishing for Pollock in Statistical Area 620 of the Gulf of Alaska for 36 Hours'', received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5807. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Large Coastal (LCS) Shark Species; Postponement of Closure; Fishing Season Notification'' (I.D. 092299D), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5808. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Central Regulatory Area of the Gulf of Alaska for Other Rockfish'', received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5809. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Gulf of Alaska for Vessels Using Trawl Gear'', received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5810. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure for Yellowfin Sole with Trawl Gear in the Bering Sea and Aleutian Islands Management Area'', received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5811. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closes the Pacific Cod Fishery by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'', received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5812. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closes Directed Fishing for Pacific Cod With Hook-and-Line and Pot Gear in the Bering Sea and Aleutian Islands Management Area'', received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5813. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Relocation of Pollock'', received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5814. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Norfolk, NE; Direct Final Rule; Request for Comment; Docket No. 99–AE–45 (10–19/10–21)''

(RIN2120–AA66) (1999–0343), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5815. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Nevada, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–40 (10–12/10–21)'' (RIN2120–AA66) (1999–0346), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5816. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Wayne, NE; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–29 (10–6/10–21)'' (RIN2120–AA66) (1999–0345), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5817. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Ava, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–37 (10–20/10–21)'' (RIN2120–AA66) (1999–0354), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5818. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Smith Center, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–32 (10–6/10–14)'' (RIN2120–AA66) (1999–0340), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5819. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Hebron, NE; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–27 (10–7/10–14)'' (RIN2120–AA66) (1999–0339), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5820. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Jefferson, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–31 (10–7/10–14)'' (RIN2120–AA66) (1999–0338), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5821. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D Airspace and Establishment of Class E2 Airspace; Fort Rucker, AL; Docket No. 99–ASO–14 (10–15/10–21)'' (RIN2120–AA66) (1999–0353), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5822. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Lyons, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–3 (10–20/10–21)'' (RIN2120–AA66) (1999–0355), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5823. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Altus, OK; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–6 (10–6/10–21)'' (RIN2120–AA66) (1999–0344), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5824. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Antlers, OK; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–17 (10–6/10–14)'' (RIN2120–AA66) (1999–0336), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5825. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Georgetown, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–18 (10–5/10–21)'' (RIN2120–AA66) (1999–0342), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5826. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Madison, WI; Docket No. 99–AGL–43 (10–6/10–6)'' (RIN2120–AA66) (1999–033542), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5827. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; St. Helena, CA; Docket No. 99–AWP–14 (10–15/10–21)'' (RIN2120–AA66) (1999–0347), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5828. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Napa, CA; Docket No. 99–AWP–17 (10–15/10–21)'' (RIN2120–AA66) (1999–0348), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5829. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Clearlake, CA; Docket No. 99–AWP–15 (10–15/10–21)'' (RIN2120–AA66) (1999–0349), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5830. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lakeport, CA; Docket No. 99–AWP–16 (10–15/10–21)'' (RIN2120–AA66) (1999–0350), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5831. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Gualala, CA; Docket No. 99–AWP–13 (10–15/10–21)'' (RIN2120–AA66) (1999–0351), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5832. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Fort Bragg, CA; Docket No. 99–AWP–12 (10–15/10–21)'' (RIN2120–AA66) (1999–0352), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5833. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Platinum, AK; Docket No. 99–AAL–11 (10–5/10–14)'' (RIN2120–AA66) (1999–0341), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5834. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Rockport, TX; Docket No. 99–ASW–12 (10–7/10–14)'' (RIN2120–AA66) (1999–0337), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5835. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (96); Amdt. No. 1955 (10–12/10–21)'' (RIN2120–AA65) (1999–0048), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5836. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (15); Amdt. No. 1954 (10–12/10–21)'' (RIN2120–AA65) (1999–0049), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5837. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (48); Amdt. No. 1953 (10–12/10–21)'' (RIN2120–AA65) (1999–0050), received October 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5838. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Noise Certification Standards for Propeller-Driven Small Airplanes'' (RIN2120–AG65), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1788: An original bill to amend titles XVIII, XIX, and XXI of the Social Security Act to make corrections and refinements in the medicare, medicaid, and SCHIP programs, as revised and added by the Balanced Budget Act of 1997 (Rept. No. 106–199).

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Report to accompany the bill (S. 438) to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes (Rept. No. 106–200).

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1792: An original bill to amend the Internal Revenue code of 1986 to extend expiring provisions, to fully allow the nonrefundable personal credits against regular tax liability, and for other purposes (Rept. No. 106–201).

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. WELLSTONE (for himself and Mr. KERRY):

S. 1785. A bill to provide for local family information centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 1786. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a grant program for assisting small business and agricultural enterprises in meeting disaster-related expenses; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. CAMPBELL, and Mr. DASCHLE):

S. 1787. A bill to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land; to the Committee on Environment and Public Works.

By Mr. ROTH:

S. 1788. An original bill to amend titles XVIII, XIX, and XXI of the Social Security Act to make corrections and refinements in the medicare, medicaid, and SCHIP programs, as revised and added by the Balanced Budget Act of 1997; from the Committee on Finance; placed on the calendar.

By Mr. GORTON (for himself and Mr. LIEBERMAN):

S. 1789. A bill to provide a rotating schedule for regional selection of delegates to a national Presidential nominating convention, and for other purposes; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1790. A bill to provide for the issuance of a promotion, research, and information order applicable to certain handlers of Hass avocados; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CAMPBELL (for himself and Mr. LIEBERMAN):

S. 1791. A bill to authorize the Librarian of Congress to purchase papers of Dr. Martin Luther King, Junior, from Dr. King's estate; to the Committee on Rules and Administration.

By Mr. ROTH:

S. 1792. An original bill to amend the Internal Revenue Code of 1986 to extend expiring provisions, to fully allow the nonrefundable personal credits against regular tax liability, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. DOMENICI:

S. 1793. A bill to ensure that there will be adequate funding for the decommissioning of nuclear power facilities; to the Committee on Environment and Public Works.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1794. A bill to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse''; to the Committee on Environment and Public Works.

By Mr. CRAPO:

S. 1795. A bill to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG (for himself, Mr. MACK, Mr. KYL, Mr. GRAHAM, Mr. ROBB, Mr. LOTT, Mr. LIEBERMAN, Mr. HATCH, Mr. CONRAD, Mr. HELMS, Mr. TORRICELLI, Mr. SPECTER, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. SCHUMER, Mr. COVERDELL, Mr. EDWARDS, Mr. CLELAND, and Mr. SANTORUM):

S. 1796. A bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 1797. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE (for himself and Mr. KERRY):

S. 1785. A bill to provide for local family information centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

LOCAL FAMILY EDUCATION INFORMATION CENTERS

Mr. WELLSTONE. Mr. President, I speak on behalf of myself and Senator KERRY from Massachusetts, today for myself and Senator KERRY of Massachusetts today to introduce legislation that will go a long way to help parents become more involved in their children's education. We all know that families are crucial to the improvement of our nation's schools. To ensure that schools and students meet challenging educational goals, families must be involved. Parents must insist that their children get the best education. They must understand, shape and support the reforms in their schools; and, they must work with schools to help all children meet their goals.

We know that when families are fully engaged in the educational process, students have: higher grades and test scores; better attendance and more homework done; fewer placements in special education; more positive attitudes and behavior; higher graduation rates; and, greater enrollment in post-secondary education.

For school reforms to help all children, we must move to ensure that all parents are involved in their children's education. For many parents, this is not an easy task. Parents, particularly those who have limited English proficiency, or those who have a troubled history with the school system, often need outside help to get the information, support, and training they need to help their children navigate the school system.

Current provisions in Title I of the Elementary and Secondary Education Act provide for excellent and important ways for parents to get involved in their children's education. However, in some cases, parent involvement of the type envisioned by Title I remains a distant goal. Many Title I schools (though not all) have failed to fully bring parents into the development of parent involvement policies, school-parent compacts, and into planning and improvement for the school as provided for in Title I. It is thus essential for families to have an independent source of information and support that they understand and trust so that they can participate in an informed and effective manner and help move the schools toward the goal of full parental participation.

To achieve this critical end, this legislation would provide competitive grants to community based organizations to establish Local Family Information Centers. These centers, made up of community members as well as professionals from the Title I schools in the area, should have a track record of effective outreach and work with low income communities. They, in consultation with the school district, would develop a plan to provide parents with the full support that they need to be partners in their children's education. For example, they would help parents understand standards, assessments, and accountability systems; support activities that are likely to improve student achievement in Title I schools; understand and analyze data that schools, districts, and states must provide under reporting requirements of ESEA and other laws; understand and participate in the implementation of parent involvement requirements of ESEA, including; and, communicate effectively with school personnel.

This legislation is essential because it would reach and assist parents most isolated from participation by poverty, race, limited English proficiency and other factors. It is essential because of what we know about how children learn—that children that are the farthest behind make the greatest gains when their parents are part of their school life.

Many schools do a very good job of involving parents in education reform. This bill does nothing but ensure that parents have the option of an independent voice in districts where schools do not do such a good job. If we are to educate our children, we must also educate their parents. This legislation provides one necessary means to do so.

By Mr. LAUTENBERG:

S. 1786. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a grant program for assisting small business and agricultural enterprises in meeting disaster-related expenses; to the Committee on Environment and Public Works.

SMALL BUSINESS AND AGRICULTURAL ENTERPRISE GRANT PROGRAM

● Mr. LAUTENBERG. Mr. President, I ask that a copy of the bill be printed in the RECORD.

The bill follows:

S. 1786

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

SECTION 1. SMALL BUSINESS AND AGRICULTURAL ENTERPRISE GRANT PROGRAM.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a et seq.) is amended by adding at the end the following:

"SEC. 425. SMALL BUSINESS AND AGRICULTURAL ENTERPRISE GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) AGRICULTURAL ENTERPRISE.—The term 'agricultural enterprise' includes—

''(A) a farm not larger than a family farm (within the meaning of section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a))); and

''(B) an enterprise engaged in the business of production of food or fiber, ranching or raising of livestock, aquaculture, or any other farming or agricultural related industry (within the meaning of section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

''(2) SMALL BUSINESS.—The term 'small business' has the meaning given the term 'small business concern' under section 3 of the Small Business Act (15 U.S.C. 632).

''(b) GRANT PROGRAM.—The President may make grants to assist small businesses and agricultural enterprises adversely affected by a major disaster in meeting disaster-related expenses, including the costs of nonstructural repairs and replacement of noninsured contents and inventory.

''(c) CONDITIONS.—

''(1) NO RELOCATION ASSISTANCE.—A small business or agricultural enterprise receiving a grant under this section—

''(A) shall not use the proceeds of the grant for relocation; but

''(B) may use the proceeds of the grant for appropriate purposes in a new location, at the discretion of the President, for a safety, health, or mitigation purpose.

''(2) DUPLICATIVE ASSISTANCE.—

''(A) IN GENERAL.—A small business or agricultural enterprise receiving assistance in the form of a grant under this section shall be liable to the United States to the extent that the assistance duplicates benefits provided to the small business or agricultural enterprise for the same purpose by another Federal agency.

''(B) DEBT COLLECTION.—A Federal agency that provides any duplicative assistance described in subparagraph (A) shall collect an amount equal to the value of the duplicative assistance from the recipient in accordance with chapter 37 of title 31, United States Code, in any case in which the head of the agency considers such collection to be in the best interest of the Federal Government.

''(C) INAPPLICABILITY OF DUPLICATION OF BENEFITS PROVISION.—Section 312 shall not apply to assistance provided under this section.

''(d) FUNDING LIMITATIONS.—

''(1) ONE MAJOR DISASTER ONLY.—A small business or agricultural enterprise shall be eligible for a grant under this section in relation to not more than 1 major disaster.

''(2) MAXIMUM AMOUNT OF GRANT.—The maximum amount that a small business or agricultural enterprise may receive under this section shall be $20,000.

''(e) TIME PERIOD FOR MAKING GRANTS.—The President may make a grant under this section only during the 90-day period beginning on the date of declaration of a major disaster under this title.

''(f) REGULATIONS.—The President shall promulgate regulations to carry out this section, including criteria, standards, and procedures for the determination of eligibility for grants and the administration of grants under this section.

''(g) APPLICABILITY.—

''(1) DATE OF DISASTER.—This section shall apply to any major disaster declared after September 1, 1999, and before the date of enactment of this section.

''(2) LIMITATION ON TIME PERIOD FOR MAKING GRANTS.—For the purpose of subsection (e), with respect to a major disaster described in paragraph (1), the 90-day period shall begin on the date of enactment of this section.''.●

By Mr. BAUCUS (for himself, Mr. CAMPBELL, and Mr. DASCHLE):

S. 1787. A bill to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land; to the Committee on Environment and Public Works.

GOOD SAMARITAN ABANDONED OR INACTIVE MINE WASTE REMEDIATION ACT

Mr. BAUCUS. Mr. President, I rise to introduce a bill, for myself, Senator CAMPBELL, and Senator DASCHLE. This bill will address one of our nation's most overlooked environmental problems: the thousands of abandoned mines that pour pollution into rivers and streams throughout the west.

Since 1972, when we enacted the Clean Water Act, our nation has made a lot of progress improving water quality. Generally speaking, our water is cleaner. The Potomac doesn't stink. The Cuyuhoga doesn't burst into flame. EPA estimates that about 1/3 more of our rivers are fishable and swimmable than 20 years ago.

But we still face serious water pollution problems.

One of the most serious, in the west, is pollution from abandoned mines.

Let me provide some background.

The settlement of the mountain west was driven, in large part, by mining. Take my home state of Montana. At the center of Helena is Last Chance Gulch, where gold was discovered in 1864. Butte was called the ''Richest Hill on Earth, ''because of it's huge veins of copper. Our state's motto is ''Oro y Plata''—gold and silver. The ASARCO smelter in East Helena is one of the largest and most efficient in the world.

Mining has long been critical to our development. It's created jobs. It's part of our culture. Of our community.

But mining, like many other economic activities, can have severe environmental consequences. Especially the way it was conducted years ago, before the development of sophisticated environmental laws and regulations.

I am reminded of the words of the Montana writer, A.B. Guthrie.

> Much of the exploitation, much of unthinking damage, was done in . . . a spirit characteristic of pioneer America. Growth was the way of life. It was the nature of things. . . . The end was not yet. The end never would be. That's what we thought. We know better now.

One reason that we know better now is that we've seen the effect of the abandoned hardrock mines that dot the landscape of the mountain west. They once were active mines, in many cases, long ago. Now they're an abandoned collection of tailings, shafts, and adits.

Even in generally arid areas, these mines release acid wastes. They leach mercury, arsenic, copper, and other heavy metals. They load sediments into nearby waters. They poison drinking water. They contaminate fish, making them unfit to eat. They threaten public health and destroy rivers and streams.

According to the Western Governors Association:

> Abandoned and inactive mines are responsible for many of the greatest threats and impairments to water quality throughout the United States. Thousands of stream miles are severely impacted by drainage and runoff from these mines, often for which a responsible party is unidentifiable or not economically viable. At least 400,000 abandoned or inactive mine sites occur in the west.

This map shows the scope of the problem.

The small dots indicate individual sites. Light shading indicates that there are more than 100 sites. Orange, between 200 and 300. Red, more than 300 sites.

As you can see, There are hundreds of sites in many western states—Montana, Idaho, California, Utah. New Mexico, Arizona, Colorado, and South Dakota.

And that's not all. Michigan. The Ohio Valley. The Appalachains. All across the country.

In Montana, there are approximately 6,000 abandoned hardrock mines. State officials already have identified 245 that are within 100 feet of a stream. In many cases, these mines are known to be polluting downstream waters.

Most of the sites are concentrated around Helena. But there are sites throughout western Montana, in 24 of

our 56 counties. All the way from Lincoln County, in Northwest Montana, to Park County, in South Central Montana.

Let me show you an example.

This is an abandoned hardrock mine site near Rimini, about 15 miles west of Helena. It's in the Ten Mile Creek watershed, which serves as the Helena drinking supply. As you can see, the water is actually orange.

Clearly, abandoned hardrock mines pose a big problem.

So why isn't somebody doing something about it?

As is often the case, this simple question requires a pretty complicated answer.

In the first place, it may be impossible to track down the person who created the problem. The original mine operator may long gone.

In other cases, the ownership patterns are a complex mix of federal, state, and private land; and of surface, mineral, and water rights. It is not uncommon for dozens of parties to have had some connection to a mining site over the years. So it's difficult to establish legal responsibility for a private party to clean up the site.

There's another alternative. A state, tribe, or local government agency may want to step in and clean the site up themselves. As the Western Governors Association has put it:

> The western states have found that there would be a high degree of interest and willingness on the part of federal, state and local agencies . . . to work together toward solutions to the multi-faceted problems commonly found on inactive mined lands.

But there's a hitch. A few years ago, a federal court of appeals held that, under the Clean Water Act, one of these ''good samaritans'' is treated exactly the same as the operator of an working mine. That is, someone who has no responsibility for a site, but nevertheless wants to step in and make progress in cleaning up the site, must get a permit that complies with all of the effluent guidelines and other requirements of the Clean Water Act.

Many states, tribes, and local government good samaritans simply can't afford to clean up a site to full Clean Water Act standards.

So, facing the legal consequences if they fall short, potential good samaritans refrain from attempting to address water pollution problems at all.

Let me tell you about the Alta mine, outside Corbin, Montana. That's about 15 miles South of Helena.

The mine is an important part of Montana's heritage. Ore was discovered in there 1869.

During the late 1800s, 450 miners were extracting more than 150 tons of ore each day, generating a total of $32 million worth of gold, silver, lead, and zinc. That's the equivalent of about $1 billion in today's dollars.

The main portion of the mine closed in 1896. This century, mining and remining continued sporadically, under a variety of different operators. The mine was completely abandoned in the late 1950s.

I visited the site a few weeks ago, with my friend Vick Anderson, who runs the Montana mine cleanup program.

This is a photograph of the mine shaft. It cuts down to the old underground workings, 650 feet below. The shaft serves as a collection point for groundwater.

In the picture, you can see the toxic, acid water that seeps from the shaft and eventually drains into Corbin Creek.

Up until this point, Corbin Creek runs clear and clean. It's a high-quality trout stream. But, after the runoff from the Alta mine, the water is contaminated with arsenic, antimony, cadmium, copper, iron, lead, mercury, and zinc.

There's a distinct sulphuric odor. In some places, the water looks orange, like the picture I showed of the mine near Rimini.

This contamination affects not only Corbin Creek, but also Spring Creek and Prickly Pear Creek. That's about 7 miles of contamination. In the town of Corbin itself, the pollution is so bad that the State of Montana was forced to close groundwater wells and contstruct a $300,000 water supply project to serve 11 homes.

Now let me tell you what you can't see in the picture of the Alta mine.

All around the mine shaft, the State of Montana is conducting reclamation work. Removing structures. Closing adits. Removing or covering contaminated soil.

The state would also like to do something about the water pollution.

For example, they could divert runoff through a channel, and then construct wetlands to filter the arsenic, iron, lead, mercury, and other pollutants. This would clean the water up, significantly.

The engineers say that it will work.

But the lawyers say it won't.

They say that, by diverting the water, the state would become liable under the Clean Water Act. It would have to get a permit. And the permit would require permanent treatment that is prohibitively expensive.

Faced with that possibility, there is only one practical thing for the state to do. Nothing. Leave the water pollution alone.

And that's exactly what is happening. As we speak, the toxic water continues to flow directly into Corbin Creek.

This is not an isolated example. According to the Western Governors Association and others, the same thing is happening all across the west.

As you can see, the current system creates a disincentive. It prevents well-intentioned state and local governments from stepping in and conducting voluntary cleanups.

As a result, the cleanups don't occur and the pollution keeps flowing.

That's the problem that our bill will fix.

The title of this bill, the ''Good Samaritan Mine Remediation Waste bill'' says it all.

The state, tribal, and local government agencies that we refer to as ''good samaritans'' are not trying to make money. They're not trying to skirt the law. They're trying to do good—in this case, to improve water quality.

The basic objective of this bill is to allow that. To allow states, tribes and local governments to be good samaritans.

In a nutshell, the bill will allow state, local, and tribal governments to clean up an abandoned mines under a special permit, tailored to the conditions of the site.

They apply for a good samaritan permit from EPA. The application must include a detailed plan describing the cleanup actions that will be taken to improve water quality.

EPA reviews the plan and takes comments from the local community. EPA can approve the application if it determines that the plan will result in an improvement in water quality to the greatest extent practical, given the resources and cleanup technologies available to the Good Samaritan.

Once a permit is approved, the good samaritan can proceed with the cleanup. EPA will monitor progress and conduct periodic reviews. When the cleanup is finished, the permit is terminated and the Good Samaritan is not held responsible for any future discharges from the site.

That's the basic framework.

Let me also mention several additional safeguards, that are described in detail in a summary that I ask be included in the RECORD after this statement.

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

[See exhibit 1.]

First, before applying for a permit, the good samaritan must conduct a search, to try to find parties who are responsible for the pollution problem at the mine site and have the resources to clean it up themselves. If so, those parties should be held to the ordinary standards of the Clean Water Act. And they will be.

Second, a good samaritan permit can only be used for cleanup. It can't be used for remining. In fact, if the cleanup generates materials that can be sold commercially, the proceeds have to be used to help further clean up the river or stream. As a result, good samaritan permits cannot become a loophole for someone to get around the application of the Clean Water Act to active mining operations.

This bill is not a remining bill, and will not become one.

Third, a good samaritan permit is fully enforceable, by either EPA or a citizen suit. As I've explained, there are very good arguments for applying different standards to good samaritan cleanups.

But, once those standards are written into a permit, they must be complied with to the same extent as the standards of an ordinary permit. The law is the law.

Mr. President, this bill reflects years of hard work, by the Western Governors Association, environmentalists, industry representatives, and others.

It's not perfect. It does not reflect a complete consensus. There are further issues to work through.

But my hope is that we can proceed quickly, through a hearing and markup, so that, before long, this important bill can be enacted into law.

If so, we soon will see success stories, all across the west. At places like the Alta Mine, we'll be taking sensible steps to make our rivers a lot cleaner and our lives a little bit better.

Let me return to the words of A.B. Guthrie. He described the exploitation of natural resources in the past. Then he said that ''we know better now.''

We do. We know better. And that knowledge gives us a responsibility. We must put our knowledge to constructive use. In this case, by cleaning up abandoned mine sites and other sources of pollution.

If we solve the problem, our grandchildren won't have to.

EXHIBIT 1

SUMMARY

The legislation is designed to eliminate the disincentives that currently exist in the Clean Water Act to the restoration of water quality through Good Samaritan cleanups of abandoned or inactive hardrock mines. To accomplish this, the legislation allows the federal government, states, tribes, and local governments that want to clean up an abandoned or inactive mining site to apply for a ''mine waste remediation'' permit instead of the typical Clean Water Act permit. The key to the mine waste remediation permit is that it allows Good Samaritans to improve water quality to the best of their ability rather than necessarily to achieve full compliance with water quality standards.

An application for a permit must be submitted to the Environmental Protection Agency and include a detailed plan describing the cleanup actions that the Good Samaritan will take to improve water quality. Applicants for a permit must make a reasonable search for parties who are responsible for the mine waste and therefore, are subject to full compliance with the Clean Water Act. Based on a review of the plan and obtaining public input, EPA can approve an application if no companies responsible for the mine waste are found and if the application ''demonstrates with reasonable certainty that the implementation of the plan will result in an improvement in water quality to the degree practicable, taking into consideration the resources available to the remediating party for the proposed remediation activity.'' EPA will develop and issue regulations that detail the specific contents of applications for mine waste remediation permits and may, on a case-by-case basis, issue regulations that impose ''more specific requirements that the Administrator determines'' are appropriate for individual mine sites.

Upon approval of a permit, the Good Samaritan proceeds with the planned cleanup. EPA plays a continuing role in monitoring the cleanup's progress, conducting periodic reviews to assure permit compliance. As with an ordinary Clean Water Act permit, both EPA and citizens can take legal action if a Good Samaritan fails to comply with the terms of a mine waste remediation permit. When the cleanup is completed, the permit is terminated and the Good Samaritan is not held responsible for any future discharges from the site.

The legislation is based on a proposal by the Western Governors Association (WGA), which worked extensively with the environmental community, mining industry, and the Administration in developing it. The staff of Senator Max Baucus has also worked with these groups and WGA in crafting the legislation. The Western Governors support this legislation and urge that it be enacted in this Congress.

Mr. BAUCUS. Mr. President, I ask unanimous consent that a letter of support from the Western Governors Association be printed in the RECORD.

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

WESTERN GOVERNORS' ASSOCIATION,
Denver, CO, October 19, 1999.

Hon. MAX BAUCUS,
Senator of Montana, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The Western Governors commend you for introducing the ''Good Samaritan Abandoned or Inactive Mine Waste Remediation Act.'' As stated in WGA Resolution 98–004 (attached), the Western Governors believe that there is a need to eliminate current disincentives in the Clean Water Act for voluntary, cooperative efforts aimed at improving and protecting water quality impacted by abandoned or inactive mines. We believe your bill could effectively and fairly eliminate such disincentives, and we therefore urge its passage this Congress.

Inactive or abandoned mines are responsible for threats and impairments to water quality throughout the western United States. Many also pose safety hazards from open adits and shafts. These historic mines pre-date modern federal and state environmental regulations which were enacted in the 1970s. Often a responsible party for these mines is not identifiable or not economically viable enough to be compelled to clean up the site. Many stream miles are impacted by drainage and runoff from such mines, creating significant adverse water quality impacts in several western states.

Recognizing the potential for economic, environmental and social benefits to downstream users of impaired streams, western states, municipalities, federal agencies, volunteer citizen groups and private parties have come together across the West to try to clean up some of these sites. However, due to questions of liability; many of these Good Samaritan efforts have been stymied.

To date, EPA policy and some case law have viewed inactive or abandoned mine drainage and runoff as problems that must be addressed under Section 402 of the CWA—the National Pollutant Discharge Elimination System (NPDES) permit program. This, however, has become an overwhelming disincentive for any voluntary cleanup efforts because of the liability that can be inherited for any discharges from an abandoned mine site remaining after cleanup, even though the volunteering remediating party had no previous responsibility or liability for the site, and has reduced the water quality impacts from the site by completing a cleanup project.

The ''Good Samaritan Abandoned or Inactive Mine Waste Remediation Act'' would amend the Clean Water Act to protect a remediating agency from becoming legally responsible for any continuing discharges from the abandoned mine site after completion of a cleanup project, provided that the remediating agency—or ''Good Samaritan''—does not otherwise have liability for that abandoned or inactive mine site and implements a cleanup project approved by EPA. The Western Governors support this bill, and urge that it be enacted this Congress.

Sincerely,

MARC RACICOT,
Governor of Montana, WGA Lead Governor.

BILL OWENS,
Governor of Colorado, WGA Lead Governor.

MICHAEL O. LEAVITT,
Governor of Utah.

POLICY RESOLUTION 98–004, CLEANING UP ABANDONED MINES

[Adopted June 29, 1998, Girdwood, Alaska]

A. BACKGROUND

1. Inactive or abandoned mines are responsible for threats and impairments to water quality throughout the western United States. Many also pose safety hazards from open adits and shafts. These historic mines pre-date modern federal and state environmental regulations which were enacted in the 1970s. Often a responsible party for these mines is not identifiable or not economically viable enough to be compelled to clean up the site. Thousands of stream miles are impacted by drainage and runoff from such mines, one of the largest sources of adverse water quality impacts in several western states.

2. Mine drainage and runoff problems are extremely complex and solutions are often highly site-specific. Although cost-effective management practices likely to reduce water quality impacts from such sites can be formulated, the specific improvement attainable through implementation of these practices cannot be predicted in advance. Moreover, such practices generally cannot eliminate all impacts and may not result in the attainment of water quality standards.

3. Cleanup of these abandoned mines and securing of open adits and shafts has not been a high funding priority for most state and federal agencies. Most of these sites are located in remote and rugged terrain and the risks they pose to human health and safety have been relatively small. That is changing, however, as the West has gained in population and increased tourism. Both of these factors are bringing people into closer contact with abandoned mines and their impacts.

4. Cleanup of abandoned mines is hampered by two issues—lack of funding and concerns about liability. Both of these issues are compounded by the land and mineral ownership patterns in mining districts. It is not uncommon to have private, federal, and state owned land side by side or intermingled. Sometimes the minerals under the ground are not owned by the same person or agency who owns the property. As a result, it is not

uncommon for there to be dozens of parties with partial ownership or operational histories associated with a given site.

5. Recognizing the potential for economic, environmental and social benefits to downstream users of impaired streams, western states, municipalities, federal agencies, volunteer citizen groups and private parties have come together across the West to try to clean up some of these sites. However, due to questions of liability, many of these Good Samaritan efforts have been stymied.

a. To date, EPA policy and some case law have viewed inactive or abandoned mine drainage and runoff as problems that must be addressed under the Clean Water Act's (CWA) Section 402 National Pollutant Discharge Elimination System (NPDES) permit program. This, however, has become an overwhelming disincentive for any voluntary cleanup efforts because of the liability that can be inherited for any discharges from an abandoned mine site remaining after cleanup, even though the volunteering remediating party had no previous responsibility or liability for the site, and has reduced the water quality impacts from the site by completing a cleanup project.

b. The western states have developed a package of legislative language in the form of a proposed amendment to the Clean Water Act. The effect of the proposed amendment would be to eliminate the current disincentives in the Act for Good Samaritan cleanups of abandoned mines. Over the three years that the proposal was drafted, the states received extensive input from EPA, environmental groups, and the mining industry.

6. Liability concerns also prevent mining companies from going back into historic mining districts and remining old abandoned mine sites or doing volunteer cleanup work. While this could result in an improved environment, companies which are interested are justifiably hesitant to incur liability for cleaning up the entire abandoned mine site.

B. GOVERNORS' POLICY STATEMENT

Good Samaritan

1. The Western Governors believe that there is a need to eliminate disincentives to voluntary, cooperative efforts aimed at improving and protecting water quality impacted by abandoned or inactive mines.

2. The Western Governors believe the Clean Water Act should be anended to protect a remediating agency from becoming legally responsible under section 301(a) and section 402 of the CWA for any continuing discharges from the abandoned mine site after completion of a cleanup project, provided that their mediating agency—or ''Good Samaritan''—does not otherwise have liability for that abandoned or inactive mine site and attempts to improve the conditions at the site.

3. The Western Governors believe that Congress, as a priority, should amend the Clean Water Act in a manner that accomplishes the goals embodied in the WGA legislative package on Good Samaritan cleanups.

Cleanup and Funding

4. The governors support efforts to accelerate responsible and effective abandoned mine waste cleanup including the siting of joint waste repositories for cleanup wastes from abandoned mines on private, federal, and state lands. Liability concerns have hampered the siting of joint waste repositories leading to the more expensive and less environmentally responsible siting of multiple repositories. The governors urge the Bureau of Land Management and the U.S. Forest Service to develop policy encouraging the siting of joint waste repositories whenever they make economic and environmental sense.

5. The governors encourage federal land management agencies such as the Bureau of Land Management, Forest Service, and Park Service, as well as support agencies like the U.S. Environmental Protection Agency and the U.S. Geological Survey to coordinate their abandoned mine efforts with state efforts to avoid redundancy and unnecessary duplication. Federal and State tax dollars should be focused on working cooperatively to secure and clean up abandoned mine sites, not working separately to conduct expensive and time consuming inventories, research, and mapping efforts.

6. Other responsible approaches to accelerate abandoned mine cleanup should be investigated, including remining.

7. Reliable sources of funds should be made available for the cleanup of abandoned mines in the West.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. WGA staff shall transmit a copy of this resolution and the proposed WGA legislative package on Good Samaritan cleanups to the President, the Secretary of the Interior, Secretary of Agriculture, Administrator of the Environmental Protection Agency, and Chairmen of the appropriate House and Senate Committees.

2. WGA staff shall work with the mining industry, environmental interests, and federal agency representatives to explore options to accelerate abandoned mine cleanup through remining and report back to the Governors at the 1999 WGA Annual Meeting.

3. WGA shall continue to work cooperatively with the National Mining Association, federal agencies, and other interested stakeholders to examine other mechanisms to accelerate responsible cleanup and securing of abandoned mines.

Approval of a WGA resolution requires an affirmative vote of two-thirds of the Board of the Directors present at the meeting. Dissenting votes, if any, are indicated in the resolution. The Board of Directors is comprised of the governors of Alaska, American Samoa, Arizona, California, Colorado, Guam, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Northern Mariana Islands, Oregon, South Dakota, Texas, Utah, Washington and Wyoming.

By Mr. GORTON (for himself and Mr. LIEBERMAN):

S. 1789. A bill to provide a rotating schedule for regional selection of delegates to a national Presidential nominating convention, and for other purposes; to the Committee on Rules and Administration.

THE REGIONAL PRESIDENTIAL SELECTION ACT OF 1999

Mr. GORTON. Mr. President, the 2000 presidential election has already captured the interest of the national media, and once again the media struggles to make sense of one of this nation's most complex and confusing practices—the presidential nomination system. It is a tenet in this country, the greatest democracy in the world, that all citizens have an equal voice in choosing who will be the nominees for the final race for President of the United States. If there is one thing that has remained constant in the American system, it is democratic participation in our electoral process—a basic creed that has guided us toward wider participation and more direct election of our leaders. Ironically, however, every four years we are witnesses to the fact that the current system by which this country chooses its presidential nominees is not only arbitrary, but in many ways incompatible with the notion of equal participation in the nominating process.

One of the most memorable political cartoons I have had the pleasure of reading was drawn during the 1996 election by the cartoonist for a local paper in my home state of Washington. This cartoon illustrates just how bizarre the current presidential primary process really is. The cartoon features Benjamin Franklin, Thomas Jefferson, and Alexander Hamilton brainstorming at the Constitutional Convention. Ben Franklin turns to his colleagues in jest and rattles off an idea for the presidential election system. He reads from his sheet of paper,

> The President shall be chosen from among those persons who can hone complex ideas into simplistic sound bites, defame the character of their opponents, hide their own blemishes from an intrusive swarming press corps and—get this—win the most votes from a tiny number of citizens in a remote corner of New England!

To which Alexander Hamilton replies,

> Very droll Franklin, you're quite the comedian.

Mr. President, I agree with the cartoonist that what our Founding Fathers would have regarded as a ridiculous way to choose a president is now reality. It is no joke—this IS how our Presidential nominating system works.

For some time Members of Congress, party activists, the states, and academics have all advocated reform of the Presidential nominating system in this country. The flaws in our current system are obvious. The system is unstructured, confusing, and it gives small states that hold early primaries or caucuses a disproportionate amount of influence on the final outcome. The lack of uniformity and clear guidelines in the system creates a system whereby states compete for an early position in the nominating process in order to attract candidates and to have some kind of influence in the nominating process. Small to middle-sized states that select delegates later in the game risk being shut out of the process all together and face having a limited role in choosing the Presidential nominee. While the 2000 primary schedule has not yet been solidified, the first primary will be held at the earliest date in history, and an alarming number of states have moved or are considering moving their primary earlier in the year with the hope of influencing the nomination process.

Clearly, the system does not allow for equal participation by all the states. It undermines the ideal of equal participation in the electoral process

by giving certain states, year after year, far more leverage than others. This unequal balance of power, if you will, compromises the integrity of the nominating process.

At this time, while this country's Presidential nominating system again begins to receive national attention, I believe it is fundamental that the American people and this Congress begin discussing methods to improve the current system and introduce reforms to encourage wider participation and more direct nomination of Presidential candidates.

I am introducing, today, a bill to provide for a rotating regional selection system for the nomination of candidates for Presidential elections. This bill will establish four regions comprised of 12–13 states from the same geographic area in the country. All states in a region will hold primaries or caucuses on the same date either the first Tuesday in March, April, May, or June and no region will vote in the same month. The order in which each region votes will rotate with each presidential election cycle, allowing each region to have the opportunity to be the first, second, third, and last region in the country to vote.

This bill introduces much needed uniformity and structure to a system that lacks real composition. It will eliminate the drive by the States to gain ''first-in-the-nation'' status and the ability for one or two small states to influence the entire nomination process. Under this plan each state will have equal opportunity to participate and influence the nomination process. This bill will also establish greater uniformity and structure by instituting much needed guidelines for states, delegate selection, and the role of Federal Election Commission.

Obviously, since we are well into the presidential nomination process for the 2000 Presidential race this bill, if enacted, will apply to 2004 and election years thereafter.

In summary, Mr. President, I look forward to discussing this proposal with my colleagues in the coming weeks and months. I believe it is imperative that we do everything we can to improve the practice by which we nominate our country's leader.

Mr. LIEBERMAN. Mr. President. I am happy to join Senator GORTON in introducing a bill that we hope will restore some common sense to the way the country chooses party nominees for president. As Senator GORTON already has explained well, anyone taking a objective look at the current primary and caucus system could reach only one conclusion: it makes very little sense.

Our primary system was meant to serve a very important purpose: to determine the two—or perhaps three—individuals who will have the opportunity to compete for the most powerful office in our nation, and perhaps in the world. Given the importance of the process, it is critical that it be a fair one, one that tests the mettle and the ideas of all of the candidates, one that allows the voters to hear and weigh the views of those seeking their parties' nominations, and one that gives the primary electorate—the whole, national primary electorate—a chance to choose the person they think will best represent them and their views in the ultimate contest to determine who will become President of the United States.

But that just isn't happening now. Instead of a system that tests a candidate's character and his ability to offer reasoned opinions over the long haul, we have an increasingly compressed schedule, one in which States whose primaries once were spread out over months now compete to see who can hold their contests the earliest, and candidates compete to see who can raise more money than everyone else before the first primary voters ever step foot into the election booth. That ''money primary'' has already eliminated four of the Republican candidates for President.

This is no way for the world's greatest democracy to choose its leader. As Senator GORTON already has explained, the bill we are proposing today offers an alternative system, one that can restore the primary season to what it should be: a contest of candidates discussing their ideas for America's future. By creating a series of regional primaries, we will make it more likely that all areas of the country have input into the nominee selection process, and that the candidates and their treasuries will not be stretched so thin by primaries all over the country on the same day. By spreading out the primaries over a four-month period, we have a chance to return to the days when the electorate had an opportunity to evaluate the candidates over time, and where voters—not just financial contributors—had decided who the parties' nominees will be.

Anyone looking at the current system knows it has to change. I hope that we can make that happen before the 2004 campaign begins.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1790. A bill to provide for the issuance of a promotion, research, and information order applicable to certain handlers of Hass avocados; to the Committee on Agriculture, Nutrition, and Forestry.

THE HASS AVOCADO PROMOTION, RESEARCH AND INFORMATION ACT OF 1999

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will create a national promotion, research and information program for Hass avocados. This industry-financed promotion program will help farmers without costing taxpayers any money.

This legislation provides California's 6,000 Hass avocado growers with the ability to achieve together that which would not be possible alone—the establishment of a national program to enhance avocado marketing and consumption. Pooled industry resources create the potential for an impact much greater than what would be possible through a solely state-funded program.

Like producers who have successful national promotion programs, including those for beef, cotton, dairy, eggs, pork and soybeans, producers of Hass avocados are seeking a new vehicle for expanding the consumer market for avocados. A nationwide promotion program would provide the avocado industry with the means to market avocados to a much wider consumer audience, and build demand at a time when the aggregate supply of avocados is rapidly increasing.

California has a long history of state marketing programs for its many diverse agricultural commodities. In fact, the avocado industry has long benefitted from an innovative state grower-funded program administered by the California Avocado Commission.

In recent years, however, increasing imports are supplying a larger share of the U.S. consumer market. In 1998, for example, import levels reached 100 million pounds, or nearly one-third the size of U.S. avocado production. If not offset by increased demand, this rapid escalation of supply will lead to market instability. Given this dynamic, it is only fair that the cost of a national promotion program be shared fairly among importers and domestic producers.

The ''Hass Avocado Promotion, Research and Information Act of 1999'' is a self-help national checkoff program that will allow avocado growers to fund and operate a coordinated marketing effort to expand domestic and foreign markets. The avocado promotion program will be operated at no cost to the federal government and will be funded by U.S. Hass avocado growers and Hass avocado importers.

The key elements of this avocado promotion legislation include: (1) an 11-member Hass Avocado Board comprised of both domestic producers and importers; (2) new programs for the advertising and promotion of avocados to develop new markets; (3) research on the sale, distribution, use, quality or nutritional value of avocados; (4) an up-front referendum of qualified producers and importers during a 60-day period preceding the effective date of the Secretary of Agriculture's implementing order; and (5) an initial assessment rate on Hass avocados on 2.5 cent per pound.

Hass avocados are an integral food source in the United States and are a valuable and healthy part of the human diet. Avocados are enjoyed by millions of persons every year for a

multitude of every day and special occasions. The maintenance and expansion of existing markets and the development of new markets and uses for Hass avocados is needed to preserve and strengthen the economic viability of the domestic Hass avocado industry for the benefit of producers and the benefit of other persons marketing, processing and consuming Hass avocados.

Agricultural commodity promotion programs are a proven means of increasing market share for commodities. The Hass avocado growers in my state want to have a program that will help increase their market share of the consumer food dollar. California's Hass avocado growers have made extensive efforts over the last two years to unify the industry, which has resulted in the development of this highly supported national promotion program. The 1996–1997 value of domestic Hass avocado production was $259 million—a substantial market that could be even greater if properly promoted.

This national avocado promotion program is an opportunity for Congress to help an agricultural industry create increased economic activity and job opportunities, with no expenditure of tax collars. I urge you to support this important legislation.

By Mr. CAMPBELL (for himself and Mr. LIEBERMAN):

S. 1791. A bill to authorize the Librarian of Congress to purchase papers of Dr. Martin Luther King, Junior, from Dr. King's estate; to the Committee on Rules and Administration.

THE MARTIN LUTHER KING, JUNIOR PAPERS PRESERVATION ACT

Mr. CAMPBELL. Mr. President, today I am introducing legislation that would authorize the Librarian of Congress to acquire Dr. Martin Luther King, Junior's personal papers from his estate. I am pleased to be joined in this important initiative by my friend and colleague from Connecticut, Senator JOE LIEBERMAN. This bill is a companion to H.R. 2963, which was introduced by our colleagues in the House of Representatives, Congressman JAMES CLYBURN and Congressman J.C. WATTS.

Dr. King, as a minister, civil rights leader, prolific writer and Nobel Prize winner, was deeply committed to nonviolence in the struggle for civil rights. He is quite possibly the most important and influential black leader in American history.

When Dr. King was tragically assassinated on April 4, 1968, he was in his prime, after having emerged as a true national hero and a chief advocate of peacefully uniting a racially divided nation. He strove to build communities of hope and opportunity for all. He recognized that all Americans must be free if we are to live in a truly great nation.

The acquisition of Dr. King's papers would permanently place them in the public domain. People from all over the United States, and the entire world, would have direct access to these important historic documents. Those people studying his life's work would have access to his messages of justice and peace, and also to reflect on the civil rights struggle. The Library of Congress would be the perfect place for these papers which already houses other great works of original American freedom fighters such as Frederick Douglass and Thurgood Marshall. It is altogether fitting that these documents be together under one roof.

Dr. King was a person who wanted all people to get along regardless of their race, color or creed. His call to all of us, that we should judge by the content of one's character rather than by the color of one's skin, sums up the very core of how we can all peacefully live together as well as any other words ever spoken.

The establishment of Martin Luther King, Jr. Day as a national holiday was the result of the work of many determined people who wanted to ensure that we and future generations duly honor and remember his legacy. In fact, our tradition of honoring Dr. King took another step forward when just yesterday the President signed into law S. 322, a bill I introduced earlier this year that authorizes the flying of the American flag on Martin Luther King Day, in addition to all of our nation's national holidays. The bill I introduce today builds on this work and will ensure that Dr. King's legacy is preserved for generations to come.

I urge my colleagues to join me in supporting this important bill. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1791

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 Dr. Martin Luther King, Junior Papers Preservation Act''.

SEC. 2. PURCHASE OF MARTIN LUTHER KING PAPERS BY LIBRARIAN OF CONGRESS.

(a) IN GENERAL.—The Librarian of Congress is authorized to acquire or purchase papers of Dr. Martin Luther King, Junior, from Dr. King's estate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Librarian of Congress such sums as may be necessary to carry out this Act.

By Mr. ROTH:

S. 1792. An original bill to amend the Internal Revenue Code of 1986 to extend expiring provisions, to fully allow the nonrefundable personal credits against regular tax liability, and for other purposes; from the Committee on Finance; placed on the calendar.

TAX RELIEF EXTENSION ACT OF 1999

Mr. ROTH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1792

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Relief Extension Act of 1999''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly 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, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.

TITLE I—EXTENSION OF EXPIRED AND EXPIRING PROVISIONS

Sec. 101. Extension of minimum tax relief for individuals.
Sec. 102. Extension of exclusion for employer-provided educational assistance.
Sec. 103. Extension of research and experimentation credit and increase in rates for alternative incremental research credit.
Sec. 104. Extension of exceptions under subpart F for active financing income.
Sec. 105. Extension of suspension of net income limitation on percentage depletion from marginal oil and gas wells.
Sec. 106. Extension of work opportunity tax credit and welfare-to-work tax credit.
Sec. 107. Extension and modification of tax credit for electricity produced from certain renewable resources.
Sec. 108. Expansion of brownfields environmental remediation.
Sec. 109. Temporary increase in amount of rum excise tax covered over to Puerto Rico and Virgin Islands.
Sec. 110. Delay requirement that registered motor fuels terminals offer dyed fuel as a condition of registration.
Sec. 111. Extension of production credit for fuel produced by certain gasification facilities.

TITLE II—REVENUE OFFSET PROVISIONS

Subtitle A—General Provisions

Sec. 201. Modification of individual estimated tax safe harbor.
Sec. 202. Modification of foreign tax credit carryover rules.
Sec. 203. Clarification of tax treatment of income and losses on derivatives.
Sec. 204. Inclusion of certain vaccines against streptococcus pneumoniae to list of taxable vaccines.
Sec. 205. Expansion of reporting of cancellation of indebtedness income.
Sec. 206. Imposition of limitation on prefunding of certain employee benefits.
Sec. 207. Increase in elective withholding rate for nonperiodic distributions from deferred compensation plans.

Sec. 208. Limitation on conversion of character of income from constructive ownership transactions.
Sec. 209. Treatment of excess pension assets used for retiree health benefits.
Sec. 210. Modification of installment method and repeal of installment method for accrual method taxpayers.
Sec. 211. Limitation on use of nonaccrual experience method of accounting.
Sec. 212. Denial of charitable contribution deduction for transfers associated with split-dollar insurance arrangements.
Sec. 213. Prevention of duplication of loss through assumption of liabilities giving rise to a deduction.
Sec. 214. Consistent treatment and basis allocation rules for transfers of intangibles in certain nonrecognition transactions.
Sec. 215. Distributions by a partnership to a corporate partner of stock in another corporation.
Sec. 216. Prohibited allocations of stock in S corporation ESOP.

Subtitle B—Provisions Relating to Real Estate Investment Trusts

PART I—TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES

Sec. 221. Modifications to asset diversification test.
Sec. 222. Treatment of income and services provided by taxable REIT subsidiaries.
Sec. 223. Taxable REIT subsidiary.
Sec. 224. Limitation on earnings stripping.
Sec. 225. 100 percent tax on improperly allocated amounts.
Sec. 226. Effective date.

PART II—HEALTH CARE REITS

Sec. 231. Health care REITs.

PART III—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES

Sec. 241. Conformity with regulated investment company rules.

PART IV—CLARIFICATION OF EXCEPTION FROM IMPERMISSIBLE TENANT SERVICE INCOME

Sec. 251. Clarification of exception for independent operators.

PART V—MODIFICATION OF EARNINGS AND PROFITS RULES

Sec. 261. Modification of earnings and profits rules.

PART VI—MODIFICATION OF ESTIMATED TAX RULES

Sec. 271. Modification of estimated tax rules for closely held real estate investment trusts.

PART VIII—MODIFICATION OF TREATMENT OF CLOSELY-HELD REITS

Sec. 281. Controlled entities ineligible for REIT status.

TITLE III—BUDGET PROVISION

Sec. 301. Exclusion from paygo scorecard.

TITLE I—EXTENSION OF EXPIRED AND EXPIRING PROVISIONS

SEC. 101. EXTENSION OF MINIMUM TAX RELIEF FOR INDIVIDUALS.

(a) IN GENERAL.—The second sentence of section 26(a) (relating to limitations based on amount of tax) is amended by striking ''1998'' and inserting ''calendar year 1998, 1999, or 2000''.

(b) CHILD CREDIT.—Section 24(d)(2) (relating to reduction of credit to taxpayer subject to alternative minimum tax) is amended by striking ''December 31, 1998'' and inserting ''December 31, 2000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 102. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127(d) (relating to termination) is amended by striking ''May 31, 2000'' and inserting ''December 31, 2000''.

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—

(1) IN GENERAL.—The last sentence of section 127(c)(1) (defining educational assistance) is amended by striking '', and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 1999.

SEC. 103. EXTENSION OF RESEARCH AND EXPERIMENTATION CREDIT AND INCREASE IN RATES FOR ALTERNATIVE INCREMENTAL RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h) (relating to termination) is amended—

(A) by striking ''June 30, 1999'' and inserting ''December 31, 2000'',

(B) by striking ''36-month'' and inserting ''54-month'', and

(C) by striking ''36 months'' and inserting ''54 months''.

(2) CONFORMING AMENDMENT.—Section 45C(b)(1)(D) is amended by striking ''June 30, 1999'' and inserting ''December 31, 2000''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after June 30, 1999.

(b) INCREASE IN PERCENTAGES UNDER ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) is amended—

(A) by striking ''1.65 percent'' and inserting ''2.65 percent'',

(B) by striking ''2.2 percent'' and inserting ''3.2 percent'', and

(C) by striking ''2.75 percent'' and inserting ''3.75 percent''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after June 30, 1999.

(c) EXTENSION OF RESEARCH CREDIT TO RESEARCH IN PUERTO RICO AND THE POSSESSIONS OF THE UNITED STATES.—

(1) IN GENERAL.—Section 41(d)(4)(F) (relating to foreign research) is amended by inserting '', the Commonwealth of Puerto Rico, or any possession of the United States'' after ''United States''.

(2) DENIAL OF DOUBLE BENEFIT.—Section 280C(c)(1) is amended by inserting ''or credit'' after ''deduction'' each place it appears.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after June 30, 1999.

SEC. 104. EXTENSION OF EXCEPTIONS UNDER SUBPART F FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) (relating to application) are each amended—

(1) by striking ''the first taxable year'' and inserting ''taxable years'',

(2) by striking ''January 1, 2000'' and inserting ''January 1, 2001'', and

(3) by striking ''within which such'' and inserting ''within which any such''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 105. EXTENSION OF SUSPENSION OF NET INCOME LIMITATION ON PERCENTAGE DEPLETION FROM MARGINAL OIL AND GAS WELLS.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) (relating to temporary suspension of taxable limit with respect to marginal production) is amended by striking ''January 1, 2000'' and inserting ''January 1, 2001''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 106. EXTENSION OF WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK TAX CREDIT.

(a) TEMPORARY EXTENSION.—Sections 51(c)(4)(B) and 51A(f) (relating to termination) are each amended by striking ''June 30, 1999'' and inserting ''December 31, 2000''.

(b) CLARIFICATION OF FIRST YEAR OF EMPLOYMENT.—Paragraph (2) of section 51(i) is amended by striking ''during which he was not a member of a targeted group''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after June 30, 1999.

SEC. 107. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Paragraph (3) of section 45(c) is amended to read as follows:

''(3) QUALIFIED FACILITY.—

''(A) WIND FACILITY.—In the case of a facility using wind to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1993, and before January 1, 2001.

''(B) CLOSED-LOOP BIOMASS FACILITY.—In the case of a facility using closed-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is—

''(i) originally placed in service after December 31, 1992, and before January 1, 2001, or

''(ii) originally placed in service before December 31, 1992, and modified to use closed-loop biomass to co-fire with coal after such date and before January 1, 2001.

''(C) BIOMASS FACILITY.—In the case of a facility using biomass (other than closed-loop biomass) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before January 1, 2001.

''(D) LANDFILL GAS OR POULTRY WASTE FACILITY.—

''(i) IN GENERAL.—In the case of a facility using landfill gas or poultry waste to produce electricity, the term 'qualified facility' means any facility of the taxpayer which is originally placed in service after December 31, 1999, and before January 1, 2001.

''(ii) LANDFILL GAS.—In the case of a facility using landfill gas, such term shall include equipment and housing (not including wells and related systems required to collect and transmit gas to the production facility) required to generate electricity which are owned by the taxpayer and so placed in service.

''(E) SPECIAL RULE.—In the case of a qualified facility described in subparagraph (B) or (C) using coal to co-fire with biomass, the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than January 1, 2000.''

(b) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources) is amended by

striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

''(C) biomass (other than closed-loop biomass),

''(D) landfill gas, and

''(E) poultry waste.''

(2) DEFINITIONS.—Section 45(c), as amended by subsection (a), is amended by redesignating paragraph (3) as paragraph (6) and inserting after paragraph (2) the following new paragraphs:

''(3) BIOMASS.—The term 'biomass' means any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

''(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

''(B) urban sources, including waste pallets, crates, and dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage) or paper that is commonly recycled, or

''(C) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

''(4) LANDFILL GAS.—The term 'landfill gas' means gas from the decomposition of any household solid waste, commercial solid waste, and industrial solid waste disposed of in a municipal solid waste landfill unit (as such terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)).

''(5) POULTRY WASTE.—The term 'poultry waste' means poultry manure and litter, including wood shavings, straw, rice hulls, and other bedding material for the disposition of manure.''

(c) SPECIAL RULES.—Section 45(d) (relating to definitions and special rules) is amended by adding at the end the following new paragraphs:

''(6) CREDIT ELIGIBILITY IN THE CASE OF GOVERNMENT-OWNED FACILITIES USING POULTRY WASTE.—In the case of a facility using poultry waste to produce electricity and owned by a governmental unit, the person eligible for the credit under subsection (a) is the lessor or the operator of such facility.

''(7) PROPORTIONAL CREDIT FOR FACILITY USING COAL TO CO-FIRE WITH BIOMASS.—In the case of a qualified facility described in subparagraph (B) or (C) of subsection (c)(6) using coal to co-fire with biomass, the amount of the credit determined under subsection (a) for the taxable year shall be reduced by the percentage coal comprises (on a Btu basis) of the average fuel input of the facility for the taxable year.

''(8) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to a facility for any taxable year if the credit under section 29 is allowed in such year or has been allowed in any preceding taxable year with respect to any fuel produced from such facility.''

(d) CONFORMING AMENDMENT.—Section 29(d) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(9) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to any fuel produced from a facility for any taxable year if the credit under section 45 is allowed in such year or has been allowed in any preceding taxable year with respect to such facility.''

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 108. EXPANSION OF BROWNFIELDS ENVIRONMENTAL REMEDIATION.

(a) IN GENERAL.—Section 198(c) is amended to read as follows:

''(c) QUALIFIED CONTAMINATED SITE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified contaminated site' means any area—

''(A) which is held by the taxpayer for use in a trade or business or for the production of income, or which is property described in section 1221(1) in the hands of the taxpayer, and

''(B) at or on which there has been a release (or threat of release) or disposal of any hazardous substance.

''(2) NATIONAL PRIORITIES LISTED SITES NOT INCLUDED.—Such term shall not include any site which is on, or proposed for, the national priorities list under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as in effect on the date of the enactment of this section).

''(3) TAXPAYER MUST RECEIVE STATEMENT FROM STATE ENVIRONMENTAL AGENCY.—An area shall be treated as a qualified contaminated site with respect to expenditures paid or incurred during any taxable year only if the taxpayer receives a statement from the appropriate environmental agency of the State in which such area is located that such area meets the requirement of paragraph (1)(B).

''(4) APPROPRIATE STATE AGENCY.—For purposes of paragraph (3), the chief executive officer of each State may, in consultation with the Administrator of the Environmental Protection Agency, designate the appropriate State environmental agency within 60 days of the date of the enactment of this section. If the chief executive officer of a State has not designated an appropriate State environmental agency within such 60-day period, the appropriate environmental agency for such State shall be designated by the Administrator of the Environmental Protection Agency.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 1999.

SEC. 109. TEMPORARY INCREASE IN AMOUNT OF RUM EXCISE TAX COVERED OVER TO PUERTO RICO AND VIRGIN ISLANDS.

(a) IN GENERAL.—Section 7652(f)(1) (relating to limitation on cover over of tax on distilled spirits) is amended to read as follows:

''(1) $10.50 ($13.50 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2001), or''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect on July 1, 1999.

(2) SPECIAL RULE.—

(A) IN GENERAL.—For the period beginning after June 30, 1999, and before January 1, 2001, the treasury of Puerto Rico shall make a Conservation Trust Fund transfer within 30 days from the date of each cover over payment made during such period to such treasury under section 7652(e) of the Internal Revenue Code of 1986.

(B) CONSERVATION TRUST FUND TRANSFER.—

(i) IN GENERAL.—For purposes of this paragraph, the term ''Conservation Trust Fund transfer'' means a transfer to the Puerto Rico Conservation Trust Fund of an amount equal to 50 cents per proof gallon of the taxes imposed under section 5001 or section 7652 of such Code on distilled spirits that are covered over to the treasury of Puerto Rico under section 7652(e) of such Code.

(ii) TREATMENT OF TRANSFER.—Each Conservation Trust Fund transfer shall be treated as principal for an endowment, the income from which to be available for use by the Puerto Rico Conservation Trust Fund for the purposes for which the Trust Fund was established.

(iii) RESULT OF NONTRANSFER.—

(I) IN GENERAL.—Upon notification by the Secretary of the Interior that a Conservation Trust Fund transfer has not been made by the treasury of Puerto Rico during the period described in subparagraph (A), the Secretary of the Treasury shall, except as provided in subclause (II), deduct and withhold from the next cover over payment to be made to the treasury of Puerto Rico under section 7652(e) of such Code an amount equal to the appropriate Conservation Trust Fund transfer and interest thereon at the underpayment rate established under section 6621 of such Code as of the due date of such transfer. The Secretary of the Treasury shall transfer such amount deducted and withheld, and the interest thereon, directly to the Puerto Rico Conservation Trust Fund.

(II) GOOD CAUSE EXCEPTION.—If the Secretary of the Interior finds, after consultation with the Governor of Puerto Rico, that the failure by the treasury of Puerto Rico to make a required transfer was for good cause, and notifies the Secretary of the Treasury of the finding of such good cause before the due date of the next cover over payment following the notification of nontransfer, then the Secretary of the Treasury shall not deduct the amount of such nontransfer from any cover over payment.

(C) PUERTO RICO CONSERVATION TRUST FUND.—For purposes of this paragraph, the term ''Puerto Rico Conservation Trust Fund'' means the fund established pursuant to a Memorandum of Understanding between the United States Department of the Interior and the Commonwealth of Puerto Rico, dated December 24, 1968.

SEC. 110. DELAY REQUIREMENT THAT REGISTERED MOTOR FUELS TERMINALS OFFER DYED FUEL AS A CONDITION OF REGISTRATION.

Subsection (f)(2) of section 1032 of the Taxpayer Relief Act of 1997, as amended by section 9008 of the Transportation Equity Act for the 21st Century, is amended by striking ''July 1, 2000'' and inserting ''January 1, 2001''.

SEC. 111. EXTENSION OF PRODUCTION CREDIT FOR FUEL PRODUCED BY CERTAIN GASIFICATION FACILITIES.

(a) IN GENERAL.—Section 29(g)(1)(A) (relating to extension for certain facilities) is amended by striking ''July 1, 1998'' and inserting ''July 1, 2000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels produced on and after July 1, 1998.

(c) SPECIAL RULE.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, the credit determined under section 29 of such Code which is otherwise allowable under such Code by reason of the amendment made by subsection (a) and which is attributable to the suspension period shall not be taken into account prior to October 1, 2004. On or after such date, such credit may be taken into account through the filing of an amended return, an application for expedited refund, an adjustment of estimated taxes, or other means allowed by such Code. Interest shall not be allowed under section 6511(a) of such Code on any overpayment attributable to such credit

for any period before the 45th day after the credit is taken into account under the preceding sentence.

(2) SUSPENSION PERIOD.—For purposes of this subsection, the suspension period is the period beginning on July 1, 1998, and ending on September 30, 2004.

(3) EXPEDITED REFUNDS.—

(A) IN GENERAL.—If there is an overpayment of tax with respect to a taxable year by reason of paragraph (1), the taxpayer may file an application for a tentative refund of such overpayment. Such application shall be in such manner and form, and contain such information, as the Secretary may prescribe.

(B) DEADLINE FOR APPLICATIONS.—Subparagraph (A) shall apply only to applications filed before October 1, 2005.

(C) ALLOWANCE OF ADJUSTMENTS.—Not later than 90 days after the date on which an application is filed under this paragraph, the Secretary shall—

(i) review the application,

(ii) determine the amount of the overpayment, and

(iii) apply, credit, or refund such overpayment,

in a manner similar to the manner provided in section 6411(b) of such Code.

(D) CONSOLIDATED RETURNS.—The provisions of section 6411(c) of such Code shall apply to an adjustment under this paragraph in such manner as the Secretary may provide.

(4) CREDIT ATTRIBUTABLE TO SUSPENSION PERIOD.—For purposes of this subsection, in the case of a taxable year which includes a portion of the suspension period, the amount of credit determined under section 29 of such Code for such taxable year which is attributable to such period is the amount which bears the same ratio to the amount of credit determined under such section 29 for such taxable year as the number of months in the suspension period which are during such taxable year bears to the number of months in such taxable year.

(5) WAIVER OF STATUTE OF LIMITATIONS.—If, on October 1, 2004 (or at any time within the 1-year period beginning on such date) credit or refund of any overpayment of tax resulting from the provisions of this subsection is barred by any law or rule of law, credit or refund of such overpayment shall, nevertheless, be allowed or made if claim therefore is filed before the date 1 year after October 1, 2004.

(6) SECRETARY.—For purposes of this subsection, the term ''Secretary'' means the Secretary of the Treasury (or such Secretary's delegate).

TITLE II—REVENUE OFFSET PROVISIONS

Subtitle A—General Provisions

SEC. 201. MODIFICATION OF INDIVIDUAL ESTIMATED TAX SAFE HARBOR.

(a) IN GENERAL.—The table contained in clause (i) of section 6654(d)(1)(C) (relating to limitation on use of preceding year's tax) is amended by striking all matter beginning with the item relating to 1999 or 2000 and inserting the following new items:

''1999	110.5
2000	106
2001	112
2002	110
2003	112
2004 or thereafter	110''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any installment payment for taxable years beginning after December 31, 1999.

SEC. 202. MODIFICATION OF FOREIGN TAX CREDIT CARRYOVER RULES.

(a) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking ''in the second preceding taxable year,'', and

(2) by striking ''or fifth'' and inserting ''fifth, sixth, or seventh''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 1999.

SEC. 203. CLARIFICATION OF TAX TREATMENT OF INCOME AND LOSS ON DERIVATIVES.

(a) IN GENERAL.—Section 1221 (defining capital assets) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(a) IN GENERAL.—For purposes'',

(2) by striking the period at the end of paragraph (5) and inserting a semicolon, and

(3) by adding at the end the following:

''(6) any commodities derivative financial instrument held by a commodities derivatives dealer, unless—

''(A) it is established to the satisfaction of the Secretary that such instrument has no connection to the activities of such dealer as a dealer, and

''(B) such instrument is clearly identified in such dealer's records as being described in subparagraph (A) before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe);

''(7) any hedging transaction which is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe); or

''(8) supplies of a type regularly used or consumed by the taxpayer in the ordinary course of a trade or business of the taxpayer.

''(b) DEFINITIONS AND SPECIAL RULES.—

''(1) COMMODITIES DERIVATIVE FINANCIAL INSTRUMENTS.—For purposes of subsection (a)(6)—

''(A) COMMODITIES DERIVATIVES DEALER.—The term 'commodities derivatives dealer' means a person which regularly offers to enter into, assume, offset, assign, or terminate positions in commodities derivative financial instruments with customers in the ordinary course of a trade or business.

''(B) COMMODITIES DERIVATIVE FINANCIAL INSTRUMENT.—

''(i) IN GENERAL.—The term 'commodities derivative financial instrument' means any contract or financial instrument with respect to commodities (other than a share of stock in a corporation, a beneficial interest in a partnership or trust, a note, bond, debenture, or other evidence of indebtedness, or a section 1256 contract (as defined in section 1256(b)), the value or settlement price of which is calculated by or determined by reference to a specified index.

''(ii) SPECIFIED INDEX.—The term 'specified index' means any one or more or any combination of—

''(I) a fixed rate, price, or amount, or

''(II) a variable rate, price, or amount,

which is based on any current, objectively determinable financial or economic information with respect to commodities which is not within the control of any of the parties to the contract or instrument and is not unique to any of the parties' circumstances.

''(2) HEDGING TRANSACTION.—

''(A) IN GENERAL.—For purposes of this section, the term 'hedging transaction' means any transaction entered into by the taxpayer in the normal course of the taxpayer's trade or business primarily—

''(i) to manage risk of price changes or currency fluctuations with respect to ordinary property which is held or to be held by the taxpayer,

''(ii) to manage risk of interest rate or price changes or currency fluctuations with respect to borrowings made or to be made, or ordinary obligations incurred or to be incurred, by the taxpayer, or

''(iii) to manage such other risks as the Secretary may prescribe in regulations.

''(B) TREATMENT OF NONIDENTIFICATION OR IMPROPER IDENTIFICATION OF HEDGING TRANSACTIONS.—Notwithstanding subsection (a)(7), the Secretary shall prescribe regulations to properly characterize any income, gain, expense, or loss arising from a transaction—

''(i) which is a hedging transaction but which was not identified as such in accordance with subsection (a)(7), or

''(ii) which was so identified but is not a hedging transaction.

''(3) REGULATIONS.—The Secretary shall prescribe such regulations as are appropriate to carry out the purposes of paragraph (6) and (7) of subsection (a) in the case of transactions involving related parties.''.

(b) MANAGEMENT OF RISK.—

(1) Section 475(c)(3) is amended by striking ''reduces'' and inserting ''manages''.

(2) Section 871(h)(4)(C)(iv) is amended by striking ''to reduce'' and inserting ''to manage''.

(3) Clauses (i) and (ii) of section 988(d)(2)(A) are each amended by striking ''to reduce'' and inserting ''to manage''.

(4) Paragraph (2) of section 1256(e) is amended to read as follows:

''(2) DEFINITION OF HEDGING TRANSACTION.—For purposes of this subsection, the term 'hedging transaction' means any hedging transaction (as defined in section 1221(b)(2)(A)) if, before the close of the day on which such transaction was entered into (or such earlier time as the Secretary may prescribe by regulations), the taxpayer clearly identifies such transaction as being a hedging transaction.''.

(c) CONFORMING AMENDMENTS.—

(1) Each of the following sections are amended by striking ''section 1221'' and inserting ''section 1221(a)'':

(A) Section 170(e)(3)(A).

(B) Section 170(e)(4)(B).

(C) Section 367(a)(3)(B)(i).

(D) Section 818(c)(3).

(E) Section 865(i)(1).

(F) Section 1092(a)(3)(B)(ii)(II).

(G) Subparagraphs (C) and (D) of section 1231(b)(1).

(H) Section 1234(a)(3)(A).

(2) Each of the following sections are amended by striking ''section 1221(1)'' and inserting ''section 1221(a)(1)'':

(A) Section 198(c)(1)(A)(i).

(B) Section 263A(b)(2)(A).

(C) Clauses (i) and (iii) of section 267(f)(3)(B).

(D) Section 341(d)(3).

(E) Section 543(a)(1)(D)(i).

(F) Section 751(d)(1).

(G) Section 775(c).

(H) Section 856(c)(2)(D).

(I) Section 856(c)(3)(C).

(J) Section 856(e)(1).

(K) Section 856(j)(2)(B).

(L) Section 857(b)(4)(B)(i).

(M) Section 857(b)(6)(B)(iii).

(N) Section 864(c)(4)(B)(iii).

(O) Section 864(d)(3)(A).

(P) Section 864(d)(6)(A).

(Q) Section 954(c)(1)(B)(iii).

(R) Section 995(b)(1)(C).

(S) Section 1017(b)(3)(E)(i).

(T) Section 1362(d)(3)(C)(ii).
(U) Section 4662(c)(2)(C).
(V) Section 7704(c)(3).
(W) Section 7704(d)(1)(D).
(X) Section 7704(d)(1)(G).
(Y) Section 7704(d)(5).

(3) Section 818(b)(2) is amended by striking ''section 1221(2)'' and inserting ''section 1221(a)(2)''.

(4) Section 1397B(e)(2) is amended by striking ''section 1221(4)'' and inserting ''section 1221(a)(4)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any instrument held, acquired, or entered into, any transaction entered into, and supplies held or acquired on or after the date of the enactment of this Act.

SEC. 204. INCLUSION OF CERTAIN VACCINES AGAINST STREPTOCOCCUS PNEUMONIAE TO LIST OF TAXABLE VACCINES.

(a) INCLUSION OF VACCINES.—

(1) IN GENERAL.—Section 4132(a)(1) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

''(L) Any conjugate vaccine against streptococcus pneumoniae.''

(2) EFFECTIVE DATE.—

(A) SALES.—The amendment made by this subsection shall apply to vaccine sales beginning on the day after the date on which the Centers for Disease Control makes a final recommendation for routine administration to children of any conjugate vaccine against streptococcus pneumoniae, but shall not take effect if subsection (b) does not take effect.

(B) DELIVERIES.—For purposes of subparagraph (A), in the case of sales on or before the date described in such subparagraph for which delivery is made after such date, the delivery date shall be considered the sale date.

(b) VACCINE TAX AND TRUST FUND AMENDMENTS.—

(1) Sections 1503 and 1504 of the Vaccine Injury Compensation Program Modification Act (and the amendments made by such sections) are hereby repealed.

(2) Subparagraph (A) of section 9510(c)(1) is amended by striking ''August 5, 1997'' and inserting ''October 21, 1998''.

(3) The amendments made by this subsection shall take effect as if included in the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 to which they relate.

(c) REPORT.—Not later than January 31, 2000, the Comptroller General of the United States shall prepare and submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the operation of the Vaccine Injury Compensation Trust Fund and on the adequacy of such Fund to meet future claims made under the Vaccine Injury Compensation Program.

SEC. 205. EXPANSION OF REPORTING OF CANCELLATION OF INDEBTEDNESS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 6050P(c) (relating to definitions and special rules) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by inserting after subparagraph (C) the following new subparagraph:

''(D) any organization a significant trade or business of which is the lending of money.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to discharges of indebtedness after December 31, 1999.

SEC. 206. IMPOSITION OF LIMITATION ON PREFUNDING OF CERTAIN EMPLOYEE BENEFITS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) (relating to exception for 10 or more employer plans) is amended to read as follows:

''(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

''(i) Medical benefits.

''(ii) Disability benefits.

''(iii) Group term life insurance benefits which do not provide directly or indirectly for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.''

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) (defining disqualified benefit) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

''(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

''(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after June 9, 1999, in taxable years ending after such date.

SEC. 207. INCREASE IN ELECTIVE WITHHOLDING RATE FOR NONPERIODIC DISTRIBUTIONS FROM DEFERRED COMPENSATION PLANS.

(a) IN GENERAL.—Section 3405(b)(1) (relating to withholding) is amended by striking ''10 percent'' and inserting ''15 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions after December 31, 2000.

SEC. 208. LIMITATION ON CONVERSION OF CHARACTER OF INCOME FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

(a) IN GENERAL.—Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) is amended by inserting after section 1259 the following new section:

''SEC. 1260. GAINS FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

''(a) IN GENERAL.—If the taxpayer has gain from a constructive ownership transaction with respect to any financial asset and such gain would (without regard to this section) be treated as a long-term capital gain—

''(1) such gain shall be treated as ordinary income to the extent that such gain exceeds the net underlying long-term capital gain, and

''(2) to the extent such gain is treated as a long-term capital gain after the application of paragraph (1), the determination of the capital gain rate (or rates) applicable to such gain under section 1(h) shall be determined on the basis of the respective rate (or rates) that would have been applicable to the net underlying long-term capital gain.

''(b) INTEREST CHARGE ON DEFERRAL OF GAIN RECOGNITION.—

''(1) IN GENERAL.—If any gain is treated as ordinary income for any taxable year by reason of subsection (a)(1), the tax imposed by this chapter for such taxable year shall be increased by the amount of interest determined under paragraph (2) with respect to each prior taxable year during any portion of which the constructive ownership transaction was open. Any amount payable under this paragraph shall be taken into account in computing the amount of any deduction allowable to the taxpayer for interest paid or accrued during such taxable year.

''(2) AMOUNT OF INTEREST.—The amount of interest determined under this paragraph with respect to a prior taxable year is the amount of interest which would have been imposed under section 6601 on the underpayment of tax for such year which would have resulted if the gain (which is treated as ordinary income by reason of subsection (a)(1)) had been included in gross income in the taxable years in which it accrued (determined by treating the income as accruing at a constant rate equal to the applicable Federal rate as in effect on the day the transaction closed). The period during which such interest shall accrue shall end on the due date (without extensions) for the return of tax imposed by this chapter for the taxable year in which such transaction closed.

''(3) APPLICABLE FEDERAL RATE.—For purposes of paragraph (2), the applicable Federal rate is the applicable Federal rate determined under 1274(d) (compounded semiannually) which would apply to a debt instrument with a term equal to the period the transaction was open.

''(4) NO CREDITS AGAINST INCREASE IN TAX.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the tax imposed by section 55.

''(c) FINANCIAL ASSET.—For purposes of this section—

''(1) IN GENERAL.—The term 'financial asset' means—

''(A) any equity interest in any pass-thru entity, and

''(B) to the extent provided in regulations—

''(i) any debt instrument, and

''(ii) any stock in a corporation which is not a pass-thru entity.

''(2) PASS-THRU ENTITY.—For purposes of paragraph (1), the term 'pass-thru entity' means—

''(A) a regulated investment company,

''(B) a real estate investment trust,

''(C) an S corporation,

''(D) a partnership,

''(E) a trust,

''(F) a common trust fund,

''(G) a passive foreign investment company (as defined in section 1297 without regard to subsection (e) thereof),

''(H) a foreign personal holding company,

''(I) a foreign investment company (as defined in section 1246(b)), and

''(J) a REMIC.

''(d) CONSTRUCTIVE OWNERSHIP TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The taxpayer shall be treated as having entered into a constructive ownership transaction with respect to any financial asset if the taxpayer—

''(A) holds a long position under a notional principal contract with respect to the financial asset,

''(B) enters into a forward or futures contract to acquire the financial asset,

''(C) is the holder of a call option, and is the grantor of a put option, with respect to the financial asset and such options have substantially equal strike prices and substantially contemporaneous maturity dates, or

''(D) to the extent provided in regulations prescribed by the Secretary, enters into one or more other transactions (or acquires one or more positions) that have substantially the same effect as a transaction described in any of the preceding subparagraphs.

''(2) EXCEPTION FOR POSITIONS WHICH ARE MARKED TO MARKET.—This section shall not apply to any constructive ownership transaction if all of the positions which are part of such transaction are marked to market under any provision of this title or the regulations thereunder.

''(3) LONG POSITION UNDER NOTIONAL PRINCIPAL CONTRACT.—A person shall be treated as holding a long position under a notional principal contract with respect to any financial asset if such person—

''(A) has the right to be paid (or receive credit for) all or substantially all of the investment yield (including appreciation) on such financial asset for a specified period, and

''(B) is obligated to reimburse (or provide credit for) all or substantially all of any decline in the value of such financial asset.

''(4) FORWARD CONTRACT.—The term 'forward contract' means any contract to acquire in the future (or provide or receive credit for the future value of) any financial asset.

''(e) NET UNDERLYING LONG-TERM CAPITAL GAIN.—For purposes of this section, in the case of any constructive ownership transaction with respect to any financial asset, the term 'net underlying long-term capital gain' means the aggregate net capital gain that the taxpayer would have had if—

''(1) the financial asset had been acquired for fair market value on the date such transaction was opened and sold for fair market value on the date such transaction was closed, and

''(2) only gains and losses that would have resulted from the deemed ownership under paragraph (1) were taken into account.

The amount of the net underlying long-term capital gain with respect to any financial asset shall be treated as zero unless the amount thereof is established by clear and convincing evidence.

''(f) SPECIAL RULE WHERE TAXPAYER TAKES DELIVERY.—Except as provided in regulations prescribed by the Secretary, if a constructive ownership transaction is closed by reason of taking delivery, this section shall be applied as if the taxpayer had sold all the contracts, options, or other positions which are part of such transaction for fair market value on the closing date. The amount of gain recognized under the preceding sentence shall not exceed the amount of gain treated as ordinary income under subsection (a). Proper adjustments shall be made in the amount of any gain or loss subsequently realized for gain recognized and treated as ordinary income under this subsection.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

''(1) to permit taxpayers to mark to market constructive ownership transactions in lieu of applying this section, and

''(2) to exclude certain forward contracts which do not convey substantially all of the economic return with respect to a financial asset.''

(b) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 is amended by adding at the end the following new item:

''Sec. 1260. Gains from constructive ownership transactions.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after July 11, 1999.

SEC. 209. TREATMENT OF EXCESS PENSION ASSETS USED FOR RETIREE HEALTH BENEFITS.

(a) EXTENSION.—

(1) IN GENERAL.—Paragraph (5) of section 420(b) (relating to expiration) is amended by striking ''in any taxable year beginning after December 31, 2000'' and inserting ''made after September 30, 2009''.

(2) CONFORMING AMENDMENTS.—

(A) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking ''January 1, 1995'' and inserting ''the date of the enactment of the Tax Relief Extension Act of 1999''.

(B) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking ''January 1, 1995'' and inserting ''the date of the enactment of the Tax Relief Extension Act of 1999''.

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking ''in a taxable year beginning before January 1, 2001'' and inserting ''made before October 1, 2009'', and

(ii) by striking ''January 1, 1995'' and inserting ''the date of the enactment of the Tax Relief Extension Act of 1999''.

(b) APPLICATION OF MINIMUM COST REQUIREMENTS.—

(1) IN GENERAL.—Paragraph (3) of section 420(c) is amended to read as follows:

''(3) MINIMUM COST REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall not be less than the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the qualified transfer.

''(B) APPLICABLE EMPLOYER COST.—For purposes of this paragraph, the term 'applicable employer cost' means, with respect to any taxable year, the amount determined by dividing—

''(i) the qualified current retiree health liabilities of the employer for such taxable year determined—

''(I) without regard to any reduction under subsection (e)(1)(B), and

''(II) in the case of a taxable year in which there was no qualified transfer, in the same manner as if there had been such a transfer at the end of the taxable year, by

''(ii) the number of individuals to whom coverage for applicable health benefits was provided during such taxable year.

''(C) ELECTION TO COMPUTE COST SEPARATELY.—An employer may elect to have this paragraph applied separately with respect to individuals eligible for benefits under title XVIII of the Social Security Act at any time during the taxable year and with respect to individuals not so eligible.

''(D) COST MAINTENANCE PERIOD.—For purposes of this paragraph, the term 'cost maintenance period' means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in two or more overlapping cost maintenance periods, this paragraph shall be applied by taking into account the highest applicable employer cost required to be provided under subparagraph (A) for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 420(b)(1)(C) is amended by striking ''benefits'' and inserting ''cost''.

(B) Subparagraph (D) of section 420(e)(1) is amended by striking ''and shall not be subject to the minimum benefit requirements of subsection (c)(3)'' and inserting ''or in calculating applicable employer cost under subsection (c)(3)(B)''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to qualified transfers occurring after the date of the enactment of this Act.

(2) TRANSITION RULE.—If the cost maintenance period for any qualified transfer after the date of the enactment of this Act includes any portion of a benefit maintenance period for any qualified transfer on or before such date, the amendments made by subsection (b) shall not apply to such portion of the cost maintenance period (and such portion shall be treated as a benefit maintenance period).

SEC. 210. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 (relating to installment method) is amended to read as follows:

''(a) USE OF INSTALLMENT METHOD.—

''(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

''(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2).''

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) are each amended by striking ''(a)'' each place it appears and inserting ''(a)(1)''.

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: ''A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 211. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) (relating to special rule for services) is amended—

(1) by inserting ''in fields described in paragraph (2)(A)'' after ''services by such person'', and

(2) by inserting ''CERTAIN PERSONAL'' before ''SERVICES'' in the heading.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 212. DENIAL OF CHARITABLE CONTRIBUTION DEDUCTION FOR TRANSFERS ASSOCIATED WITH SPLIT-DOLLAR INSURANCE ARRANGEMENTS.

(a) IN GENERAL.—Subsection (f) of section 170 (relating to disallowance of deduction in certain cases and special rules) is amended by adding at the end the following new paragraph:

''(10) SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOWMENT CONTRACTS.—

''(A) IN GENERAL.—Nothing in this section or in section 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 shall be construed to allow a deduction, and no deduction shall be allowed, for any transfer to or for the use of an organization described in subsection (c) if in connection with such transfer—

''(i) the organization directly or indirectly pays, or has previously paid, any premium on any personal benefit contract with respect to the transferor, or

''(ii) there is an understanding or expectation that any person will directly or indirectly pay any premium on any personal benefit contract with respect to the transferor.

''(B) PERSONAL BENEFIT CONTRACT.—For purposes of subparagraph (A), the term 'personal benefit contract' means, with respect to the transferor, any life insurance, annuity, or endowment contract if any direct or indirect beneficiary under such contract is the transferor, any member of the transferor's family, or any other person (other than an organization described in subsection (c)) designated by the transferor.

''(C) APPLICATION TO CHARITABLE REMAINDER TRUSTS.—In the case of a transfer to a trust referred to in subparagraph (E), references in subparagraphs (A) and (F) to an organization described in subsection (c) shall be treated as a reference to such trust.

''(D) EXCEPTION FOR CERTAIN ANNUITY CONTRACTS.—If, in connection with a transfer to or for the use of an organization described in subsection (c), such organization incurs an obligation to pay a charitable gift annuity (as defined in section 501(m)) and such organization purchases any annuity contract to fund such obligation, persons receiving payments under the charitable gift annuity shall not be treated for purposes of subparagraph (B) as indirect beneficiaries under such contract if—

''(i) such organization possesses all of the incidents of ownership under such contract,

''(ii) such organization is entitled to all the payments under such contract, and

''(iii) the timing and amount of payments under such contract are substantially the same as the timing and amount of payments to each such person under such obligation (as such obligation is in effect at the time of such transfer).

''(E) EXCEPTION FOR CERTAIN CONTRACTS HELD BY CHARITABLE REMAINDER TRUSTS.—A person shall not be treated for purposes of subparagraph (B) as an indirect beneficiary under any life insurance, annuity, or endowment contract held by a charitable remainder annuity trust or a charitable remainder unitrust (as defined in section 664(d)) solely by reason of being entitled to any payment referred to in paragraph (1)(A) or (2)(A) of section 664(d) if—

''(i) such trust possesses all of the incidents of ownership under such contract, and

''(ii) such trust is entitled to all the payments under such contract.

''(F) EXCISE TAX ON PREMIUMS PAID.—

''(i) IN GENERAL.—There is hereby imposed on any organization described in subsection (c) an excise tax equal to the premiums paid by such organization on any life insurance, annuity, or endowment contract if the payment of premiums on such contract is in connection with a transfer for which a deduction is not allowable under subparagraph (A), determined without regard to when such transfer is made.

''(ii) PAYMENTS BY OTHER PERSONS.—For purposes of clause (i), payments made by any other person pursuant to an understanding or expectation referred to in subparagraph (A) shall be treated as made by the organization.

''(iii) REPORTING.—Any organization on which tax is imposed by clause (i) with respect to any premium shall file an annual return which includes—

''(I) the amount of such premiums paid during the year and the name and TIN of each beneficiary under the contract to which the premium relates, and

''(II) such other information as the Secretary may require.

The penalties applicable to returns required under section 6033 shall apply to returns required under this clause. Returns required under this clause shall be furnished at such time and in such manner as the Secretary shall by forms or regulations require.

''(iv) CERTAIN RULES TO APPLY.—The tax imposed by this subparagraph shall be treated as imposed by chapter 42 for purposes of this title other than subchapter B of chapter 42.

''(G) SPECIAL RULE WHERE STATE REQUIRES SPECIFICATION OF CHARITABLE GIFT ANNUITANT IN CONTRACT.—In the case of an obligation to pay a charitable gift annuity referred to in subparagraph (D) which is entered into under the laws of a State which requires, in order for the charitable gift annuity to be exempt from insurance regulation by such State, that each beneficiary under the charitable gift annuity be named as a beneficiary under an annuity contract issued by an insurance company authorized to transact business in such State, the requirements of clauses (i) and (ii) of subparagraph (D) shall be treated as met if—

''(i) such State law requirement was in effect on February 8, 1999,

''(ii) each such beneficiary under the charitable gift annuity is a bona fide resident of such State at the time the obligation to pay a charitable gift annuity is entered into, and

''(iii) the only persons entitled to payments under such contract are persons entitled to payments as beneficiaries under such obligation on the date such obligation is entered into.

''(H) MEMBER OF FAMILY.—For purposes of this paragraph, an individual's family consists of the individual's grandparents, the grandparents of such individual's spouse, the lineal descendants of such grandparents, and any spouse of such a lineal descendant.

''(I) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations to prevent the avoidance of such purposes.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, the amendment made by this section shall apply to transfers made after February 8, 1999.

(2) EXCISE TAX.—Except as provided in paragraph (3) of this subsection, section 170(f)(10)(F) of the Internal Revenue Code of 1986 (as added by this section) shall apply to premiums paid after the date of the enactment of this Act.

(3) REPORTING.—Clause (iii) of such section 170(f)(10)(F) shall apply to premiums paid after February 8, 1999 (determined as if the tax imposed by such section applies to premiums paid after such date).

SEC. 213. PREVENTION OF DUPLICATION OF LOSS THROUGH ASSUMPTION OF LIABILITIES GIVING RISE TO A DEDUCTION.

(a) IN GENERAL.—Section 358 (relating to basis to distributees) is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES FOR ASSUMPTION OF LIABILITIES TO WHICH SUBSECTION (d) DOES NOT APPLY.—

''(1) IN GENERAL.—If, after application of the other provisions of this section to an exchange or series of exchanges, the basis of property to which subsection (a)(1) applies exceeds the fair market value of such property, then such basis shall be reduced (but not below such fair market value) by the amount (determined as of the date of the exchange) of any liability—

''(A) which is assumed in exchange for such property, and

''(B) with respect to which subsection (d)(1) does not apply to the assumption.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any liability if the trade or business giving rise to the liability is transferred to the person assuming the liability as part of the exchange.

''(3) LIABILITY.—For purposes of this subsection, the term 'liability' shall include any obligation to make payment, without regard to whether the obligation is fixed or contingent or otherwise taken into account for purposes of this title.

''(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this subsection.''

(b) APPLICATION OF COMPARABLE RULES TO PARTNERSHIPS.—The Secretary of the Treasury or his delegate shall prescribe rules which provide appropriate adjustments under subchapter K of chapter 1 of the Internal Revenue Code of 1986 to prevent the acceleration or duplication of losses through the assumption of (or transfer of assets subject to) liabilities described in section 358(h)(3) of such Code (as added by subsection (a)) in transactions involving partnerships.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to assumptions of liability after October 18, 1999.

(2) RULES.—The rules prescribed under subsection (b) shall apply to assumptions of liability after October 18, 1999, or such later date as may be prescribed in such rules.

SEC. 214. CONSISTENT TREATMENT AND BASIS ALLOCATION RULES FOR TRANSFERS OF INTANGIBLES IN CERTAIN NONRECOGNITION TRANSACTIONS.

(a) TRANSFERS TO CORPORATIONS.—Section 351 (relating to transfer to corporation controlled by transferor) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) TREATMENT OF TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) TRANSFERS OF LESS THAN ALL SUBSTANTIAL RIGHTS.

''(A) IN GENERAL.—A transfer of an interest in intangible property (as defined in section 936(h)(3)(B)) shall be treated under this section as a transfer of property even if the transfer is of less than all of the substantial rights of the transferor in the property.

''(B) ALLOCATION OF BASIS.—In the case of a transfer of less than all of the substantial rights of the transferor in the intangible property, the transferor's basis immediately before the transfer shall be allocated among the rights retained by the transferor and the rights transferred on the basis of their respective fair market values.

''(2) NONRECOGNITION NOT TO APPLY TO INTANGIBLE PROPERTY DEVELOPED FOR TRANSFEREE.—This section shall not apply to a transfer of intangible property developed by the transferor or any related person if such development was pursuant to an arrangement with the transferee.''

(b) TRANSFERS TO PARTNERSHIPS.—Subsection (d) of section 721 is amended to read as follows:

''(d) TRANSFERS OF INTANGIBLE PROPERTY.—

''(1) IN GENERAL.—Rules similar to the rules of section 351(h) shall apply for purposes of this section.

''(2) TRANSFERS TO FOREIGN PARTNERSHIPS.—For regulatory authority to treat intangibles transferred to a partnership as sold, see section 367(d)(3).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers on or after the date of the enactment of this Act.

SEC. 215. DISTRIBUTIONS BY A PARTNERSHIP TO A CORPORATE PARTNER OF STOCK IN ANOTHER CORPORATION.

(a) IN GENERAL.—Section 732 (relating to basis of distributed property other than money) is amended by adding at the end the following new subsection:

''(f) CORRESPONDING ADJUSTMENT TO BASIS OF ASSETS OF A DISTRIBUTED CORPORATION CONTROLLED BY A CORPORATE PARTNER.—

''(1) IN GENERAL.—If—

''(A) a corporation (hereafter in this subsection referred to as the 'corporate partner') receives a distribution from a partnership of stock in another corporation (hereafter in this subsection referred to as the 'distributed corporation'),

''(B) the corporate partner has control of the distributed corporation immediately after the distribution or at any time thereafter, and

''(C) the partnership's adjusted basis in such stock immediately before the distribution exceeded the corporate partner's adjusted basis in such stock immediately after the distribution,

then an amount equal to such excess shall be applied to reduce (in accordance with subsection (c)) the basis of property held by the distributed corporation at such time (or, if the corporate partner does not control the distributed corporation at such time, at the time the corporate partner first has such control).

''(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS BEFORE CONTROL ACQUIRED.—Paragraph (1) shall not apply to any distribution of stock in the distributed corporation if—

''(A) the corporate partner does not have control of such corporation immediately after such distribution, and

''(B) the corporate partner establishes to the satisfaction of the Secretary that such distribution was not part of a plan or arrangement to acquire control of the distributed corporation.

''(3) LIMITATIONS ON BASIS REDUCTION.—

''(A) IN GENERAL.—The amount of the reduction under paragraph (1) shall not exceed the amount by which the sum of the aggregate adjusted bases of the property and the amount of money of the distributed corporation exceeds the corporate partner's adjusted basis in the stock of the distributed corporation.

''(B) REDUCTION NOT TO EXCEED ADJUSTED BASIS OF PROPERTY.—No reduction under paragraph (1) in the basis of any property shall exceed the adjusted basis of such property (determined without regard to such reduction).

''(4) GAIN RECOGNITION WHERE REDUCTION LIMITED.—If the amount of any reduction under paragraph (1) (determined after the application of paragraph (3)(A)) exceeds the aggregate adjusted bases of the property of the distributed corporation—

''(A) such excess shall be recognized by the corporate partner as long-term capital gain, and

''(B) the corporate partner's adjusted basis in the stock of the distributed corporation shall be increased by such excess.

''(5) CONTROL.—For purposes of this subsection, the term 'control' means ownership of stock meeting the requirements of section 1504(a)(2).

''(6) INDIRECT DISTRIBUTIONS.—For purposes of paragraph (1), if a corporation acquires (other than in a distribution from a partnership) stock the basis of which is determined in whole or in part by reference to subsection (a)(2) or (b), the corporation shall be treated as receiving a distribution of such stock from a partnership.

''(7) SPECIAL RULE FOR STOCK IN CONTROLLED CORPORATION.—If the property held by a distributed corporation is stock in a corporation which the distributed corporation controls, this subsection shall be applied to reduce the basis of the property of such controlled corporation. This subsection shall be reapplied to any property of any controlled corporation which is stock in a corporation which it controls.

''(8) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations to avoid double counting and to prevent the abuse of such purposes.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to distributions made after July 14, 1999.

(2) PARTNERSHIPS IN EXISTENCE ON JULY 14, 1999.—In the case of a corporation which is a partner in a partnership as of July 14, 1999, the amendment made by this section shall apply to distributions made to such partner from such partnership after the date of the enactment of this Act.

SEC. 216. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) IN GENERAL.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

''(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

''(2) FAILURE TO MEET REQUIREMENTS.—

''(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

''(B) CROSS REFERENCE.—

"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

''(3) NONALLOCATION YEAR.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

''(i) such plan holds employer securities consisting of stock in an S corporation, and

''(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

''(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

''(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

''(II) paragraph (4) thereof shall not apply.

''(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

''(4) DISQUALIFIED PERSON.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'disqualified person' means any person if—

''(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

''(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

''(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

''(C) DEEMED-OWNED SHARES.—

''(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

''(I) the stock in the S corporation constituting employer securities of an employee

stock ownership plan which is allocated to such person under the plan, and

''(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

''(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

''(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

''(i) the spouse of the individual,

''(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

''(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

''(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

''(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

''(A) the treatment of any person as a disqualified person, or

''(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

''(6) DEFINITIONS.—For purposes of this subsection—

''(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

''(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

''(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.''

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting '', section 409(p),'' after ''409(n)''.

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking ''or'' at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting a comma, and

(C) by striking all that follows paragraph (2) and inserting the following:

''(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (c)(2)(C) with respect to an employee stock ownership plan, or

''(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.''

(2) LIABILITY.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

''(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

''(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

''(A) the employer sponsoring such plan, or

''(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

''(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.''

(3) DEFINITIONS.—Section 4979A(e) (relating to definitions) is amended to read as follows:

''(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

''(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

''(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

''(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

''(C) SPECIAL RULE DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

''(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

''(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

''(ii) the date on which the Secretary is notified of such allocation or ownership.''

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after July 14, 1999, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after July 14, 1999.

Subtitle B—Provisions Relating to Real Estate Investment Trusts

PART I—TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES

SEC. 221. MODIFICATIONS TO ASSET DIVERSIFICATION TEST.

(a) IN GENERAL.—Subparagraph (B) of section 856(c)(4) is amended to read as follows:

''(B)(i) not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)),

''(ii) not more than 20 percent of the value of its total assets is represented by securities of 1 or more taxable REIT subsidiaries, and

''(iii) except with respect to a taxable REIT subsidiary and securities includible under subparagraph (A)—

''(I) not more than 5 percent of the value of its total assets is represented by securities of any one issuer,

''(II) the trust does not hold securities possessing more than 10 percent of the total voting power of the outstanding securities of any one issuer, and

''(III) the trust does not hold securities having a value of more than 10 percent of the total value of the outstanding securities of any one issuer.''.

(b) EXCEPTION FOR STRAIGHT DEBT SECURITIES.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

''(7) STRAIGHT DEBT SAFE HARBOR IN APPLYING PARAGRAPH (4).—Securities of an issuer which are straight debt (as defined in section 1361(c)(5) without regard to subparagraph (B)(iii) thereof) shall not be taken into account in applying paragraph (4)(B)(ii)(III) if—

''(A) the issuer is an individual, or

''(B) the only securities of such issuer which are held by the trust or a taxable REIT subsidiary of the trust are straight debt (as so defined), or

''(C) the issuer is a partnership and the trust holds at least a 20 percent profits interest in the partnership.''.

SEC. 222. TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES.

(a) INCOME FROM TAXABLE REIT SUBSIDIARIES NOT TREATED AS IMPERMISSIBLE TENANT SERVICE INCOME.—Clause (i) of section 856(d)(7)(C) (relating to exceptions to impermissible tenant service income) is amended by inserting ''or through a taxable REIT subsidiary of such trust'' after ''income''.

(b) CERTAIN INCOME FROM TAXABLE REIT SUBSIDIARIES NOT EXCLUDED FROM RENTS FROM REAL PROPERTY.—

(1) IN GENERAL.—Subsection (d) of section 856 (relating to rents from real property defined) is amended by adding at the end the following new paragraphs:

''(8) SPECIAL RULE FOR TAXABLE REIT SUBSIDIARIES.—For purposes of this subsection, amounts paid to a real estate investment trust by a taxable REIT subsidiary of such

trust shall not be excluded from rents from real property by reason of paragraph (2)(B) if the requirements of either of the following subparagraphs are met:

''(A) LIMITED RENTAL EXCEPTION.—The requirements of this subparagraph are met with respect to any property if at least 90 percent of the leased space of the property is rented to persons other than taxable REIT subsidiaries of such trust and other than persons described in section 856(d)(2)(B). The preceding sentence shall apply only to the extent that the amounts paid to the trust as rents from real property (as defined in paragraph (1) without regard to paragraph (2)(B)) from such property are substantially comparable to such rents made by the other tenants of the trust's property for comparable space.

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor.

''(9) ELIGIBLE INDEPENDENT CONTRACTOR.—For purposes of paragraph (8)(B)—

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility, any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate the facility, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility by reason of any of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of the facility pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such facility, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility.

''(C) RENEWALS, ETC., OF EXISTING LEASES.—For purposes of subparagraph (B)(iii)—

''(i) a lease shall be treated as in effect on January 1, 1999, without regard to its renewal after such date, so long as such renewal is pursuant to the terms of such lease as in effect on whichever of the dates under subparagraph (B)(iii) is the latest, and

''(ii) a lease of a property entered into after whichever of the dates under subparagraph (B)(iii) is the latest shall be treated as in effect on such date if—

''(I) on such date, a lease of such property from the trust was in effect, and

''(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

''(D) QUALIFIED LODGING FACILITY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified lodging facility' means any lodging facility unless wagering activities are conducted at or in connection with such facility by any person who is engaged in the business of accepting wagers and who is legally authorized to engage in such business at or in connection with such facility.

''(ii) LODGING FACILITY.—The term 'lodging facility' means a hotel, motel, or other establishment more than one-half of the dwelling units in which are used on a transient basis.

''(iii) CUSTOMARY AMENITIES AND FACILITIES.—The term 'lodging facility' includes customary amenities and facilities operated as part of, or associated with, the lodging facility so long as such amenities and facilities are customary for other properties of a comparable size and class owned by other owners unrelated to such real estate investment trust.

''(E) OPERATE INCLUDES MANAGE.—References in this paragraph to operating a property shall be treated as including a reference to managing the property.

''(F) RELATED PERSON.—Persons shall be treated as related to each other if such persons are treated as a single employer under subsection (a) or (b) of section 52.''.

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 856(d)(2) is amended by inserting ''except as provided in paragraph (8),'' after ''(B)''.

(3) DETERMINING RENTS FROM REAL PROPERTY.—

(A)(i) Paragraph (1) of section 856(d) is amended by striking ''adjusted bases'' each place it occurs and inserting ''fair market values''.

(ii) The amendment made by this subparagraph shall apply to taxable years beginning after December 31, 2000.

(B)(i) Clause (i) of section 856(d)(2)(B) is amended by striking ''number'' and inserting ''value''.

(ii) The amendment made by this subparagraph shall apply to amounts received or accrued in taxable years beginning after December 31, 2000, except for amounts paid pursuant to leases in effect on July 12, 1999, or pursuant to a binding contract in effect on such date and at all times thereafter.

SEC. 223. TAXABLE REIT SUBSIDIARY.

(a) IN GENERAL.—Section 856 is amended by adding at the end the following new subsection:

''(l) TAXABLE REIT SUBSIDIARY.—For purposes of this part—

''(1) IN GENERAL.—The term 'taxable REIT subsidiary' means, with respect to a real estate investment trust, a corporation (other than a real estate investment trust) if—

''(A) such trust directly or indirectly owns stock in such corporation, and

''(B) such trust and such corporation jointly elect that such corporation shall be treated as a taxable REIT subsidiary of such trust for purposes of this part.

Such an election, once made, shall be irrevocable unless both such trust and corporation consent to its revocation. Such election, and any revocation thereof, may be made without the consent of the Secretary.

''(2) 35 PERCENT OWNERSHIP IN ANOTHER TAXABLE REIT SUBSIDIARY.—The term 'taxable REIT subsidiary' includes, with respect to any real estate investment trust, any corporation (other than a real estate investment trust) with respect to which a taxable REIT subsidiary of such trust owns directly or indirectly—

''(A) securities possessing more than 35 percent of the total voting power of the outstanding securities of such corporation, or

''(B) securities having a value of more than 35 percent of the total value of the outstanding securities of such corporation.

The preceding sentence shall not apply to a qualified REIT subsidiary (as defined in subsection (i)(2)). The rule of section 856(c)(7) shall apply for purposes of subparagraph (B).

''(3) EXCEPTIONS.—The term 'taxable REIT subsidiary' shall not include—

''(A) any corporation which directly or indirectly operates or manages a lodging facility or a health care facility, and

''(B) any corporation which directly or indirectly provides to any other person (under a franchise, license, or otherwise) rights to any brand name under which any lodging facility or health care facility is operated.

Subparagraph (B) shall not apply to rights provided to an eligible independent contractor to operate or manage a lodging facility if such rights are held by such corporation as a franchisee, licensee, or in a similar capacity and such lodging facility is either owned by such corporation or is leased to such corporation from the real estate investment trust.

''(4) DEFINITIONS.—For purposes of paragraph (3)—

''(A) LODGING FACILITY.—The term 'lodging facility' has the meaning given to such term by paragraph (9)(D)(ii).

''(B) HEALTH CARE FACILITY.—The term 'health care facility' has the meaning given to such term by subsection (e)(6)(D)(ii).''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 856(i) is amended by adding at the end the following new sentence: ''Such term shall not include a taxable REIT subsidiary.''.

SEC. 224. LIMITATION ON EARNINGS STRIPPING.

Paragraph (3) of section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) any interest paid or accrued (directly or indirectly) by a taxable REIT subsidiary (as defined in section 856(l)) of a real estate investment trust to such trust.''.

SEC. 225. 100 PERCENT TAX ON IMPROPERLY ALLOCATED AMOUNTS.

(a) IN GENERAL.—Subsection (b) of section 857 (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest) is amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following new paragraph:

''(7) INCOME FROM REDETERMINED RENTS, REDETERMINED DEDUCTIONS, AND EXCESS INTEREST.—

''(A) IMPOSITION OF TAX.—There is hereby imposed for each taxable year of the real estate investment trust a tax equal to 100 percent of redetermined rents, redetermined deductions, and excess interest.

''(B) REDETERMINED RENTS.—

''(i) IN GENERAL.—The term 'redetermined rents' means rents from real property (as defined in subsection 856(d)) the amount of which would (but for subparagraph (E)) be reduced on distribution, apportionment, or allocation under section 482 to clearly reflect income as a result of services furnished or rendered by a taxable REIT subsidiary of the

real estate investment trust to a tenant of such trust.

''(ii) EXCEPTION FOR CERTAIN SERVICES.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust for services described in paragraph (1)(B) or (7)(C)(i) of section 856(d).

''(iii) EXCEPTION FOR DE MINIMIS AMOUNTS.—Clause (i) shall not apply to amounts described in section 856(d)(7)(A) with respect to a property to the extent such amounts do not exceed the one percent threshold described in section 856(d)(7)(B) with respect to such property.

''(iv) EXCEPTION FOR COMPARABLY PRICED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

''(I) such subsidiary renders a significant amount of similar services to persons other than such trust and tenants of such trust who are unrelated (within the meaning of section 856(d)(8)(F)) to such subsidiary, trust, and tenants, but

''(II) only to the extent the charge for such service so rendered is substantially comparable to the charge for the similar services rendered to persons referred to in subclause (I).

''(v) EXCEPTION FOR CERTAIN SEPARATELY CHARGED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

''(I) the rents paid to the trust by tenants (leasing at least 25 percent of the net leasable space in the trust's property) who are not receiving such service from such subsidiary are substantially comparable to the rents paid by tenants leasing comparable space who are receiving such service from such subsidiary, and

''(II) the charge for such service from such subsidiary is separately stated.

''(vi) EXCEPTION FOR CERTAIN SERVICES BASED ON SUBSIDIARY'S INCOME FROM THE SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if the gross income of such subsidiary from such service is not less than 150 percent of such subsidiary's direct cost in furnishing or rendering the service.

''(vii) EXCEPTIONS GRANTED BY SECRETARY.—The Secretary may waive the tax otherwise imposed by subparagraph (A) if the trust establishes to the satisfaction of the Secretary that rents charged to tenants were established on an arms' length basis even though a taxable REIT subsidiary of the trust provided services to such tenants.

''(C) REDETERMINED DEDUCTIONS.—The term 'redetermined deductions' means deductions (other than redetermined rents) of a taxable REIT subsidiary of a real estate investment trust if the amount of such deductions would (but for subparagraph (E)) be decreased on distribution, apportionment, or allocation under section 482 to clearly reflect income as between such subsidiary and such trust.

''(D) EXCESS INTEREST.—The term 'excess interest' means any deductions for interest payments by a taxable REIT subsidiary of a real estate investment trust to such trust to the extent that the interest payments are in excess of a rate that is commercially reasonable.

''(E) COORDINATION WITH SECTION 482.—The imposition of tax under subparagraph (A) shall be in lieu of any distribution, apportionment, or allocation under section 482.

''(F) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph. Until the Secretary prescribes such regulations, real estate investment trusts and their taxable REIT subsidiaries may base their allocations on any reasonable method.''.

(b) AMOUNT SUBJECT TO TAX NOT REQUIRED TO BE DISTRIBUTED.—Subparagraph (E) of section 857(b)(2) (relating to real estate investment trust taxable income) is amended by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (7)''.

SEC. 226. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this part shall apply to taxable years beginning after December 31, 2000.

(b) TRANSITIONAL RULES RELATED TO SECTION 221.—

(1) EXISTING ARRANGEMENTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendment made by section 221 shall not apply to a real estate investment trust with respect to—

(i) securities of a corporation held directly or indirectly by such trust on July 12, 1999,

(ii) securities of a corporation held by an entity on July 12, 1999, if such trust acquires control of such entity pursuant to a written binding contract in effect on such date and at all times thereafter before such acquisition,

(iii) securities received by such trust (or a successor) in exchange for, or with respect to, securities described in clause (i) or (ii) in a transaction in which gain or loss is not recognized, and

(iv) securities acquired directly or indirectly by such trust as part of a reorganization (as defined in section 368(a)(1) of the Internal Revenue Code of 1986) with respect to such trust if such securities are described in clause (i), (ii), or (iii) with respect to any other real estate investment trust.

(B) NEW TRADE OR BUSINESS OR SUBSTANTIAL NEW ASSETS.—Subparagraph (A) shall cease to apply to securities of a corporation as of the first day after July 12, 1999, on which such corporation engages in a substantial new line of business, or acquires any substantial asset, other than—

(i) pursuant to a binding contract in effect on such date and at all times thereafter before the acquisition of such asset,

(ii) in a transaction in which gain or loss is not recognized by reason of section 1031 or 1033 of the Internal Revenue Code of 1986, or

(iii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(C) LIMITATION ON TRANSITION RULES.—Subparagraph (A) shall cease to apply to securities of a corporation held, acquired, or received, directly or indirectly, by a real estate investment trust as of the first day after July 12, 1999, on which such trust acquires any additional securities of such corporation other than—

(i) pursuant to a binding contract in effect on July 12, 1999, and at all times thereafter, or

(ii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(2) TAX-FREE CONVERSION.—If—

(A) at the time of an election for a corporation to become a taxable REIT subsidiary, the amendment made by section 221 does not apply to such corporation by reason of paragraph (1), and

(B) such election first takes effect before January 1, 2004,

such election shall be treated as a reorganization qualifying under section 368(a)(1)(A) of such Code.

PART II—HEALTH CARE REITS

SEC. 231. HEALTH CARE REITS.

(a) SPECIAL FORECLOSURE RULE FOR HEALTH CARE PROPERTIES.—Subsection (e) of section 856 (relating to special rules for foreclosure property) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR QUALIFIED HEALTH CARE PROPERTIES.—For purposes of this subsection—

''(A) ACQUISITION AT EXPIRATION OF LEASE.—The term 'foreclosure property' shall include any qualified health care property acquired by a real estate investment trust as the result of the termination of a lease of such property (other than a termination by reason of a default, or the imminence of a default, on the lease).

''(B) GRACE PERIOD.—In the case of a qualified health care property which is foreclosure property solely by reason of subparagraph (A), in lieu of applying paragraphs (2) and (3)—

''(i) the qualified health care property shall cease to be foreclosure property as of the close of the second taxable year after the taxable year in which such trust acquired such property, and

''(ii) if the real estate investment trust establishes to the satisfaction of the Secretary that an extension of the grace period in clause (i) is necessary to the orderly leasing or liquidation of the trust's interest in such qualified health care property, the Secretary may grant one or more extensions of the grace period for such qualified health care property.

Any such extension shall not extend the grace period beyond the close of the 6th year after the taxable year in which such trust acquired such qualified health care property.

''(C) INCOME FROM INDEPENDENT CONTRACTORS.—For purposes of applying paragraph (4)(C) with respect to qualified health care property which is foreclosure property by reason of subparagraph (A) or paragraph (1), income derived or received by the trust from an independent contractor shall be disregarded to the extent such income is attributable to—

''(i) any lease of property in effect on the date the real estate investment trust acquired the qualified health care property (without regard to its renewal after such date so long as such renewal is pursuant to the terms of such lease as in effect on such date), or

''(ii) any lease of property entered into after such date if—

''(I) on such date, a lease of such property from the trust was in effect, and

''(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

''(D) QUALIFIED HEALTH CARE PROPERTY.—

''(i) IN GENERAL.—The term 'qualified health care property' means any real property (including interests therein), and any personal property incident to such real property, which—

''(I) is a health care facility, or

''(II) is necessary or incidental to the use of a health care facility.

''(ii) HEALTH CARE FACILITY.—For purposes of clause (i), the term 'health care facility' means a hospital, nursing facility, assisted living facility, congregate care facility, qualified continuing care facility (as defined

in section 7872(g)(4)), or other licensed facility which extends medical or nursing or ancillary services to patients and which, immediately before the termination, expiration, default, or breach of the lease of or mortgage secured by such facility, was operated by a provider of such services which was eligible for participation in the medicare program under title XVIII of the Social Security Act with respect to such facility.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

PART III—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES

SEC. 241. CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES.

(a) DISTRIBUTION REQUIREMENT.—Clauses (i) and (ii) of section 857(a)(1)(A) (relating to requirements applicable to real estate investment trusts) are each amended by striking ''95 percent (90 percent for taxable years beginning before January 1, 1980)'' and inserting ''90 percent''.

(b) IMPOSITION OF TAX.—Clause (i) of section 857(b)(5)(A) (relating to imposition of tax in case of failure to meet certain requirements) is amended by striking ''95 percent (90 percent in the case of taxable years beginning before January 1, 1980)'' and inserting ''90 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

PART IV—CLARIFICATION OF EXCEPTION FROM IMPERMISSIBLE TENANT SERVICE INCOME

SEC. 251. CLARIFICATION OF EXCEPTION FOR INDEPENDENT OPERATORS.

(a) IN GENERAL.—Paragraph (3) of section 856(d) (relating to independent contractor defined) is amended by adding at the end the following flush sentence:

''In the event that any class of stock of either the real estate investment trust or such person is regularly traded on an established securities market, only persons who own, directly or indirectly, more than 5 percent of such class of stock shall be taken into account as owning any of the stock of such class for purposes of applying the 35 percent limitation set forth in subparagraph (B) (but all of the outstanding stock of such class shall be considered outstanding in order to compute the denominator for purpose of determining the applicable percentage of ownership).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

PART V—MODIFICATION OF EARNINGS AND PROFITS RULES

SEC. 261. MODIFICATION OF EARNINGS AND PROFITS RULES.

(a) RULES FOR DETERMINING WHETHER REGULATED INVESTMENT COMPANY HAS EARNINGS AND PROFITS FROM NON-RIC YEAR.—Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

''(3) DISTRIBUTIONS TO MEET REQUIREMENTS OF SUBSECTION (a)(2)(B).—Any distribution which is made in order to comply with the requirements of subsection (a)(2)(B)—

''(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from the earliest earnings and profits accumulated in any taxable year to which the provisions of this part did not apply rather than the most recently accumulated earnings and profits, and

''(B) to the extent treated under subparagraph (A) as made from accumulated earnings and profits, shall not be treated as a distribution for purposes of subsection (b)(2)(D) and section 855.''.

(b) CLARIFICATION OF APPLICATION OF REIT SPILLOVER DIVIDEND RULES TO DISTRIBUTIONS TO MEET QUALIFICATION REQUIREMENT.—Subparagraph (B) of section 857(d)(3) is amended by inserting before the period ''and section 858''.

(c) APPLICATION OF DEFICIENCY DIVIDEND PROCEDURES.—Paragraph (1) of section 852(e) is amended by adding at the end the following new sentence: ''If the determination under subparagraph (A) is solely as a result of the failure to meet the requirements of subsection (a)(2), the preceding sentence shall also apply for purposes of applying subsection (a)(2) to the non-RIC year.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

PART VI—MODIFICATION OF ESTIMATED TAX RULES

SEC. 271. MODIFICATION OF ESTIMATED TAX RULES FOR CLOSELY HELD REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Subsection (e) of section 6655 (relating to estimated tax by corporations) is amended by adding at the end the following new paragraph:

''(5) TREATMENT OF CERTAIN REIT DIVIDENDS.—

''(A) IN GENERAL.—Any dividend received from a closely held real estate investment trust by any person which owns (after application of subsections (d)(5) and (l)(3)(B) of section 856) 10 percent or more (by vote or value) of the stock or beneficial interests in the trust shall be taken into account in computing annualized income installments under paragraph (2) in a manner similar to the manner under which partnership income inclusions are taken into account.

''(B) CLOSELY HELD REIT.—For purposes of subparagraph (A), the term 'closely held real estate investment trust' means a real estate investment trust with respect to which 5 or fewer persons own (after application of subsections (d)(5) and (l)(3)(B) of section 856) 50 percent or more (by vote or value) of the stock or beneficial interests in the trust.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to estimated tax payments due on or after November 15, 1999.

PART VII—MODIFICATION OF TREATMENT OF CLOSELY-HELD REITS

SEC. 281. CONTROLLED ENTITIES INELIGIBLE FOR REIT STATUS.

(a) IN GENERAL.—Subsection (a) of section 856 (relating to definition of real estate investment trust) is amended by striking ''and'' at the end of paragraph (6), by redesignating paragraph (7) as paragraph (8), and by inserting after paragraph (6) the following new paragraph:

''(7) which is not a controlled entity (as defined in subsection (l)); and''.

(b) CONTROLLED ENTITY.—Section 856 is amended by adding at the end the following new subsection:

''(l) CONTROLLED ENTITY.—

''(1) IN GENERAL.—For purposes of subsection (a)(7), an entity is a controlled entity if, at any time during the taxable year, one person (other than a qualified entity)—

''(A) in the case of a corporation, owns stock—

''(i) possessing at least 50 percent of the total voting power of the stock of such corporation, or

''(ii) having a value equal to at least 50 percent of the total value of the stock of such corporation, or

''(B) in the case of a trust, owns beneficial interests in the trust which would meet the requirements of subparagraph (A) if such interests were stock.

''(2) QUALIFIED ENTITY.—For purposes of paragraph (1), the term 'qualified entity' means—

''(A) any real estate investment trust, and

''(B) any partnership in which one real estate investment trust owns at least 50 percent of the capital and profits interests in the partnership.

''(3) ATTRIBUTION RULES.—For purposes of this paragraphs (1) and (2)—

''(A) IN GENERAL.—Rules similar to the rules of subsections (d)(5) and (h)(3) shall apply; except that section 318(a)(3)(C) shall not be applied under such rules to treat stock owned by a qualified entity as being owned by a person which is not a qualified entity.

''(B) STAPLED ENTITIES.—A group of entities which are stapled entities (as defined in section 269B(c)(2)) shall be treated as one person.

''(4) EXCEPTION FOR CERTAIN NEW REITS.—

''(A) IN GENERAL.—The term 'controlled entity' shall not include an incubator REIT.

''(B) INCUBATOR REIT.—A corporation shall be treated as an incubator REIT for any taxable year during the eligibility period if it meets all the following requirements for such year:

''(i) The corporation elects to be treated as an incubator REIT.

''(ii) The corporation has only voting common stock outstanding.

''(iii) Not more than 50 percent of the corporation's real estate assets consist of mortgages.

''(iv) From not later than the beginning of the last half of the second taxable year, at least 10 percent of the corporation's capital is provided by lenders or equity investors who are unrelated to the corporation's largest shareholder.

''(v) The corporation annually increases the value of its real estate assets by at least 10 percent.

''(vi) The directors of the corporation adopt a resolution setting forth an intent to engage in a going public transaction.

No election may be made with respect to any REIT if an election under this subsection was in effect for any predecessor of such REIT. The requirement of clause (ii) shall not fail to be met merely because a going public transaction is accomplished through a transaction described in section 368(a)(1) with another corporation which had another class of stock outstanding prior to the transaction.

''(C) ELIGIBILITY PERIOD.—

''(i) IN GENERAL.—The eligibility period (for which an incubator REIT election can be made) begins with the REIT's second taxable year and ends at the close of the REIT's third taxable year, except that the REIT may, subject to clauses (ii), (iii), and (iv), elect to extend such period for an additional 2 taxable years.

''(ii) GOING PUBLIC TRANSACTION.—A REIT may not elect to extend the eligibility period under clause (i) unless it enters into an agreement with the Secretary that if it does not engage in a going public transaction by the end of the extended eligibility period, it shall pay Federal income taxes for the 2 years of the extended eligibility period as if it had not made an incubator REIT election and had ceased to qualify as a REIT for those 2 taxable years.

''(iii) RETURNS, INTEREST, AND NOTICE.—

''(I) RETURNS.—In the event the corporation ceases to be treated as a REIT by operation of clause (ii), the corporation shall file

any appropriate amended returns reflecting the change in status within 3 months of the close of the extended eligibility period.

''(II) INTEREST.—Interest shall be payable on any tax imposed by reason of clause (ii) for any taxable year but, unless there was a finding under subparagraph (D), no substantial underpayment penalties shall be imposed.

''(III) NOTICE.—The corporation shall, at the same time it files its returns under subclause (I), notify its shareholders and any other persons whose tax position is, or may reasonably be expected to be, affected by the change in status so they also may file any appropriate amended returns to conform their tax treatment consistent with the corporation's loss of REIT status.

''(IV) REGULATIONS.—The Secretary shall provide appropriate regulations setting forth transferee liability and other provisions to ensure collection of tax and the proper administration of this provision.

''(iv) Clauses (ii) and (iii) shall not apply if the corporation allows its incubator REIT status to lapse at the end of the initial 2-year eligibility period without engaging in a going public transaction if the corporation is not a controlled entity as of the beginning of its fourth taxable year. In such a case, the corporation's directors may still be liable for the penalties described in subparagraph (D) during the eligibility period.

''(D) SPECIAL PENALTIES.—If the Secretary determines that an incubator REIT election was filed for a principal purpose other than as part of a reasonable plan to undertake a going public transaction, an excise tax of $20,000 shall be imposed on each of the corporation's directors for each taxable year for which an election was in effect.

''(E) GOING PUBLIC TRANSACTION.—For purposes of this paragraph, a going public transaction means—

''(i) a public offering of shares of the stock of the incubator REIT;

''(ii) a transaction, or series of transactions, that results in the stock of the incubator REIT being regularly traded on an established securities market and that results in at least 50 percent of such stock being held by shareholders who are unrelated to persons who held such stock before it began to be so regularly traded; or

''(iii) any transaction resulting in ownership of the REIT by 200 or more persons (excluding the largest single shareholder) who in the aggregate own at least 50 percent of the stock of the REIT.

For the purposes of this subparagraph, the rules of paragraph (3) shall apply in determining the ownership of stock.

''(F) DEFINITIONS.—The term 'established securities market' shall have the meaning set forth in the regulations under section 897.''

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 856(h) is amended by striking ''and (6)'' each place it appears and inserting '', (6), and (7)''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after July 14, 1999.

(2) EXCEPTION FOR EXISTING CONTROLLED ENTITIES.—The amendments made by this section shall not apply to any entity which is a controlled entity (as defined in section 856(l) of the Internal Revenue Code of 1986, as added by this section) as of July 14, 1999, which is a real estate investment trust for the taxable year which includes such date, and which has significant business assets or activities as of such date. For purposes of the preceding sentence, an entity shall be treated as such a controlled entity on July 14, 1999, if it becomes such an entity after such date in a transaction—

(A) made pursuant to a written agreement which was binding on such date and at all times thereafter, or

(B) described on or before such date in a filing with the Securities and Exchange Commission required solely by reason of the transaction.

TITLE III—BUDGET PROVISION

SEC. 301. EXCLUSION FROM PAYGO SCORECARD.

Any net deficit increase or net surplus increase resulting from the enactment of this Act shall not be counted for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902).

By Mr. DOMENICI:

S. 1793. A bill to ensure that there will be adequate funding for the decommissioning of nuclear power facilities; to the Committee on Environment and Public Works.

NUCLEAR DECOMMISSIONING ASSURANCE ACT

• Mr. DOMENICI. Mr. President, in an era of deregulation, it is imperative that we focus on the public health and safety concerns that may surface in the rush to eliminate excess costs in energy production.

One such concern involves the decommissioning and decontamination (D&D) of retired nuclear power plants. The nuclear industry confronts not only the difficulty of providing a competitive energy source in a changing regulatory environment, the funds accumulated to date to cover D&D costs are not sufficient to ensure proper cleanup unless measures are put into place that continue fee collection for the duration of each plant's service life.

This bill establishes a framework to ensure adequate fee collection to cover nuclear decommissioning and decontamination costs in a changing regulatory environment.

Today, nuclear generating units provide almost a quarter of the country's annual electricity generation. Over the next twenty years, a substantial number of these nuclear power plants reach the end of their 40-year licenses. Some will apply for a license renewal, which should be a straightforward and expeditious process.

All plants, at some point, however, will face retirement. Whenever retirement occurs, decommissioning follows—this requires safe dismantling and disposal of all irradiated components.

Upon acquiring a license to operate a nuclear power plant, licensees also commit to decommission the plant upon closure. Utilities are required to set aside funds for decommissioning.

In the past, State regulators generally allowed fee collection for decommissioning obligations through rates over the entire service lives of the nuclear power plants. This method spread the costs of decommissioning the plant to all the customers served by the plant over the entire course of the plant's service life.

As the electricity market moves toward deregulation, the nuclear industry confronts a profound problem. First, fee collection was structured such that accrual of sufficient funds required the full life of the plant, and regulators often undercut the amount of fees collected in order to keep energy prices down.

Second, under funding also results from escalating decommmissioning costs due to expanded regulatory requirements, lower than expected growth due to loss of load and customer exodus, rate settlements, and the lag in collecting funds due to rate-making delays.

Lastly, decommissioning cost recovery for most utilities, including nuclear, is ''back-end loaded.'' Meaning, cost recovery is designed to generate much larger contributions to the fund in latter years.

In short, the funding of decommissioning has not kept pace with the aging of the units.

For example, today, a nuclear plant licensee of a 15-year-old plant would have collected only approximately 5 percent of the funds necessary to meet decommissioning obligations. In addition, these nuclear plant licensees currently have no means of ensuring that they can continue to collect fees from consumers to ensure decommissioning obligations are met.

The magnitude of the potential shortfall in cost recovery for decommissioning obligations is staggering. On an aggregate basis, utilities' decommissioning trust funds currently are funded at approximately 25 percent of the estimated costs—about $9 billion. Nuclear plants, however, are approximately 43 percent through their expected service lives. Total projected D&D costs will exceed $35 billion, leaving a current shortfall of about $26 billion.

The monumental size of this problem is underscored by the following comparison: FERC allowed recovery of $10 billion of total stranded costs during the restructuring of the natural gas industry. the nuclear industry's current dilemma is two and a half times greater.

Two recent publications underscore the critical need to provide assurance that decommissioning funds can be collected and are adequate to cover costs. A study which I chaired by the Center for Strategic and International Studies (CSIS) entitled The Regulatory Process for Nuclear Power Reactors addressed this issue.

The CSIS report stated, ''Restructuring of the electric utility industry could exacerbate the problem of adequate decommissioning funding and could threaten the ability of nuclear power plant owners to recover funds for

decommissioning and for nuclear waste disposal in electric rates.'' The June 1999 report Nuclear Power Plant Decommissioning Under Utility Restructuring by the National Conference of State Legislatures strongly urged a ''review of current decommissioning legislation, especially if considering or passing deregulation.

The legislation I am introducing today creates a backstop to ensure that decommissioning fees can continue to be collected regardless of forthcoming changes in the regulatory environment. Because full, safe decommissioning is vital to public health and safety, this legislation is required to ensure that adequate funds for decommissioning are available to power plant licensees upon closure of their nuclear plants.

Let me briefly describe the mechanism established in this bill to ensure that adequate funds are collected.

First, nuclear power plant licensees are allowed to petition the NRC for determination of adequacy of their nuclear decommissioning trust funds. This petition process allows a full review of licensees' decommissioning costs and available funding. The petition process allows full public notice and comment.

In other words, the NRC will determine each licensee's current and ongoing revenue requirement necessary to ensure adequate funds are accumulated in the trust fund at the appropriate time.

Second, the Act amends the Federal Power Act to enable licensees to apply to the FERC, in the case of wholesale rates, or state commissions, for retail rates, for an order establishing rates or charges for collection of revenues necessary to meet NRC determined requirements.

Depending on the consumer base served by the nuclear licensee, either the FERC or the state PUCs will be required to incorporate the NRC determined decommissioning cost and revenue requirements in their rate structure.

This translates into a negligible fee added to consumers' monthly bills that will guarantee adequate cleanup upon closure of the nuclear plants that met their energy needs. This measure is simple, pragmatic, and safeguards our safety and health needs.

We must act now to ensure adequate funding for the safe decommissioning of nuclear units. The awkward jurisdictional position of this issue—caught in a gap between federal agencies and state regulatory authorities—creates a situation in which inconsistent regimes interfere with federally mandated safety measures.

This situation presents an unacceptable uncertainty and risk for the health and safety of the citizens and for the economy. As a matter of public policy, to protect public health and safety, as well as to preserve sound energy and economic policy, adequate funding of decommissioning obligations must be assured.

This act addresses this concerns and creates a practical mechanism to ensure the decommissioning funds will be adequate to safe closure of nuclear plants in the future.

Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 1793

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 ''Nuclear Decommissioning Assurance Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) full, safe decommissioning of nuclear power plants is a compelling Federal interest, in that—

(A) the public health and safety and the protection of the environment can be guaranteed only if nuclear power plants are adequately decommissioned at the end of their useful lives; and

(B) decommissioning obligations cannot be avoided, abandoned, or mitigated, as a matter of public health and safety;

(2) electric utilities that own nuclear power plants must be able to collect adequate revenues to ensure that the utilities can satisfy the obligation to fully decommission nuclear power plants in accordance with standards established by the Nuclear Regulatory Commission;

(3) the authority of the Nuclear Regulatory Commission to ensure that utilities are able to collect adequate funds so that they can satisfy the decommissioning obligation is limited by the fact that the Commission does not directly establish rates for electric services;

(4) many nuclear decommissioning trust funds are not adequate to meet decommissioning obligations, and the current electric rates of collection are not adequate to ensure that there will be adequate funds at the time of decommissioning.

(5) potential restructuring of the electric utility industry will exacerbate the problem, because competitive pressure is expected to be placed on current rates, thereby threatening the ability of utility entities to recover funds for decommissioning in electric rates; and

(6) there is a Federal interest in establishing a national policy to ensure that electric utilities that own nuclear power plants can recover funds sufficient to satisfy the decommissioning obligation.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that electric utilities that own commercial nuclear electric generating plants will be able to satisfy the obligation to decommission the plants, as established by the Nuclear Regulatory Commission; and

(2) to provide rate making bodies, including the Federal Energy Regulatory Commission, with sufficient authority to provide for recovery of funds for decommissioning.

SEC. 3. DEFINITIONS.

In this Act:

(1) DECOMMISSION.—The term ''decommission'' has the meaning given the term in section 50.2 of title 10, Code of Federal Regulations (or any successor regulation).

(2) DECOMMISSIONING OBLIGATION.—The term ''decommissioning obligation'' means the obligation to pay costs associated with the measures necessary to ensure the continued protection of the public from the dangers of any residual radioactivity or other hazards present at a facility when a nuclear unit is decommissioned.

(3) NUCLEAR DECOMMISSIONING TRUST FUND.—The term ''nuclear decommissioning trust fund'' has the meaning given the term ''external sinking fund'' in section 50.75(e)(1)(ii) of title 10, Code of Federal Regulations (or any successor regulation).

(4) STATE COMMISSION.—The term ''State commission'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 4. NUCLEAR DECOMMISSIONING ASSURANCE DETERMINATION BY THE NUCLEAR REGULATORY COMMISSION.

(a) PETITION.—

(1) IN GENERAL.—A licensee under part 50 of title 10, Code of Federal Regulations may petition the Nuclear Regulatory Commission for a determination of whether—

(A) adequate amounts have been deposited or are being deposited in the nuclear decommissioning trust fund of the licensee; and

(B) the future funding for any nuclear power plant owned in whole or in part by the licensee is assured.

(2) CONTENTS.—A petition under paragraph (1) shall disclose—

(A) the licensee's current minimum amount established by the Nuclear Regulatory Commission under section 50.75 of title 10, Code of Federal Regulations for each facility for which the licensee holds a license;

(B) the currently effective rates to recover costs for decommissioning obligations as established by the Commission or State commissions, as appropriate;

(C) the amount that has been deposited in the nuclear decommissioning trust fund;

(D) the planned rate and timing of collection of the costs of the decommissioning obligation through the projected useful life of the facility; and

(E) any other information pertinent to the continuing assurance of funding of the nuclear decommissioning trust fund.

(b) DETERMINATION.—Not later than 180 days of receipt of a petition under paragraph (1), the Nuclear Regulatory Commission shall issue a determination regarding whether the nuclear decommissioning trust fund and the currently approved level of rates to recover the costs of the decommissioning obligation are adequate to ensure full and safe decommissioning of the facility.

(c) CONSIDERATIONS.—In making a determination under subsection (b), the Nuclear Regulatory Commission shall consider.—

(1) the current level of funds in the nuclear decommissioning trust fund;

(2) the adequacy of the currently approved rates to recover the costs of the decommissioning obligation;

(3) the assurance of continuing recovery of such costs through rates;

(4) the timing of the recovery of such costs relative to the projected useful life of the plant; and

(5) any other information that the Nuclear Regulatory Commission considers pertinent to a determination of the necessary assurance of adequate funding.

(d) ADEQUACY OF MINIMUM AMOUNTS.—Nothing in this Act precludes the Nuclear Regulatory Commission from revising or reconsidering the adequacy of the minimum amounts established under section 50.75(c) of title 10, Code of Federal Regulations.

(e) NOTICE.—The Nuclear Regulatory Commission shall issue notice of its finding to

the licensee, the Federal Energy Regulatory Commission, and any other party of record.

SEC. 5. AMENDMENT OF THE FEDERAL POWER ACT.

(a) DECLARATION.—Section 201 of the Federal Power Act is amended by adding at the end the following:

''(h) DECLARATION REGARDING DECOMMISSIONING.—The decommissioning of nuclear power plants licensed by the Commission is affected with a public interest, and the Federal regulation of matters relating to decommissioning of nuclear power plants, to the extent provided in this part, is necessary in the pubic interest.''.

(b) NUCLEAR DECOMMISSIONING ASSURANCE.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

''SEC. 215. NUCLEAR DECOMMISSIONING ASSURANCE.

''(a) COST RECOVERY IN WHOLESALE RATES.—

''(1) IN GENERAL.—To the extent that the costs of a decommissioning obligation are recovered in wholesale rates, an electric utility that owns a nuclear power facility in whole or in part may apply to the Commission for an order approving rates and charges in connection with the wholesale transmission or sale of electricity to ensure collection of revenues necessary to ensure that there will be adequate funding to satisfy the decommissioning obligation of the electric utility in establishing rates and charges.

''(2) NUCLEAR DECOMMISSIONING ASSURANCE DETERMINATION.—In a proceeding under this section, any nuclear decommissioning assurance determination made in a proceeding under section 4 of the Nuclear Decommissioning Assurance Act of 1999 shall be conclusive.

''(3) DENIAL OF REQUEST.—If the Commission, by order or by failure to act with 180 days of the filing of a petition, denies in whole or in part an application under paragraph (1) or otherwise fails to allow collection of costs in rates necessary to ensure adequate funding under section 4 of the Nuclear Decommissioning Assurance Act of 1999, the electric utility may seek review of the action under section 313(b).

''(b) COST RECOVERY IN RETAIL RATES.—To the extent that the costs of the decommissioning obligation are recovered in retail rates, in a proceeding before a State commission initiated by an electric utility that owns a nuclear power plant in whole or in part for an order approving rates and charges in connection with the distribution of electricity, any nuclear decommissioning assurance determination made by the Commission under section 4 of the Nuclear Decommissioning Assurance Act of 1999 shall be given due consideration, so as to ensure collection of revenues necessary to ensure adequate funding of the nuclear-owning utility's nuclear decommissioning obligations.

''(c) RATES, TERMS, AND CONDITIONS.—

''(1) IN GENERAL.—The Commission and the State commissions shall establish rates, terms, and conditions in response to an application under subsection (a) or (b) not later than 180 days after the date of submission of the application.

''(2) FAILURE TO ACT.—For purposes of section 313(b), failure of the Commission to comply with paragraph (1) shall be considered a denial and shall be appealable as a final agency action.

''(d) DENIAL OF REQUEST BY STATE COMMISSION.—Notwithstanding any other provision of law, if a State commission, by order or by failure to act within 180 days of the filing of a petition, denies in whole or in part the request under subsection (b) or otherwise fails to allow collection of costs in the rates necessary to ensure adequate funding under section 4(b) of the Nuclear Decommissioning Assurance Act of 1999, the electric utility may apply to the United States district court for an order requiring the State commission to establish rates, terms, and conditions necessary to ensure adequate funding under section 4(b) of the Nuclear Decommissioning Assurance Act of 1999.''.●

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1794. A bill to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse''; to the Committee on Environment and Public Works.

CLIFFORD P. HANSEN FEDERAL COURTHOUSE

● Mr. THOMAS. Mr. President, I rise today to honor one of Wyoming's native sons, former Wyoming Governor and United States Senator Cliff Hansen. I am pleased that my colleague, Senator ENZI is joining me in sponsoring legislation to name the federal courthouse in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse.''

Wyoming has enjoyed a long history of outstanding leaders and strong individuals. These men and women have sought the best for our small towns with big expectations and in turn have exemplified what it really means to be a leader in their communities.

Senator Cliff Hansen stands with the other Wyoming statesmen that have helped make our state so special and her citizens proud. Today I join my colleagues and Wyoming people to honor him by designating the Jackson, Wyoming, federal courthouse in his name.

Cliff Hansen's career is well known and he has been a fixture of public service in Wyoming and the United States for more than 40 years. Beginning with the local school board, to Teton County Commissioner, the statehouse in Cheyenne as Wyoming's 26th Governor, and finally here as a distinguished member of the U.S. Senate.

Senator Cliff Hansen was so well regarded, his leadership so clear, that President Reagan asked him to be Secretary of the Interior not once, but twice. With his experience and expertise gained from working on issues involving public lands and the environment there is no doubt he would have done an excellent job had he chosen to accept.

His has been a remarkable career with a distinguished record.

Cliff Hansen and his wife Martha recently celebrated their 65th wedding anniversary. What an incredible accomplishment—one of many for this singular Wyoming family that continues to play a significant role in the Jackson Hole community in which they live.

With their children, grandchildren, and even great-grandchildren—the Hansen family is a colorful part of the fabric that makes Jackson and the surrounding areas unique. Cliff Hansen resides and enjoys life in Jackson, Wyoming under the immense shadow of the famed Grand Tetons. Like the Grand, he stands tall in that close community—dignified, multifaceted and solid in his grounding. Our goal as fellow public servants should be to aspire to climb to the same personal heights.

Senator Hansen is a man who embodies a mix of justice and compassion. That's a combination we need always to strive for. He is a leader, quick to care, astutely understanding and finding the best solutions to fit the need. Gracing the Federal Courthouse in his hometown with his name—considering that great legacy—is an appropriate symbol for what he has always worked for and achieved.

I join other Wyoming people who consider Governor, Senator, Cliff Hansen a worthy citizen. An honorable gentleman who continues to live up to the special significance I hope this act will bestow.●

● Mr. ENZI. Mr. President, I rise today to pay tribute to one of Wyoming's greatest public servants of this century and to support legislation introduced today by my colleague, Senator CRAIG THOMAS, to designate the federal courthouse in Jackson, Wyoming as the Clifford P. Hansen Federal Courthouse.

When he was elected to the United States Senate in 1966, Clifford Peter Hansen had already distinguished himself as a dedicated advocate for the State of Wyoming. Born in Zenith, Teton (then Lincoln) County, Wyoming, on October 16, 1912, Cliff Hansen attended public schools in Jackson, Wyoming and graduated from the University of Wyoming in 1934. In that same year, Cliff married his sweetheart, Martha Elizabeth Close. For the past 65 years the couple has worked side by side to Wyoming's great benefit.

As a successful cattle rancher and industry representative, Cliff has served as an officer of the Wyoming Stock Growers Association, the American National Cattlemen's Association, and the Livestock Research and Marketing Advisory Committee. He also served as both the Columbia Interstate Compact commissioner and the Snake River Compact commissioner.

In 1943 Cliff began his first term as a public official where he served for eight years in the capacity of county commissioner for the people of Teton County. During those same years Cliff became a member of the Board of Trustees for the University of Wyoming where from 1955 to 1962 he served as board president. Then, from 1963 to 1967 Cliff and Martha served as Governor and First Lady of the State of Wyoming.

In 1966 Cliff was elected to the United States Senate where he served from

January 3, 1967 until December 31, 1978 when he resigned and was replaced by my immediate predecessor, Former Senator Alan K. Simpson. He passed legislation that still provides for and protects Wyoming. One of those, federal mineral royalty sharing, is a major source of revenue for the state.

In April 1979 Cliff was awarded the William A. Steiger Award for public service in commemoration of his service to the people of Wyoming and the nation.

This, however, was not the end of Cliff's dedication to public service. In 1996, the University of Wyoming celebrated the dedication of the Cliff and Martha Hansen agricultural teaching center that was made possible by the couple's generous donations to the school.

One of the best testimonials about Cliff, however, can be found in the statement by one of his former employees. For the past three decades, the State of Wyoming has benefited by the fine service of Correspondence Coordinator Carroll Wood. Carroll was first hired by Cliff and has since worked for a total of three Wyoming senators including myself. On the subject of Cliff Hansen, Carroll writes: ''Thank God for Cliff Hansen. He gave me the opportunity to work for him and I have survived three different senators from Wyoming. I am indeed in his debt for his confidence in me and I will never forget the love he has shown me and my family.''

Mr. President, I too thank God for Cliff Hansen. He has dedicated his life to the people of Wyoming and is truly one of the giants of the State. Cliff and Martha Hansen are role models for my wife, Diana and I. Their continuing concern and consideration for other is unmatched. Naming this courthouse after Cliff would provide a small tribute to one who has done so much.●

By Mr. CRAPO:

S. 1795. A bill to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes; to the Committee on Governmental Affairs.

EXECUTIVE ORDERS LIMITATION ACT

Mr. CRAPO. Mr. President, I rise to introduce the Executive Orders Limitation Act of 1999.

A growing number of Americans have expressed concern that President Clinton has sought to bypass the constitutional role of Congress by issuing Executive orders or proclamations that have the force of law and the practical impact of law. Indeed, the use of Executive orders has increased dramatically. For example, the first 24 Presidents issued 1,262 Executive orders, whereas the last 17 Presidents have issued 11,798 orders.

The bill I introduce today seeks to strengthen article I of the Constitution which grants all legislative powers to the Congress. The bill seeks to strengthen our system of checks and balances by ensuring that all Executive orders are based on the President's expressed constitutional or statutory authority. The bill would require the President to cite the exact constitutional or statutory authority he is exercising when he issues an Executive order. It would require the publication of a cost-benefit analysis and a public comment period before an Executive order can take effect.

The act would also provide for expedited judicial review of questionable Executive orders. The Congress has previously set limits on the President's ability to issue Executive orders when it required that all orders be printed in the Federal Register. My bill would not in any way limit the President's ability to issue an Executive order which he has the constitutional right to issue. The Executive Orders Limitation Act of 1999 seeks to preserve the constitutional separation of powers by safeguarding Congress' legislative power, while at the same time protecting the President's constitutional and statutory authorities.

The question of how a law is enacted in America was one of the most important and significant debates in our constitutional convention. That is why we have a system of government established under our Constitution by which it is the Congress that makes the law that governs this Nation. The President then decides, as he has the right to do, whether to sign that law or not. We do not have a system where one man or even one branch of our Government has the ability to unilaterally create law. Yet that is what the practical effect of the use of Executive orders has become in today's timeframe in the way that President Clinton has begun using these Executive order powers.

This legislation will bring appropriate controls to the issue. If the President has constitutional or statutorily delegated authority to issue Executive orders in a given area, those authorities and those rights are preserved. But in those areas where Congress or the Constitution have not given the President the authority to enact and act as though he were imposing new legal requirements, then that is prohibited.

This legislation is critical. It should not be deemed a threat to anyone from any particular perspective on any issue. It should be deemed what it is, an effort to restore the balance of power and the system of government, in particular the system of making laws our constitutional founders intended when they created the Constitution of this country.

By Mr. LAUTENBERG (for himself, Mr. MACK, Mr. KYL, Mr. GRAHAM, Mr. ROBB, Mr. LOTT, Mr. LIEBERMAN, Mr. HATCH, Mr. CONRAD, Mr. HELMS, Mr. TORRICELLI, Mr. SPECTER, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. SCHUMER, Mr. COVERDELL, Mr. EDWARDS, Mr. CLELAND, and Mr. SANTORUM):

S. 1796. A bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes; to the Committee on the Judiciary.

THE JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the text of S. 1796 be printed in the RECORD.

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

S. 1796

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

SECTION 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Justice for Victims of Terrorism Act''.

(b) DEFINITION.—

(1) IN GENERAL.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3) by striking the period and inserting a semicolon and ''and'';

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking ''(b)'' through ''entity—'' and inserting the following:

''(b) An 'agency or instrumentality of a foreign state' means—

''(1) any entity—''; and

(D) by adding at the end the following:

''(2) for purposes of sections 1605(a)(7) and 1610 (a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1391(f)(3) of title 28, United States Code, is amended by striking ''1603(b)'' and inserting ''1603(b)(1)''.

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking ''(including any agency or instrumentality or such state)'' and inserting ''(including any agency or instrumentality of such state)''; and

(B) by adding at the end the following:

''(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency, subdivision or instrumentality thereof) to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution, in like manner and to the same extent as if the United States were a private person.''; and

(2) by adding at the end the following:

''(3)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against the premises of a foreign diplomatic mission to the United States, or any funds held by or in the name of such foreign diplomatic mission determined by the President

to be necessary to satisfy actual operating expenses of such foreign diplomatic mission.

''(B) A waiver under this paragraph shall not apply to—

''(i) if the premises of a foreign diplomatic mission has been used for any nondiplomatic purpose (including use as rental property), the proceeds of such use; or

''(ii) if any asset of a foreign diplomatic mission is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

''(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 117(d) of the Treasury Department Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–492) is repealed.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

By Mr. MURKOWSKI:

S. 1797. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS LEGISLATION

Mr. MURKOWSKI. Mr. President, today I introduce a bill to solve a problem unique to Alaska. The city of Craig is located in the far southeastern part of Alaska on Price of Wales Island, the third largest island in the country. Craig is unlike any other small town or village in Alaska. It has no land base upon which to maintain its local services, and no ability to utilize many federal programs which are dependent upon a large Alaska Native population for eligibility.

Nevertheless, the community has grown from a mostly Native population of 250 in 1971 to over 2,500 residents, most of whom are not Alaska Natives. Despite this, the town is surrounded by land selections from two different Alaska village corporations. In fact, 93 percent of the land within the Craig city limits is owned by these village corporations. Under federal law passed in 1987, none of the village land is subject to taxation so long as the land is not developed. The city of Craig has only 300 acres of land owned privately by individuals within its city limits to serve as it municipal tax base. It can annex no other land because the entire land base outside its municipal boundaries is owned by the federal government as part of the Tongass National Forest or other Alaska Native corporation.

Craig's demands for municipal services increase every year as costs go up and population increases. According to the State of Alaska, Craig is the fastest growing first class city in the state. Since its large non-Native majority population make the town and its residents largely ineligible for federal programs which service virtually all other ANSCA villages, it has requested a small conveyance of 4,532 acres of federal land located not far from the town. That land entitlement would permit the city to develop a land base upon which it could support its increasing demand for municipal services.

The land base which is included in this bill has been carefully chosen. It is less than 20 miles from the city and abuts the existing road system. It is the first available land from the city limits not owned by an Alaska native corporation. The land will complete a sound management system by providing municipal ownership of land adjacent to both existing private and state owned land. It will be a good use of this land which is nowhere near any environmentally sensitive lands such as wilderness areas. This part of Prince of Wales Island has roads, communities and other developed sites near it. There will be no land use conflicts created by this conveyance.

Mr. President, my bill provides a direct grant of 4,532 acres to the city. While I looked at a land exchange, the city has no land to trade. The city received no municipal entitlement because the Forest Service never agreed to any land selection by the State of Alaska in this part of Prince of Wales Island. The only substantial land near Craig besides the actual 300 acres on which Craig sits is owned by the federal government in the national forest or by Alaska Native corporations.

I intend to hold a hearing on this bill early in the next session, and begin the process to move the bill through the Senate to final passage in the Congress.

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. HATCH) 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. 909

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 909, a bill to provide for the review and classification of physician assistant positions in the Federal Government, and for other purposes.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Kentucky (Mr. BUNNING) 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. 1303

At the request of Mr. MURKOWSKI, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1303, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. CLELAND), the Senator from Michigan (Mr. LEVIN), the Senator from Nebraska (Mr. KERREY), the Senator from Michigan (Mr. ABRAHAM), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

S. 1446

At the request of Mr. LOTT, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1494

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1494, a bill to ensure that small businesses throughout the United States participate fully in the unfolding electronic commerce revolution through the establishment of an electronic commerce extension program at the National Institutes of Standards and technology.

S. 1528

At the request of Mr. LOTT, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Nebraska (Mr. KERREY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation,

and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 1547

At the request of Mr. BURNS, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1680

At the request of Mr. ASHCROFT, the names of the Senator from Utah (Mr. HATCH) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1708

At the request of Mr. MOYNIHAN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1708, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require plans which adopt amendments that significantly reduce future benefit accruals to provide participants with adequate notice of the changes made by such amendments.

S. 1770

At the request of Mr. LOTT, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 1770, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research and development credit and to extend certain other expiring provisions for 30 months, and for other purposes.

S. 1771

At the request of Mr. ASHCROFT, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1771, a bill to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural medical sanction against a foreign country or foreign entity.

S. 1776

At the request of Mr. CRAIG, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1776, a bill to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

S. 1777

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1777, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction of greenhouse gas emissions and to advance global climate science and technology development.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

AMENDMENTS SUBMITTED

AFRICAN GROWTH AND OPPORTUNITY ACT

DEWINE (AND OTHERS) AMENDMENT NO. 2330

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. INOUYE, Mr. LOTT, Mr. CONRAD, and Mr. MCCONNELL) submitted an amendment intended to be proposed by them to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa; as follows:

At the appropriate place, insert the following new section:

SEC. ___. REVISION OF RETALIATION LIST OR OTHER REMEDIAL ACTION.

Section 306(b)(2) of the Trade Act of 1974 (19 U.S.C. 2416(b)(2)) is amended—

(1) by striking ''If the'' and inserting the following:

''(A) FAILURE TO IMPLEMENT RECOMMENDATION.—If the''; and

(2) by adding at the end the following:

''(B) REVISION OF RETALIATION LIST AND ACTION.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the event that the United States initiates a retaliation list or takes any other action described in section 301(c)(1) (A) or (B) against the goods of a foreign country or countries because of the failure of such country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, the Trade Representative shall periodically revise the list or action to affect other goods of the country or countries that have failed to implement the recommendation.

''(ii) EXCEPTION.—The Trade Representative is not required to revise the retaliation list or the action described in clause (i) with respect to a country, if—

''(I) the Trade Representative determines that implementation of a recommendation made pursuant to a dispute settlement proceeding described in clause (i) by the country is imminent; or

''(II) the Trade Representative together with the petitioner involved in the initial investigation under this chapter (or if no petition was filed, the affected United States industry) agree that it is unnecessary to revise the retaliation list.

''(C) SCHEDULE FOR REVISING LIST OR ACTION.—The Trade Representative shall, 120 days after the date the retaliation list or other section 301(a) action is first taken, and every 180 days thereafter, review the list or action taken and revise, in whole or in part, the list or action to affect other goods of the subject country or countries.

''(D) STANDARDS FOR REVISING LIST OR ACTION.—In revising any list or action against a country or countries under this subsection, the Trade Representative shall act in a manner that is most likely to result in the country or countries implementing the recommendations adopted in the dispute settlement proceeding or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute settlement proceeding. The Trade Representative shall consult with the petitioner, if any, involved in the initial investigation under this chapter.

''(E) RETALIATION LIST.—The term 'retaliation list' means the list of products of a foreign country or countries that have failed to comply with the report of the panel or Appellate Body of the WTO and with respect to which the Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, October 26, 1999, at 9:30 a.m. in open session, to receive testimony on the status of U.S. military forces.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, October 26, for purposes of

conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the interpretation and implementation plans of ''Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and C, Redefinition to Include Water Subject to Subsistence Priority: Final Rule.''

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

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Tuesday, October 26, 1999 at 10:00 a.m., to hear testimony on the Use of Seclusion and Restraints in Mental Hospitals and the Nomination hearing for William Halter, to be Deputy Commissioner, Social Security Administration.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts requests unanimous consent to conduct a hearing on Tuesday, October 26, 1999 beginning at 2:00 p.m. in S–407, The Capitol.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Tuesday, October 26, 1999 beginning at 3:00 p.m. in Dirksen Room 226.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, October 26, 1999, in open session, to receive testimony on the Real Property Maintenance program and the Maintenance of Historic Homes and Senior Officers' Quarters.

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

ADDITIONAL STATEMENTS

TRIBUTE TO DR. JOHN FRYMOYER

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to an outstanding Vermonter, Dr. John Frymoyer. John's unwavering commitment toward improving the health of all Vermonters serves as a testament to us all. His long and distinguished career began at the University of Vermont in 1964. Now, as he prepares for his retirement, he is a stunning example of how much one person can accomplish in a lifetime—how one person can positively affect so many.

John began his career specializing in orthopaedics and quickly became one of the world's leading authorities on lower back pain—something many of us can relate to. He served as Chairman of the Department of Orthopaedic Surgery from 1979–1987, and Chief Executive Officer of the University Health Center from 1987–1991. His leadership posts include the Director of the McClure Musculoskeletal Research Center and one of the founders of the Vermont Back Research Center. He also helped launch the acclaimed International Society for the Study of the Lumbar Spine.

John was one of the key architects of Fletcher Allen Health Care, which in 1995 combined the Medical Center Hospital of Vermont, Fanny Allen Hospital and the University Health Center. In doing so, Fletcher Allen emerged as one of northern New England's preeminent health care providers. It was a very bold move, but a necessary one considering the dynamics of our health care system. John rose to the challenge, and it was no surprise that he served as Fletcher Allen's first chief executive officer, simultaneously while he was at the helm of the College of Medicine.

Since 1991, John has served as Dean of the University of Vermont College of Medicine. Simply put, his accomplishments as Dean are far too many to list, but certainly, strengthening UVM's research programs, building a curriculum for the 21st century, and addressing the unique health care needs of our rural communities are among them. On a more personal note, whether as Dean, doctor or professor, John was always approachable, something I know his students, faculty and staff admired and appreciated.

I should also acknowledge John's willingness to personally advise me over the years on critical health care and education matters. As a longtime member, and now Chairman, of the committee which oversees health care and education policy, it was comforting to know that I could always rely on John's competence and expertise in such areas as medical research, telemedicine, home health care, graduate medical education and Medicare reform. In this, as in every other capacity, his mark has been left far beyond that of the UVM campus. It is this deep commitment to his patients, students and the greater community that has endeared him to us.

One might imagine that amidst all his responsibilities, John would find little time for extracurricular activities—not so. John is also an accomplished organist, a published author and a skilled woodworker. In fact, he designed much of the furniture adorning the Dean's office. He also helped design an extensive playground for Burlington's King Street Area Youth Program, and he served as a captain in the Vermont National Guard for eight years.

Vermont has much to be grateful for when it comes to John's steadfast commitment to improving the quality of life in our small state. Although he is retiring on the last day of this century, it is reassuring to know that his legacy will lead the College of Medicine, Fletcher Allen and the greater community we call Vermont, into the next millennium. For that, Vermont owes a great deal of gratitude to John Frymoyer. We wish him well.•

THE PASSING OF MR. HARRY VANDEMORE

• Mr. JOHNSON. Mr. President, today I rise to honor the memory of a departed friend and trusted advisor, Harry VandeMore of Canton, South Dakota; a lifelong advocate for veterans and the citizens of Lincoln County, South Dakota.

Harry's dedication to community began with his own service in the Seventh Infantry Division of the United States Army. He served meritoriously on the frontlines of the Korean War, earning the Combat Infantryman Badge for Excellent Performance. Unfortunately, on October 14, 1952, he received serious combat injuries to the face, left arm, and left leg. For two years, he underwent thirty surgeries at Denver's Fitzsimmons Army Hospital to mend his injuries. As a result of his injuries, he was awarded the Purple Heart.

After being discharged, he returned to Hudson, South Dakota, where he married Rose Ann McNamara, his wife of forty-four years, and farmed the lands of Hudson with his parents and brothers. Community was second only to his family. Harry always brought his family to events he attended. Many people who worked with Harry knew his children just as well.

Harry dedicated his life to veterans ''because he went through it,'' according to Rose, his wife. His first service was to help the returning Vietnam War veterans who were facing mass rejection. Harry was honored by his peers when he was elected to the Disabled American Veterans National Executive Committee for the Fourteenth District, gaining wide respect serving a four-state region. His dedication was also present with his eighteen years on the state D.A.V. Executive Committee where he served as state commander; with his years as American Legion Post Commander in Hudson; and as president of the South Dakota Veteran's Council.

Many have dedicated their life only to this very important cause, but Harry also served the whole community with seven years as chairman of

the Hudson School Board and his years on the Lincoln County Planning and Zoning Commission. It was on the commission where he helped make roads safer for fellow farmers because they were farm-to-market roads.

Harry was always a valuable citizen-counsel to me. He always helped to keep me abreast of veterans' hardships during my days as a state legislator, then as a member of the House, and now, during my service in the U.S. Senate. I will forever miss his perspective on the uniquely tragic situation many of America's servicemen and women are in today. His life is a model to all South Dakotans and all Americans.

Harry VandeMore will be missed. He served by dedicating his life to his community and comrades, leading by example. As a soldier, a farmer, a husband and father, and as a public servant, he served not only the veterans, who are too often passed over, but the entire community, so others would not have to go through hardship.●

GRIZ ACES PROGRAM

● Mr. BURNS. Mr. President, I rise today to recognize the Griz ACES (Athletes Committed to Excellence in School, Sport, Services, and Social responsibility) Program at The University of Montana-Missoula. This Veterans Day, November 11, 1999, over 200 student athletes will forgo a holiday to serve the Missoula community by participating in ''Smart Choice Day.'' Grizzly athletes will visit local schools and promote the concept of service above self. They will speak to students about the virtues of being a positive role model. Griz ACES is a comprehensive year-round program of personnel development that is based on our Nation's founding principle, which is service to country. I commend these student athletes and the service men and women who have provided the guiding light for this excellent program.●

TRIBUTE TO LT. COL. ALKIE CARL KAUFMAN

● Mr. REED. Mr. President, I rise today to recognize Lt. Col. Alkie Carl Kaufman (RET) on the occasion of his ninetieth birthday.

Lt. Col. Kaufman enlisted in the United States Army, Company E, 121st Infantry, Georgia National Guard in January 1927. In September 1940, he was called to active duty with the 121st Infantry, Fort Jackson, South Carolina. Lt. Col. Kaufman bravely served as a company commander in the 30th Infantry Division, 8th Infantry Division and 77th Infantry Division during World War II. Later, Lt. Col. Kaufman served as company commander, battalion executive officer, battalion commander, and Regimental S–2 (Intelligence Officer) with the 94th Infantry Division in the European Theater of Operations during World War II.

Following World War II and the Korean Conflict, Lt. Col. Kaufman proudly served his country across the country and around the globe. His assignments included Fort Lewis, Washington, Fort Bragg, North Carolina, Tokyo, Japan, and Giessen, Germany. Lt. Col. Kaufman retired from the Army in 1960 with more than 33 years of service to the nation.

After retiring from military service, Lt. Col. Kaufman joined the staff of the First National Bank of Brunswick and retired as Vice President for Loans in 1977.

Lt. Col. Kaufman and his wife Frances had two children who chose to follow in their father's footsteps and join the armed services. Carl Kaufman retired from the U.S. Air Force with twenty-two years of service, and Col. Daniel Kaufman has served the United States Army for thirty-one years and is currently professor and Head of the Department of Social Sciences at the United States Military Academy.

I am proud to salute Lt. Col. Kaufman for his great service to his nation and his family and I wish him well as he celebrates his ninetieth birthday.●

TRIBUTE TO THE CHITTENDEN COUNTY METROPOLITAN PLANNING ORGANIZATION

● Mr. JEFFORDS. Mr. President, I rise today to recognize the Chittenden County Metropolitan Planning Organization (CCMPO) for having won the 1999 Overall Achievement Award from the Association of Metropolitan Planning Organizations.

In receiving this award, the CCMPO is being recognized by its peers for excellence in coalition building, innovative planning and programming, integration of transportation planning with land use and community development, and for implementation of the Surface Transportation Equity Act.

Citizen participation, consensus building and pragmatic implementation have long been hallmarks of Vermont civic life. I am proud that the CCMPO has received such a prestigious award for bringing these qualities to their work.

The Chittenden County Metropolitan Organization is an effective administrator of federal and state transportation funds, but has gone well beyond this basic role to also develop alternative transportation plans and support public transportation systems. The CCMPO has also taken an active role in exploring the relationship between transportation planning and smart growth strategies, helping to make Vermont a nationally recognized leader in this subject area.

Mr. President, it is with great pleasure that I join the Association of Metropolitan Planning Organizations in honoring the members and staff of the Chittenden County Metropolitan Planning Organization for their significant achievements.●

RETIREMENT OF JUDGE JOHN L. PETERSON

● Mr. BAUCUS. Mr. President, I rise today to pay tribute to the long and distinguished career of Judge John L. Peterson. After serving in the District Bankruptcy Court for 35 years, Jack is retiring. As a native of Butte, MT, Jack has become a fixture in the Montana court system.

His tenure on the bench has earned him the distinction as ''Dean'' of bankruptcy judges in this century. Jack is a no-nonsense type of judge, just ask any lawyer that has ever come before Judge Peterson, they had to learn that quickly. He has saved bankruptcy clients and lawyers thousands of dollars by pioneering video trials. He has proved over and over that he is innovative and effective. As the longest serving bankruptcy judge in the United States his experience and wisdom will be sorely missed..

Although his absence will leave a void in the courts, the handball courts and golf courses in Butte will get to see a lot more of him. Jack's retirement will also allow him to spend some welcome time with his wife, Jean, his three children and four grandchildren.

On behalf of myself and the people of Montana who have benefited from Judge Peterson's wisdom and service over the last 35 years, I extend my thanks and warmest wishes for a long and happy retirement.●

HONORING RAMON DE LA CRUZ

● Mr. TORRICELLI. Mr. President, I rise today to recognize the efforts of my constituent, Mr. Ramon de la Cruz, who serves as President of the Hispanic Bar Association, HBA, of New Jersey. Mr. de la Cruz is being honored on November 6, 1999 at the Annual Scholarship Gala of the Hispanic Bar Association of New Jersey, and I am proud to congratulate him on a job well done.

Recently, we celebrated National Hispanic Heritage Month. I am proud today to recognize the efforts of a man and organization who illustrate so well the strong work ethic, deep affinity to service and commitment to our nation of the Hispanic American community. For countless years, Hispanic Americans have played an integral role in our legal system, and I am proud to represent a state with a large concentration of Hispanic Americans. Their commitment to this country has not gone unnoticed.

Ramon de la Cruz has been active with the HBA for the past ten years and has served with distinction. He has lent his support to countless causes, including the promotion of qualified Hispanic lawyers for state and federal

judgeships, creating scholarship opportunities for law students, and initiating professional exchange opportunities in conjunction with other bar associations. Additionally, Ramon has served as editor of ABOGADO, the official publication of the HBA, for four years. Furthermore, when it came time to consider candidates for the federal bench, Ramon was one of the people I turned to for assistance. I was proud to submit to the White House the nomination of Judge Julio Fuentes to the U.S. Court of Appeals for the Third Circuit, and Ramon worked extensively with my staff to bring this to fruition. Ramon has been vital to the success of the Hispanic Bar Association of New Jersey. Through his efforts, membership has grown to approximately three times that of previous years.

Mr. de la Cruz is a resident of Guttenberg in the diverse County of Hudson, which is home to countless Hispanic Americans that I have the privilege of representing. Since its inception and through Ramon's leadership, the HBA has been dedicated to making a real difference in our state, and indeed the nation. Ramon has brought vision and new energy to this organization.

The judicial branch plays such a critical role in the life of our democratic institutions, and the industry is well served by true professionals like Ramon de la Cruz. His credentials and background are indeed impressive.

The HBA's positive impact on the Hispanic community has spread to other communities in a manner that transcends racial and ethnic differences. Mr. President, activism is important to creating a sense of personal responsibility for one's community. The HBA embodies this concept, and should be celebrated for successfully instilling it in others. I take pride in recognizing distinguished individuals in the great State of New Jersey like Ramon de la Cruz.●

TRIBUTE TO CITY YEAR'S OUTSTANDING ACHIEVEMENT

● Mr. KENNEDY. Mr. President, I welcome this opportunity to commend City Year, a community service program which began eleven years ago in Boston. This landmark program became the prototype for AmeriCorps, which celebrates its own 5th anniversary this week.

City Year has an impressive history of working closely with Boston's Mayor Menino to support his work in developing youth leadership, protecting public health, and building stronger local communities. City Year also works closely with the Boston Superintendent of Schools, Tom Payzant, and other educational leaders to develop innovative curriculum-based service learning projects. City Year has also engaged area business in supporting its efforts, so that each year they have been able to increase its membership and its effectiveness.

Today, City Year organizations are found in eleven cities across the country. Each local corps is dedicated to offering 17–24 year olds a challenging year of full-time service, leadership development and community involvement. The founders of City Year—Michael Brown and Alan Khazei—has a vision that individuals working together could solve almost any problem. My brothers, President Kennedy and Senator Robert Kennedy, shared that vision. Today, that spirit of idealism is transforming communities across the country and inspiring thousands of young men and women to become involved in helping others.

A recent article in the Philadelphia Inquirer Magazine eloquently describes the extraordinary achievements of City Year, and I ask that it be printed in the RECORD.

The article follows.

CORPS VALUES

(By Melissa Dribben)

''Have you heard Robert F. Kennedy's theory about ripples?'' asks Kelly Dura.

She tries to summon up the quote. ''It's something like 'If you strike out against oppression with ripples of hope . . .' ''

She frowns. ''Wait,'' she says, ''it's much better than that. I don't want to guess. I'll get it for you in a minute.''

Dura, with a shag of red hair, looks at you straight on, through eyes big and clear as cat's-eye marbles. She wants to get this right. She wants to get everything right.

She's 24. A fervent idealist and veteran volunteer with City Year, an urban community service program, which is a division of the national Americorps.

If she can't rattle off the quotation verbatim, Dura clearly gets the gist.

The words were spoken by Kennedy in a speech about the effect a single person can have on the monumental problems of society. For Dura, as well as the 130 other young men and women who will serve this year in Philadelphia, inspirational quotations are sustenance. They help feed the corps' enthusiasm through what is a frequently difficult, but rewarding, time.

The work is hard, and the relationships intense.

''A lot of optimists come in, wanting to change everything right away,'' says Dura. ''You just can't. Change takes time.''

City Year volunteers, who receive a small stipend for their work, spend the year in teams of 10, mentoring elementary school students, distributing books to literacy centers and teaching children how to resolve conflicts without the use of knuckles or steel-toe boots. They spend time listening, really listening, to senior citizens in nursing homes, ladling out chicken and noodles in soup kitchens, rebuilding homes with Habitat for Humanity, painting murals on tenement walls and cleaning up weeds and old tires along SEPTA's train tracks.

While they are in the program, volunteers must promise not to spew any profanity in public, jaywalk, pierce any part of their face or wear Walkmen while out on the street (in case someone wants to ask them a question about the program).

''It's a sacrifice for a good cause,'' says Nikki Owens, 20, a senior corps member, who has had to postpone putting a stud below her lower lip.

The volunteers wear uniforms—white polo shirts, khaki pants, work boots and scarlet jackets—provided by Timberland, the program's national sponsor. Locally, their work is supported by corporations, who donate $70,000 or more each year for the City Year projects, a sum matched by federal grants.

The program, which is in its 10th year, was started in Boston by two Harvard Law School grads. There are now City Year teams in nine cities, plus Rhode Island. Three years ago, it landed in Philadelphia, where it has been one of the most successful—with the fastest growing membership in the country.

Some of the volunteers, like Dura, come from comfortable homes in the suburbs. Some are college graduates trying to find themselves before moving on with their lives and careers. Some are the daughters of drug addicts who grew up in the city's worst neighborhoods, or teenage fathers, or high school dropouts who were floundering until they bumped into a City Year recruitment officer.

Dion Jones, 22, had been ''sitting around for a couple of years'' after finishing high school in North Philadelphia. Last year, he was in the Gallery with his 2-year-old son, Saadiq, when the boy saw some balloons at a table and asked his father to get him one. At the table was a representative from City Year, doling out information and application forms. Jones filled one out. ''I didn't know what kind of job it was,'' he says. ''But I needed a paycheck.''

A few weeks later, he got a call to come in for an interview. He missed the appointment. And the next. But after the City Year staff called a third time, he showed up.

''I did service in my own neighborhood,'' he says, rubbing the heavy ankh ring on his pinkie. ''The one thing that gives me hope is the kids. They're happy to see you.

''Seeing them smile—it changed me. I've had to be more empathetic. I can't holler or curse. I'm being a role model for my son, 24 hours a day.''

At the annual convention, held in Washington, D.C., at the end of May, each city competes for an award—the Cup of Idealism. This year, Philadelphia won. The huge silver cup sits gleaming on a table covered by a red plastic tablecloth in the City Year offices at 23d and Chestnut.

A tour takes less than five minutes. There are a few offices and a lot of snapshots of volunteers. I step into the elevator. ''Hold it!'' It is Dura, sprinting down the hall. ''I found the quote.''

''Let no one be discouraged by the belief there is nothing one man or one woman can do against the enormous array of the world's ills. * * * Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends a tiny ripple of hope, and, crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.''●

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 100–696, announces the appointment of the Senator from California (Mrs. FEINSTEIN) as a member of the United States Capitol Preservation Commission, vice the Senator from North Dakota (Mr. DORGAN).

ORDER FOR TAKING OF PHOTOGRAPH

Mr. BROWNBACK. Mr. President, I ask unanimous consent that at the conclusion of today's session, it be in order for the Senate photographer to take photographs of the desk of our late colleague, John Chafee, and the flowers that sit there.

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

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider Executive Calendar No. 197 on today's Executive Calendar. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements related to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF STATE

J. Richard Fredericks, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

BOUNDARY CHANGE BETWEEN GEORGIA AND SOUTH CAROLINA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 339, H.J. Res. 62.

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

The legislative assistant clerk read as follows:

A joint resolution (H.J. Res. 62) to grant the consent of Congress to the boundary change between Georgia and South Carolina.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 62) was read the third time and passed.

PROSTATE CANCER RESEARCH COMMITMENT RESOLUTION OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee on HELP be discharged from further consideration of S. Res. 92, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative assistant read as follows:

A resolution (S. Res. 92) expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

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

Mr. BROWNBACK. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, with the above occurring with no intervening action.

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

The resolution (S. Res. 92) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 92

Whereas in 1999, prostate cancer is expected to kill more than 37,000 men in the United States and be diagnosed in over 180,000 new cases;

Whereas prostate cancer is the most diagnosed nonskin cancer in the United States;

Whereas African Americans have the highest incidence of prostate cancer in the world;

Whereas considering the devastating impact of the disease among men and their families, prostate cancer research remains underfunded;

Whereas more resources devoted to clinical and translational research at the National Institutes of Health will be highly determinative of whether rapid advances can be attained in treatment and ultimately a cure for prostate cancer;

Whereas the Congressionally Directed Department of Defense Prostate Cancer Research Program is making important strides in innovative prostate cancer research, and this Program presented to Congress in April of 1998 a full investment strategy for prostate cancer research at the Department of Defense; and

Whereas the Senate expressed itself unanimously in 1998 that the Federal commitment to biomedical research should be doubled over the next 5 years: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Prostate Cancer Research Commitment Resolution of 1999''.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) finding treatment breakthroughs and a cure for prostate cancer should be made a national health priority;

(2) significant increases in prostate cancer research funding, commensurate with the impact of the disease, should be made available at the National Institutes of Health and to the Department of Defense Prostate Cancer Research Program; and

(3) these agencies should prioritize prostate cancer research that is directed toward innovative clinical and translational research projects in order that treatment breakthroughs can be more rapidly offered to patients.

ADOPTED ORPHANS CITIZENSHIP ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 337, S. 1485.

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

The legislative assistant read as follows:

A bill (S. 1485) to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1485) was read the third time and passed, as follows:

S. 1485

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 ''Adopted Orphans Citizenship Act''.

SEC. 2. ACQUISITION OF UNITED STATES CITIZENSHIP BY CERTAIN ADOPTED CHILDREN.

(a) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) by striking ''and'' at the end of subsection (g);

(2) by striking the period at the end of subsection (h) and inserting ''; and''; and

(3) by adding at the end the following:

''(i) an unmarried person, under the age of 18 years, born outside the United States and its outlying possessions and thereafter adopted by at least one parent who is a citizen of the United States and who has been physically present in the United States or one of its outlying possessions for a period or periods totaling not less than 5 years prior to the adoption of the person, at least 2 of which were after attaining the age of 14 years, if—

''(1) the person is physically present in the United States with the citizen parent, having attained the status of an alien lawfully admitted for permanent residence;

''(2) the person satisfied the requirements in subparagraph (E) or (F) of section 101(b)(1); and

''(3) the person seeks documentation as a United States citizen while under the age of 18 years.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to persons adopted before, on, or after the date of enactment of this Act.

INCLUSION OF RAILROAD POLICE OFFICERS IN FBI LAW ENFORCEMENT TRAINING

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 336, S. 1235.

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

The legislative assistant read as follows:

A bill (S. 1235) 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.

There being on objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will approve S. 1235, legislation which I introduced to provide railroad police officers the opportunity to attend the Federal Bureau of Investigation's National Academy for law enforcement training in Quantico, Virginia. I thank Senators HATCH, BIDEN, DEWINE, SCHUMER, HELMS, and GRAMS for their co-sponsorship of our bipartisan bill.

The FBI is currently authorized to offer the superior training available at the FBI's National Academy only to law enforcement personnel employed by state or local units of government. Police officers employed by railroads are not allowed to attend this Academy despite the fact that they work closely in numerous cases with Federal law enforcement agencies as well as State and local law enforcement. Providing railroad police with the opportunity to obtain the training offered at Quantico would improve inter-agency cooperation and prepare them to deal with the ever increasing sophistication of criminals who conduct their illegal acts either using the railroad or directed at the railroad or its passengers.

Railroad police officers, unlike any other private police department, are commissioned under State law to enforce the laws of that State and any other State in which the railroad owns property. As a result of this broad law enforcement authority, railroad police officers are actively involved in numerous investigations and cases with the FBI and other law enforcement agencies.

For example, Amtrak has a police officer assigned to the New York City Joint Task Force on Terrorism, which is made up of 140 members from such disparate agencies as the FBI, the U.S. Marshals Service, the U.S. Secret Service, and the Bureau of Alcohol, Tobacco and Firearms. This task force investigates domestic and foreign terrorist groups and responds to actual terrorist incidents in the Metropolitan New York area.

Whenever a railroad derailment or accident occurs, often railroad police are among the first on the scene. For example, when a 12-car Amtrak train derailed in Arizona in October 1995, railroad police joined the FBI at the site of the incident to determine whether the incident was the result of an intentional criminal act of sabotage.

Amtrak police officers have also assisted FBI agents in the investigation and interdiction of illegal drugs and weapons trafficking on transportation systems in the District of Columbia and elsewhere. In addition, using the railways is a popular means for illegal immigrants to gain entry to the United States. According to recent congressional testimony, in 1998 alone, 33,715 illegal aliens were found hiding on board Union Pacific railroad trains and subject to arrest by railroad police.

With thousands of passengers traveling on our railways each year, making sure that railroad police officers have available to them the highest level of training is in the national interest. The officers that protect railroad passengers deserve the same opportunity to receive training at Quantico that their counterparts employed by State and local governments enjoy. Railroad police officers who attend the FBI National Academy in Quantico for training would be required to pay their own room, board and transportation.

This legislation is supported by the FBI, the International Association of Chiefs of Police, the Union Pacific Railroad Company, and the National Railroad Passenger Corporation.

I urge prompt consideration by the House of Representatives of this legislation to provide railroad police officers with the opportunity to receive training from the FBI that would increase the safety of the American people.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1235) was read the third time and passed, as follows:

S. 1235

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

SECTION 1. INCLUSION OF RAILROAD POLICE OFFICERS IN FBI LAW ENFORCEMENT TRAINING.

(a) IN GENERAL.—Section 701(a) of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''State or unit of local government'' and inserting ''State, unit of local government, or rail carrier''; and

(B) by inserting '', including railroad police officers'' before the semicolon; and

(2) in paragraph (3)—

(A) by striking ''State or unit of local government'' and inserting ''State, unit of local government, or rail carrier'';

(B) by inserting ''railroad police officer,'' after ''deputies,'';

(C) by striking ''State or such unit'' and inserting ''State, unit of local government, or rail carrier''; and

(D) by striking ''State or unit.'' and inserting ''State, unit of local government, or rail carrier.''.

(b) RAIL CARRIER COSTS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

''(d) RAIL CARRIER COSTS.—No Federal funds may be used for any travel, transportation, or subsistence expenses incurred in connection with the participation of a railroad police officer in a training program conducted under subsection (a).''.

(c) DEFINITIONS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

''(e) DEFINITIONS.—In this section—

''(1) the terms 'rail carrier' and 'railroad' have the meanings given such terms in section 20102 of title 49, United States Code; and

''(2) the term 'railroad police officer' means a peace officer who is commissioned in his or her State of legal residence or State of primary employment and employed by a rail carrier to enforce State laws for the protection of railroad property, personnel, passengers, or cargo.''.

AUTHORIZING THE USE OF THE CAPITOL ROTUNDA FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO PRESIDENT AND MRS. GERALD R. FORD

Mr. BROWNBACK. Mr. President, I ask unanimous consent that H. Con Res. 196 be discharged from the Rules Committee and, further, that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative assistant read as follows:

A concurrent resolution (H. Con. Res 196) permitting the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 196) was agreed to.

ORDERS FOR WEDNESDAY, OCTOBER 27, 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, October 27. I further ask consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business, with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator DURBIN or designee, from 9:30 to 10 a.m.; Senator THOMAS or designee, from 10 to 10:30 a.m.

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

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, the Senate will be in a period of morning business from 9:30 to 10:30 a.m. By a previous consent agreement, debate on the African trade bill will begin at 10:30 a.m. Amendments to the bill are expected, and it is hoped that time agreements can be reached on those amendments so that the Senate can complete action on the bill in a timely manner. The Senate may also consider legislative or executive calendar items cleared for action during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:26 p.m., adjourned until Wednesday, October 27, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 26, 1999:

THE JUDICIARY

ANNA BLACKBURNE-RIGSBY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ERIC T. WASHINGTON.

THOMAS J. MOTLEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ROBERT SAMUEL TIGNOR, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRUCE A. CARLSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN B. PLUMMER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, Medical Corps

COL. LESTER MARTINEZ-LOPEZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. BRUCE B. BINGHAM, 0000

CONFIRMATION

Executive nomination confirmed by the Senate October 26, 1999:

DEPARTMENT OF STATE

J. RICHARD FREDERICKS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

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.

HOUSE OF REPRESENTATIVES—*Tuesday, October 26, 1999*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. OSE).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 26, 1999.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER) for 5 minutes.

EL SALVADOR'S DRIVE TO PRIVATIZE SHOULD BE RECOGNIZED AS A JOB WELL DONE

Mr. BALLENGER. Mr. Speaker, I have a longstanding interest in the growth and prosperity of one of our most important Central American neighbors, the Republic of El Salvador. Today, I would like to recognize the impressive privatization process that is going on in El Salvador, with a particular emphasis on the country's successful privatization program.

El Salvador embarked on a major program to privatize the key national industries nearly a decade ago. Since that time, the state electric company known as CEL, for Comision Hidrolectrica del Rio Lempa, has been a consistent leader in the country's privatization process.

In 1998, CEL auctioned off 75 percent of the shares of four state-owned electrical distribution companies for more than $586 million, representing the most money earned to date in any privatization in the region.

One of the three winning bidders in this sale was a well-known Arlington, Virginia, based energy firm called AES Corporation.

Last June, this successful privatization program continued with CEL auctioning off the majority shares in three state-owned thermal generation facilities, Acajutla, Soyapango, and San Miguel, to private investors. The winning bid in this sale, $125 million, came from another well-known company in the U.S., Duke Energy, which is based in my home State of North Carolina. As I speak, Duke is already making plans to invest more than $75 million in upgrades to these facilities.

The most recent sale represents a win/win situation for both El Salvador and the U.S. This investment will not only mean more jobs and more income for people in North Carolina, but will also mean more consistent, cost effective energy for people of El Salvador.

El Salvador's privatization process, which also includes the state telephone company and pension plan, has been successful because political parties and labor unions put aside their differences and decided to work together to lead the country into a bright and secure economic future.

This unity and sense of purpose is proof positive that El Salvador has indeed come a long way since the war-torn 1980s. Other countries in the region, and beyond, should be encouraged to follow in the footsteps of El Salvador.

In closing, I would like to extend our best wishes to El Salvador for a job well done, as well as wish the country, and particularly President Francisco Flores, continued success in the drive to privatize and bring increased prosperity to the people of El Salvador.

RECESS

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

Accordingly (at 9 o'clock and 4 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Stuart York, Rosemead Christian Church, West Covina, California, offered the following prayer:

Father, we praise and thank You for Your patience, grace and mercy that allow us one more day to serve You and the Nation.

Today we celebrate the life of John Chafee. May Your divine comfort and the legacy of the man as a husband, father, grandfather and statesman give strength and solace to Virginia and to the family.

Please bless and protect President Clinton, his family, Cabinet, staff and our Armed Forces serving around the world.

Today we feel heavy burdens. Earthquakes, hurricanes and floods have brought death and devastation to thousands at home and abroad. The innocent victims of violence, crime, injustice, hate and prejudice cry out for help.

But this we know, the faintest cry from the loneliest heart in the remotest part of the planet will not go unheard. Even now You are marshaling the forces of nations and peoples to rescue the perishing and care for the dying.

You brought every Member of this House here for a time such as this, 435 good, dedicated, caring people who really want to make the right decisions for the people who sent them here. However, tremendous pressures are bombarding them. Some pressures are of the purest motives. Others are of greed, selfishness and partisanship. Give each Member the wisdom to know what is right, the strength to do what is right and the courage to reject those who would compromise the integrity of this high office. Remind us that it is not always easy to do the right thing but it is always the right thing to do.

And, Father, let the family members and loved ones, especially Mrs. Chafee today, know that they too are true American heroes. They pay a high price keeping the home fires burning while giving strength and support for these representatives to carry on the responsibility of government.

God, use us to bless America. To You be honor and glory in all things. In Christ's name, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TIAHRT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 206

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John H. Chafee, a Senator from the State of Rhode Island.

Resolved, That Senator Chafee's record of public service embodied the best traditions of the Senate: Statesmanship, Comity, Tolerance, and Decency.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

WELCOME TO THE REVEREND STUART YORK

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

Mr. DREIER. Mr. Speaker, it is a special honor for the gentleman from California (Mr. GARY MILLER) and me to welcome Pastor Stuart York and his wife Alicia into the Chamber. We want to express our appreciation to him for the very inspiring words of prayer that he offered us.

Pastor York has dedicated his life to spiritual guidance and to public service. He served as pastor in churches in Missouri, Oklahoma and California, and in California he has been pastor, as the Speaker said, of the Rosemead Christian church for the past 11 years. He also was President of the Missouri Christian Convention and is chairman of the board of trustees at St. Louis Christian College where he graduated.

Pastor York and his wife Alicia have five children, Anna, Tammy, Wendy, Joshua and Rebekah. As a resident of West Covina, he has been active as a leader in local government and various charitable organizations. In fact, I on more than a few occasions have seen him play the role of Santa Claus. I am very proud to have him here in Washington, D.C. I join my colleagues in the House in thanking our distinguished guest chaplain for bringing us this very inspirational message today.

IRS OUT OF CONTROL

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

Mr. TRAFICANT. America's income tax is not only un-American, it is socialism at its best. It promotes dependency, penalizes achievement, kills jobs, kills investment, and subsidizes illegitimacy. It is out of control, Members of Congress. If that is not enough to tax your Social Security from cradle to the grave they keep busting our balsam and taxing us even when we die.

Beam me up here, Mr. Speaker. I say it is time to literally abolish both the IRS and the progressive un-American socialistic income tax.

Audit this. I yield back the socialism of our income tax program.

CALL FOR OVERSIGHT HEARINGS INTO GROWING BODY PARTS INDUSTRY

(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, I read an article in World Magazine this week entitled ''Harvest of Shame'' about a new and growing industry in America. This industry trafficks in body parts, parts of babies' bodies, organs and tissues of aborted babies. This business provides fee for services schedules listing the prices they charge for almost any body part you can think of, eyes, livers, brains, thymuses, blood, among other things.

Mr. Speaker, we are not talking about the People's Republic of China. We are talking about the United States of America. Now we know why the partial birth abortion procedure was developed, to give this industry whole body parts. The direction our country is going, the exploitation of innocent and voiceless people, children, babies, for the supposed benefit of the rest of us is shocking. We should be outraged not only because it is a violation of Federal law but because this callous disregard of human life is very real, very grotesque, it is growing steadily and it is done in the name of research. Apparently money talks and many are listening.

Mr. Speaker, oversight hearings should be held immediately on this issue.

INTRODUCTION OF RESOLUTION CALLING FOR RATIFICATION OF CEDAW

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I am here today because of an alarming pattern of inaction on the part of the Senate. After voting down the comprehensive nuclear test ban and trying to kill the nomination of Senator Carol Moseley-Braun to be ambassador of New Zealand, one Member in particular is continuing to hold the United Nations convention on eliminating all forms of discrimination against women, or CEDAW, hostage. CEDAW formalizes women's equality and promotes women's inclusion in business, government and other economic and social sectors. CEDAW has absolutely nothing to do with family planning or abortion, and more than 160 countries have already ratified this important treaty supporting basic human rights for women. The United States in fact is the only industrialized democracy that has not ratified CEDAW. This is a disgrace.

Mr. Speaker, I urge my colleagues in the House to cosponsor my resolution calling on the Senate to ratify CEDAW in this Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KOLBE). The Chair will remind all Members they should avoid admonishing the other body to take action or not to take action.

REPUBLICANS COMMITTED TO PROTECTING 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, for the first time in 30 years, we have an historic opportunity to do what is right for America. We have an opportunity to pass a budget that does not dip into the Social Security trust fund.

Republicans are committed to protecting Social Security for future generations of Americans. However, the Democratic leadership seems to have other priorities. They seem to believe that spending the Social Security surplus would be a political victory for them. They would rather score political points than secure America's future.

Today I rise to urge my friends on the other side of the aisle to put their partisan agenda aside and join with the Republicans in saving and preserving 100 percent of the Social Security trust fund. Help us pass a budget that would put an end to the 30-year raid on Social Security. Work with us to put partisanship aside and do the right thing for all Americans and their future.

I yield back the balance of my time and 100 percent of the Social Security trust fund.

CALLING FOR INCREASED ACCESS TO HEALTH CARE FOR PEOPLE OF COLOR

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, this body will soon be voting on the conference report to the Labor-HHS appropriations bill. This gives us the opportunity to greatly improve the health of people of color.

As we prepare to enter the 21st century, the poor, African-Americans and other ethnic minorities are essentially no healthier than they were at the opening of this one. There remains a gaping divide between whites and people of color in heart disease, cancer, diabetes, infant mortality and HIV/AIDS.

The Congressional Black Caucus was able to mount an unprecedented initiative to target $156 million to communities of color across this country to address the state of emergency that exists with respect to HIV/AIDS and access to care. Although we made an impact, we need to do much more to increase access to the resources needed to raise the health status of minorities in this country.

I appeal to this Congress to respond by fully funding the President's requests for health, by increasing the funding for the CBC initiative to $349 million, health disparities to $150 million and including the $35 million for AIDS in Africa.

My colleagues, health care delayed is health care denied. Let us not deny hundreds of millions of Americans their right to good health.

ANNOUNCING FORMATION OF THE BUILDING A BETTER AMERICA CAUCUS

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

Mr. GARY MILLER of California. Mr. Speaker, just by looking around at our homes, our offices, our roads and our local infrastructure, we can see that construction has an important impact on our lives. The U.S. construction market totaled $652 billion in 1998 which was 8.13 percent of our gross domestic product, which is GDP. Construction employed 5,970,000 workers with a payroll of $160 billion in 1998 which is about 6 percent of the Nation's nonfarm, private sector employment. The construction industry is comprised of nearly 2 million small and large firms. Construction is larger than the automotive and steel industries combined.

Because construction is such an important part of our everyday lives, I have started the Building a Better America Caucus. The purpose of the caucus is to educate Members of the Congress on building-related issues that impact our districts and our constituents, from affordable housing to airport construction.

I urge all my colleagues to support our Nation's builders by joining the Building a Better America Caucus and supporting commonsense legislation to build a better America.

REPUBLICAN CONGRESS WILL STOP THE RAID ON SOCIAL SECURITY

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

Mr. STEARNS. Mr. Speaker, it is no secret that the Federal Government wastes billions of dollars every year through bureaucratic mismanagement. Add waste, fraud and abuse to the equation and we are talking about some pretty big dollars. That is money that could be used in a much more worthwhile way for strengthening the Social Security trust fund.

We have a choice here in Congress. Do we want to continue the old Democrat practice of raiding the Social Security trust fund to pay for big government programs while overlooking waste, fraud and abuse just as they did the last time they had control of this body? The answer is ''no.''

For too many years, Democrats in Washington raided Social Security while making no effort to hold government agencies accountable for how they spent the taxpayers' money. I am proud to say that the Republican Congress will hold the bureaucracy accountable. We will make them find ways to eliminate waste, fraud and abuse. And better yet, we will stop the raid on the Social Security trust fund.

□ 1015

PASS THE LABOR-HHS BILL

(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, time is fast approaching for this Congress to do its business. There are at least five appropriations bills that we have not yet addressed. We call it deadlock; but in my town of Houston, we cannot afford any more deadlock as it relates to our children. Violence continues. Just this past week we lost a young middle schooler through a violent act in his school, struck down by a screwdriver to his head.

There is a great need for attention to our children, for stopping the violence, for intervention; and we need to pass a Labor-HHS bill that will provide more funding for mental health.

I will be offering before the session ends the Give-a-Kid-a-Chance Omnibus Mental Health Bill, which provides access to mental health services for all of our children, to make sure that our community health clinics provide a holistic approach to the treating of the parent, the child, the support system around that child, the community, in order to understand that ending violence with our children is a community effort, a community affair, and mental health is not bad, it is good.

Pass the Labor-HHH bill and provide more funding for mental health services in America.

DAY 152 IN THE LOCKBOX BILL HOSTAGE SITUATION

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

Mr. VITTER. Mr. Speaker, on Sunday we reached a milestone in the wait for the other body to consider the lockbox bill this House passed on May 26. Sunday was day 150 since the Lockbox bill of the gentleman from California (Mr. HERGER) to protect Social Security from the Congressional big spenders passed this House by the overwhelming vote of 416 to 12.

That is right. On Sunday, when President Clinton's supporters were on TV talk shows accusing the Republican Congress of threatening Social Security, it was exactly 150 days since those very Clinton supporters took the Lockbox bill hostage. They refused to allow a vote to stop the raid on Social Security forever. Now it has been 152 days since this body passed the Lockbox bill, and the other body has not acted.

Mr. Speaker, House Republicans are committed to stopping the raid on Social Security, now and in the years to come. We hope the President will join us by offering real leadership to pass a real Lockbox bill.

REPUBLICAN BUDGET PLAN MAKING WRONG DECISIONS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership's budget plan does not make the tough decisions that we were sent here to make. Instead, it makes wrong decisions. According to their own, their own accounting office, the Republican leadership has already spent $13 billion from Social Security. In fact, they have picked the lockbox.

This money should not be spent. It should be kept in the Social Security Trust Fund so that we are prepared when the baby-boomers retire. No amount of rhetoric can change the facts. The Republican leadership is spending Social Security, despite the priorities of the American people.

This budget is a windfall for special interests, billions of dollars for military equipment that the Pentagon does

not even want. Billions more will go for corporate welfare that opens public lands to oil and timber interests. Yet the budget cuts funding for smaller classes, which would improve discipline and give children more individual attention. It also cuts funding for police officers that have reduced crime in our neighborhoods. It ignores the fact that our seniors need a moderate Medicare program with a prescription drug benefit. It is irresponsible and poorly planned.

PROTECTING THE SOCIAL SECURITY TRUST FUND

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

Mr. TIAHRT. Mr. Speaker, it is crunch time. After today, eight of the 13 spending bills will be signed into law. Seventy percent of our budget will be law. The remaining five spending bills will complete the financial responsibility for the U.S. Government. When we are done, we will have balanced the Federal budget without spending one cent of the Social Security surplus.

Using bogus ground rules, some liberals are saying that we have already spent the Social Security surplus. It is not true. But, Mr. Speaker, if they are so concerned, they should vote for our across-the-board 1.29 percent savings. That will protect the Social Security Trust Fund. All you have to do is crunch about 1 cent out of every dollar of Federal spending, discretionary spending, and we will save it.

It is crunch time, Mr. Speaker, time to crunch Government waste and save the Social Security Trust Fund.

CONGRATULATING THE MEN AND WOMEN OF THE SPANISH AMERICAN LEAGUE AGAINST DISCRIMINATION

(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, I would like to congratulate the men and women of the Spanish-American League Against Discrimination, SALAD, who are dedicated to promoting the intellectual, educational, economic and social progress of Hispanics, as well as other ethnic groups.

As many of us enjoy the peace and prosperity of our Nation's economic growth, some have blinded ourselves to the persisting culture of bigotry which can be aimed at Hispanics and other minority groups.

For 25 years the hard working group at SALAD has sought to defend Hispanics and others from this mistrust. With the assistance of SALAD, communities are learning that given a level playing field, Hispanic Americans, and, indeed, all Americans, can achieve their goals, if they educate themselves, work hard, and never give up on their dreams.

I congratulate the Spanish American League Against Discrimination, and especially its president and founder, Dr. Osvaldo Soto, on SALAD's 25th Silver Anniversary.

COMMITTING ENOUGH MONEY TO THE EDUCATION OF OUR CHILDREN

(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, the entire appropriations process has been short circuited because of the Labor-HHS-Education appropriations bill. This is wrong. It is the very last appropriations bill that we are going to be considering. In fact, it should have been marked up and dealt with the first, instead of last. And here it is, being brought to the floor without going through the Committee on Rules. It was crafted in some back room, and it is squeezed into a conference committee report that was already vetoed by the President, the District of Columbia Appropriations Act. Now, is that not the tail wagging the dog?

Education appropriations is so important to the whole country, and yet we are going to piggyback the District of Columbia appropriations bill out of the conference committee. The bill has a 1.4 percent cut in education spending, which works out to be $400 million. The funding for education is $100 million below what the President asked for and $700 million below what our colleagues in the Senate passed.

This bill would eliminate one of our most important initiatives, class size reduction, by making it into a $1.2 billion block grant.

I had the opportunity yesterday to be in Houston before I came back to Washington, and saw the success of Title I funding and bilingual funding in our Houston schools.

HANDS OFF THE SOCIAL SECURITY SURPLUS

(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, I listened with great interest to my colleague from Texas, because he proves a seminal point in this budget debate: there is no program under the aegis of the left that is worthy of realizing any savings.

That is the bottom line. This entire debate is about our friends of the liberal persuasion wanting to spend more and more and more and more of the American people's money.

Now, what we are talking about is a fairly generous sum, over $1.7 trillion, in this year's budget. We simply say hands off the Social Security surplus. Do not spend it on non-Americans, as the President wants to do in vetoing our foreign aid bill. Let us put our Nation's interests first. Let us be good stewards of the American people's tax dollar.

For every $10 spent, we can realize a savings certainly of 13 cents. But, then again, Mr. Speaker, I understand this is Washington; and, then again, there are those who will defend waste.

NO MEANS NO WHEN IT COMES TO PROTECTING SOCIAL SECURITY

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

Mr. KINGSTON. Mr. Speaker, as the White House said it best, John Podesta, the Chief of Staff, said, ''The Republicans' key goal is not to spend the Social Security surplus.'' That comes from the leading liberal Democrat over there.

Indeed, that is what we have done. This chart right here shows, particularly on the bottom part, that we have in fact not spent any of the Social Security surplus. It is very important.

But now where are the Democrats on this process? Well, here is the minority leader. ''The Democrats will spend a little bit of the money.'' He is saying that we should not try to do it, but we are going to have to do it.

That is the difference right now between the Democrats and the Republicans. Republicans are saying, ''No means no. We don't want to spend any Social Security money for balancing the budget.'' The Democrats are saying, ''Let's spend a little bit of it.''

Now, what is our way of getting around it? We say that out of every $10 in spending, ten bucks, we are asking the Federal Government agencies to save 13 cents. That is all it is, save 13 cents. To give an example, the President went to Africa last year and took 1,700 people. Two would have had to stay at home under our plan.

JOINING TOGETHER TO SAVE SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, I am going to try to give a quick 1-minute summary. For the 40 years before the Republicans took the majority in this House, spending of the United States Government increased faster than inflation every year. Now we are starting to bring that spending increase down, and we have balanced the budget without using Social Security

money for the first time in 40 years this year.

Despite the fact that we have reduced discretionary spending as a percent of GDP for the past five years we are still using 20.8 percent of the gross domestic product of this country in spending and running this Federal Government, the highest spending in history, the highest rate of taxation in history. Now we are asking departments just to try to hold the line, to increase efficiency, to get rid of some waste and some fraud and some abuse in their spending.

You have heard the figure one percent. That is how much we need to reduce what is authorized. It is 0.8 percent of outlays, 0.8 percent reduction in what is now expected to be spent. We are saying to those administrators, directors, department heads, try to look at efficiencies to save 8 cents out of every $10. Correct and stop some of the fraud and abuse. Mr. Speaker, they can do it. Let us do it. Let us join together. Let us save Social Security.

A PENNY SAVED IS RETIREMENT SECURED

(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 would like to take a moment to set the record straight. Despite the accusations being lodged by the Democrat tax-and-spend caucus, the Republican plan to save Social Security for millions of Americans does not mandate cutting any government programs. It does not touch Medicare, Medicaid, veterans' pensions, food stamps, or any other important benefits program.

Instead, it makes the heads of Federal agencies more accountable for how they spend the taxpayers' hard-earned money. We are telling them we think they can do better and we are telling them they must work to eliminate waste, fraud, and abuse in their agencies, because if they don't, they will jeopardize the retirement security for three generations of Americans.

No longer will Congress stand idly by as the Washington big spenders live like parasites off the retirement dollars of working Americans. The Republican Congress will set aside 1 penny of every Federal dollar to meet our commitment to the American people. A penny saved is retirement secured.

SECURING SOCIAL SECURITY FOR THE AMERICAN PEOPLE

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

Mr. CHABOT. Mr. Speaker, Sunday the Democratic leader of the Congress, RICHARD GEPHARDT, showed his party's true colors. While the Republican majority has made a commitment to the American people to spend not a penny of the Social Security surplus, the Democratic leader feels differently. He said yesterday, ''We really ought to spend as little of it as possible.''

Is that not grand? ''As little as possible.'' We all know what that means. It means that the Democrats here in Congress want to spend more money on government and use what is left for Social Security.

That is just not good enough. We can meet our commitment to our Nation's retirees by setting aside barely a penny, a penny, of every dollar that government spends. It is that simple.

While the bureaucrats in Washington might be upset that they will have to eliminate some waste, fraud, and abuse in their agencies, the American people will be happy to know that their retirements are secure. Let us just do it.

NATION AWAITS ADMINISTRATION'S PLAN FOR SAVING SOCIAL SECURITY

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

Mr. OSE. Mr. Speaker, I rise today, as I did last week and previous days, to again request that the administration deliver to the House its plan for Social Security.

Now, I saw the report in the newspaper this weekend about the President's pending delivery; but, in fact, there is nothing here yet. We are now on day 299 from when I first got here, still looking for that plan.

Mr. Speaker, we have reserved H.R. 1 for this purpose. We are still waiting. Talk is talk, and action is action. Now is the time for action.

I ask that the administration finally deliver its plan for Social Security. The Nation awaits.

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Rollcall votes on postponed questions may be taken in two groups, the first occurring before debate has concluded on all motions to suspend the rules, and the second after debate has concluded on remaining motions.

TWO YEAR EXTENSION OF PERIOD FOR ADMISSION OF AN ALIEN AS A NONIMMIGRANT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3061) to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

The Clerk read as follows:

H.R. 3061

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

SECTION 1. SENSE OF CONGRESS.

In light of the increasing problem of alien smuggling into the United States, it is the sense of the Congress that the Attorney General should use the provision of nonimmigrant status under section 101(a)(15)(S) of the Immigration and Nationality Act in a greater number of alien smuggling investigations per year than has been done in the past.

SEC. 2. EXTENSION OF AUTHORIZATION FOR ADMISSION OF "S" VISA NONIMMIGRANTS.

Section 214(k)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(k)(2)) is amended by striking ''5'' and inserting ''7''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE ASSISTANCE.

Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking ''1998 and 1999'' and inserting ''2000 through 2002''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3061 reauthorizes two longstanding important immigration programs, both of which ran out in September and may not properly continue until they are reauthorized.

Authorization for 250 ''S'' visas per year, which are used by the Justice Department to obtain the testimony of informants in international organized crime cases, ran out on September 13, 1999, and no visas may be issued until it is reauthorized.

Since its initiation in 1994, the ''S'' visa has proved to be a valuable tool

for law enforcement. According to the Justice Department, the agency is currently involved in a number of ongoing criminal investigations where the ''S'' visa would be useful, and time is of the essence. H.R. 3061 reauthorizes the program, and also expresses the sense of Congress that ''S'' visas should be used in more investigations of alien smuggling, which is a growing and serious problem.

H.R. 3061 also reauthorizes the refugee resettlement program that assists refugees to the United States by providing job training, language training, and other services. The bill creates no new funding or regulatory requirements. It simply reauthorizes two important existing programs.

I urge my colleagues to support H.R. 3061.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Violent Crime Control Act of 1994 created a new ''S'' nonimmigrant visa classification. It permits up to 300 foreign nationals a year to enter the United States to provide information that is needed for the investigation and prosecution of criminal and terrorist organizations.

The Violent Crime Control Act also permits the Attorney General to grant lawful permanent resident status to the foreign nationals who provide this assistance. This is available in cases where the information supplied substantially contributes to the prevention of an act of terrorism or to the success of an important criminal investigation or prosecution. This is necessary because many of these people are in danger in their home countries after they have cooperated with an investigation or testified in a criminal proceeding.

This is also helpful because of the use of our particular law enforcement and justice system that requires the information these individuals may provide us in order to safeguard the lives of the American people.

One of the people who provided information under this program was a flight attendant who was in a plane on which a bomb had been placed. Her testimony led to the conviction of a major terrorist and other members of his terrorist organization. Another person in this program was an individual in a central European capital who provided critical information about Russian organized crime syndicates. Another example is a group of hearing-impaired Mexicans who provided information about being smuggled into the United States by a family-based crime organization. When they arrived, they were forced to work without pay selling trinkets on the street.

The bill also expresses the sense of Congress that the visas should be used in a greater number of alien smuggling investigations than has been done in the past. The ''S'' visa program ended on September 13, 1991. H.R. 3061 would extend the availability of this program for another 2 years, through September 13, 2001.

This bill also reauthorizes the Refugee Resettlement Assistance Program, which is administered by the Department of Health and Human Services Office of Refugee Resettlement. Loss of these funds would be a disaster to the refugees who have come to our country seeking a safe haven from persecution.

Appropriations to fund this program are currently authorized through FY 1991. H.R. 3061 would continue the authorization to FY 2002.

Mr. Speaker, I believe that these are worthy requests being made by H.R. 3061, and it will assist those in our government to protect refugees, but as well, to avoid the devastation of terrorism.

With that, I would urge my colleagues to vote to support this important bill.

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I urge you to vote for this important bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3061.

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

A motion to reconsider was laid on the table.

URGING UNITED STATES TO SEEK GLOBAL CONSENSUS SUPPORTING MORATORIUM ON TARIFFS AND SPECIAL, MULTIPLE, AND DISCRIMINATORY TAXATION OF ELECTRONIC COMMERCE

Mr. CRANE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 190) urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple, and discriminatory taxation of electronic commerce, as amended.

The Clerk read as follows:

H. CON. RES. 190

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 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 with almost 200 separate national governments;

Whereas the First Annual Report of the United States Government Working Group on Electronic Commerce found that fewer than 10,000,000 people worldwide were using the Internet in 1995, that more than 140,000,000 people worldwide were using the Internet in 1998, and that more than 1,000,000,000 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 the United States' Gross Domestic Product over the past three years;

Whereas information technology industries employ more than 7,000,000 people in the United States, and by 2006 more than 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 $43,000,000,000 in 1998 to more than $1,300,000,000,000 by 2003, and electronic retail sales to consumers worldwide are expected to grow from $8,000,000,000 in 1998 to more than $108,000,000,000 by 2003;

Whereas the Internet Tax Freedom Act of 1998 enacted a policy against special, multiple, and discriminatory taxation of the Internet and 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 an October 1998 ministerial meeting on global electronic commerce opposing special, multiple, and discriminatory taxation of the electronic commerce and the Internet;

Whereas the Committee on Fiscal Affairs of the Organization for Economic Cooperation and Development has stated that neutrality, efficiency, certainty, simplicity, effectiveness, fairness, and flexibility are the broad principles that should govern the taxation of electronic commerce;

Whereas the United States has issued joint statements on electronic commerce with Australia, the European Union, France, Ireland, Japan, and the Republic of Korea opposing special, multiple, and discriminatory taxation of electronic commerce; and

Whereas a July 1999 United Nations Report on Human Development urged world governments to impose ''bit taxes'' on electronic transmissions, raising concerns that U.S. policy against special, multiple, and discriminatory taxation of the Internet may be undermined: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) urges the President to seek a global consensus supporting—

(A) a permanent international ban on tariffs on electronic commerce; and

(B) an international ban on bit, 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 meeting in Seattle, Washington 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 bit, multiple, and 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 190.

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

There was no objection.

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

Mr. Speaker, today I join my colleagues in their support of House Concurrent Resolution 190. This resolution urges the President to seek a global consensus in support of a permanent international ban on tariffs on electronic commerce and an international ban on certain e-commerce taxes.

The Internet and electronic commerce are vital to continued global economic growth and prosperity. Information technology is driving the U.S. economic growth, increasing profit, creating higher-paying jobs, and expanding opportunities for all Americans.

As we prepare for the upcoming round of global trade negotiations to be launched next month in Seattle, we face an era of rapid change in global commerce. Increasingly, electronic commerce has supplanted the old transAtlantic cable and telephone lines, and now serves as the preferred method of communication, which in turn facilitates trade.

The number of people in the world using the Internet has grown from 3 million in 1995 to 200 million users today, and may reach 1 billion by 2005.

In the United States, electronic commerce totalled in excess of $50 billion in 1998, and is projected to reach $1.4 trillion by 2003. By 2006, almost half of our work force either will be employed by information technology services and products businesses, or will be intensive users of these businesses. We should refrain from taking measures that could inhibit the growth of e-commerce and access to information technology.

These lines of communication should remain barrier-free, not subject to tariffs or taxes or burdensome regulations. We must seek consensus with our trading partners on this issue.

I understand that some countries who are in earlier stages of economic development have concerns about establishing a permanent moratorium on such tariffs and taxation. I hope that the United States will continue to advocate a permanent ban, instead of a mere extension of the current temporary one. Our response should be to convince these countries that information technology has important applications for speeding growth in developing regions, as Internet access reduces the obstructions entrepreneurs, artisans and small businesses face in finding customers and managing paper flow.

Electronic commerce puts developing countries on an equal footing with developed countries, and it leapfrogs many of the infrastructure barriers that these countries face in traditional commerce.

I further note that it does not help to build this consensus when the United States seeks to put controversial nontrade issues on the Seattle agenda about which devoping countries are justifiably wary. Raising such issues means that the trade aspects of our agenda become more problematic to achieve.

We must seek to develop a lasting consensus among developed and devoping countries alike for the promotion of global trade. The administration must find common ground and forge ahead to increase global trading opportunities, which in turn pave the way to greater prosperity for all.

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

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

Mr. Speaker, I rise in support of the concurrent resolution before us today. The ability to engage in commerce over the Internet has revolutionized the way we and the world conduct business. It has integrated and opened markets and spread consumer products, technological and medical advances to the farthest reaches of the Earth.

Books and magazines are now a touch away for many of us, no matter where we live. Clearly, it has transformed our economy, and is in the process of transforming the economies of the rest of the world. We need to continue this process and this progress and ensure that e-commerce is allowed to grow and develop.

Currently, WTO members have agreed to a moratorium on the imposition of duties on electronic transmissions. That moratorium may be made permanent, as this resolution urges.

I would also urge my colleagues in voting for this resolution to consider how we can ensure that more Americans, including our schoolchildren, are positioned to capitalize on the benefits of this new technology-driven global economy.

According to this resolution, more than 1 billion people will be using the Internet in the next decade. That 1 billion needs to include the entire United States working and school-age population. In fact, that is an issue I think that we should have addressed in this legislation, had this legislation been brought to the floor in the normal House procedure.

In any event, Mr. Speaker, I support the legislation before us today. I do hope that the House leadership would find some way of bringing issues that are in the jurisdiction of the Committee on Ways and Means to the committees of jurisdiction so that we can have hearings, we can invite those people that have the responsibility, and handle these in the way that we should.

I am afraid that the suspension calendar more and more is being used as a press organ of the majority, rather than the committees that have been structured for this purpose.

Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. LEVIN), the ranking Democrat on the Subcommittee on Telecommunications, Trade, and Consumer Protection, and I ask unanimous consent that he be allowed to allocate the remainder of the time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) will control the remainder of the time.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to our distinguished friend and colleague, the gentleman from California (Mr. COX), the author of this very important piece of legislation, House Concurrent Resolution 190.

Mr. COX. Mr. Speaker I thank the gentleman for yielding time to me. I also thank the chairman of the Committee on Ways and Means, the gentleman from Texas, for permitting this resolution to come to the floor under expedited circumstances. It is, of course, because of the impending meeting of the World Trade Organization in Seattle on November 30 of this year that we wish Congress to be on record now, in advance, on this very important topic.

□ 1045

I would also like to recognize the important contribution to this legislation by a gentleman from the other body, our former colleague, the Senior Senator from the State of Oregon, Mr. WYDEN, who has in fact introduced a resolution identical to this in the other body, Senate Concurrent Resolution 58.

It was just 1 year ago, October of 1998, that he and I worked on the Cox-Wyden Internet Tax Freedom Act, which is now the law of the land.

The initiative we are considering in the House today, House Concurrent Resolution 190, takes the principle of the Internet Tax Freedom Act; that is, that information should not be taxed and we should keep special exactions that discriminate against electronic commerce off of the Internet, and applies to it to the international arena.

This resolution before us has three main elements. First, no tariffs on the Internet. Our legislation calls on the World Trade Organization, which will be meeting, as I said, in late November, 1999 in Seattle, to enact a permanent moratorium on E-commerce tariffs. This will preserve the taxation status quo. It will not take bread off the plate of any nation. Because, at present, none of the WTOs, more than 130 member nations, currently has such a tariff. This is the time to act before bad things happen.

The second important piece of this resolution is that it establishes the principle of no multiple or discriminatory foreign taxes on electronic commerce. Our legislation calls on the OECD, the Organization for Economic Cooperation and Development and its 29 member countries to subscribe to the principle of no multiple discriminatory or special Internet taxes.

Third, our legislation condemns the bit tax proposal of the United Nations and calls for a permanent ban on such Internet specific taxes. A bit tax, for those who have not been following this closely, is literally a tax on every bit of information, all the digital 0s and 1s. The more 0s and 1s, the greater the file size, the greater the tax. It is an obviously discriminatory levy aimed at electronic commerce.

Let me explain why this legislation is so important. Centuries ago, when the Moors still ruled Spain, there was a small seaport about 20 miles from Gibraltar. The Mediterranean seas off of this port were ruled by a ruthless band of pirates. Their success in raiding trading ships was such that merchants who traveled the area began to think of paying tribute to these pirates as just a cost of doing business. So the merchants began to refer to these payments by the name of a nearby seaport, Tarifa. It is from that that we get the name tariff in today's vocabulary.

In the years since then, the practice of imposing tariffs has, of course, become far more commonplace and has been taken over by governments. But a tariff, nonetheless, retains an element of piracy, the unwelcome exaction of unnecessary fees.

Today, the Internet is the vehicle for over $50 billion annually in trade and goods and services. This trade today is conducted free of piracy. The purpose of this resolution is to keep it that way. It is especially important to preserve this no taxes policy since the Internet's commercial potential is greater than that of any previously existing medium of trade.

A global free trade zone on the Internet will have immediate advantages for Americans, for workers who manufacture and for workers who provide services and for consumers, because U.S. firms excel in the information and media services that flourish on the Internet.

Last year, U.S. exports associated with licensing fees and royalties earned $37 billion. U.S. imports in this category were $11 billion. That is the biggest trade surplus we enjoy in any category of our trade.

Americans use the Internet more than citizens of other countries. We in our Nation account for roughly half of the world's usage of the Internet; that is, as of September of this year.

But making the Internet a tariff-free zone will also help our trading partners. As we all know, free trade benefits both buyer and seller. Keeping tariffs off the net, moreover, will accelerate its development in foreign countries and permit the citizens of foreign nations to share in the Internet's benefits and the access to global markets that it provides.

As I said, there is an urgency to the passage of this legislation. This year, the ministerial meeting of the WTO will occur on November 30. At least year's meeting in May 1998, the United States successfully negotiated and achieved a 1-year standstill of the application of tariffs to E-commerce. This was a disappointment to those of us who were urging a permanent ban.

We now have the opportunity to take that 1-year moratorium and extend it and make it permanent; and that is the purpose of Congress going on record today to urge the administration to take this action, and, moreover, to let the ministers of all of the member nations of the World Trade Organization understand that this is the policy, not just of the Executive Branch, but of the United States Congress as well.

This resolution calls on the President to work with all nations to enact a permanent moratorium on electronic commerce tariffs at that upcoming WTO ministerial meeting.

Lastly, on this subject of bit taxes, tax collectors around the globe are still talking openly about this special new Internet tax called a bit tax. This is the most discriminatory kind of tax that could be levied against the Internet. It will establish for us in this area what we already know to be true generally that the power to tax is the power to destroy. Outlawing bit taxes worldwide, as we have already done in the Internet Tax Freedom Act for our Nation, is vitally important.

I wish once again to thank my colleagues for attaching the same urgency to this as do I, and my colleague in the Senate, Mr. WYDEN, for acting on this in such an expedited fashion.

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

Mr. Speaker, I rise in support of this resolution. One of the most important, prominent features of the globalizing economy at the dawn of this new century is the rapid rise of the Internet as a mode of commerce.

The Internet is not only a meeting place for buyers and sellers, it is an important channel of distribution. Thus, for instance, computer software can be

sent from a supplier to a customer at the speed of light. Providers of services such as information technology can assist customers thousands of miles away.

So far, the Internet has remained free of tariffs and nontariff barriers to trade. Those latter nontariff barriers are important issues to consider in this instance, and in others. Some may be tempted to attach new trade-impeding regulations to this new technology. We should resist that temptation at this relatively early stage in the development of the Internet as a mode of commerce.

This resolution urges the administration to seek a global consensus on making the existing moratorium on special E-commerce tariffs and taxes permanent. I support that endeavor.

While I vote for this resolution, I want to join the gentleman from New York (Mr. RANGEL) in expressing disappointment in the manner by which it is being brought before this body. This House has a constitutional responsibility in the regulation of U.S. trade with foreign nations. That means providing comprehensive guidance to the administration as it embarks on a new round of world trade negotiations.

Fulfilling our constitutional responsibility requires more than considering a single negotiating objective as we are doing today. Rather, we should be considering a broader range of negotiating objectives. There is, for example, a resolution, I believe with over 200 signatures, relating to the vital importance of maintaining U.S. anti-dumping laws. Also, there is the important issue of the role of core labor standards in trade negotiations.

Here I want to express, because it has been mentioned by the chairman of the subcommittee, the need for us to face this issue of core labor standards in trade negotiations. I think they are vitally relevant to them.

At the end of the Seattle Round of world trade negotiations, this House will most likely be called upon to enact implementing legislation. We must not wait until the last minute to provide our input. Instead, we should be working with the administration now to develop and refine our agenda going into the new round. We must not defer this responsibility.

So I urge my colleagues, remembering, though, the need for a broader ring of consideration, to vote for H. Con. Res. 190. I urge all of us to participate in developing a set of objectives for the new round of world trade negotiations that covers the gamut of issues confronting American workers, farmers, and businesses in the global economy.

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

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, as my colleagues know, the Internet has brought countless improvements to the lives of many Americans in the past several years. One of the most promising uses of the Internet is its ability to connect countless people and businesses at little cost through E-commerce.

Doing business over the Internet allows people all over the world to search for the best deal on a wide range of goods and services, destroying the traditional barriers to free and open competition and comparison shopping. It empowers consumers, especially in rural and remote small communities, to easily reach the marketplaces of the world. These factors have contributed to making E-commerce increasingly popular. It is expected to account for $1.3 trillion in sales by 2003.

So far E-commerce has been allowed to flourish largely without the interference of unfair government regulation. Unfortunately, it is the way of governments the world over to tax and impede the growth of such a new source of prosperity.

Mr. Speaker, I want to strongly support the House Concurrent Resolution 190, which would urge the President to work to prevent discriminatory and harmful taxes on E-commerce in the United States and abroad. This resolution would show the world that the U.S. House of Representatives supports the continued growth of E-commerce free from destructive taxation.

Mr. Speaker, let us make another point very clearly. Let us never allow a tax or tariff on e-mail.

Mr. Speaker, I would like to thank the gentleman from California (Mr. COX), the Committee on Ways and Means, and my colleague from the Senate, Senator WYDEN, for helping bring this important measure to our attention and for their bringing this to the floor.

Mr. LEVIN. Mr. Speaker, it is now my privilege to yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN), who is highly versed in these matters.

Ms. LOFGREN. Mr. Speaker, I support this concurrent resolution. As my colleagues all may know, not one of the 130 members of the World Trade Organization presently imposes a tariff on the Internet. That is a good thing and may account for the Internet's success. I would like this ''no tariff'' policy to become the official policy of the WTO. I know there are some nations thinking of applying various taxes. I encourage the Members of this Congress to go on record against such taxes.

Electronic commerce is made possible by the bits and bytes of information that travel in packets within this country and around the world, across State and national boundaries. There are some who want to tax each bit of information that is transmitted.

Earlier this year, the UN suggested taxing the bits that make up the E-mails we have grown accustomed to sending each other. This may suggest to my colleagues the mischief that could be caused by doing such a thing.

Let us nip this bit tax idea in the bud and support this concurrent resolution that urges a worldwide ban on any bit tax.

Mr. Speaker, I urge all of my colleagues to support the concurrent resolution.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), who also has been immersed in issues relating to E-commerce.

Mr. DOGGETT. Mr. Speaker, I am pleased to rise in support of this resolution on keeping the Internet a global tax-free zone. We must achieve a global consensus on banning tariffs and discriminatory taxation on electronic commerce.

The gentleman from California (Mr. COX) has provided leadership last year in gaining approval of the Internet Tax Freedom Act. I joined with him then and I believe that all the reasons that we advanced for supporting that moratorium on taxes by 30,000 potential taxing jurisdictions here in America, all of those reasons apply around the globe to the need for a global free trade zone and limitation on taxation.

□ 1100

While currently none of the members of the World Trade Organization are imposing tariffs, it is very crucial that we prevent new barriers from arising.

Clearly, the imagination for new forms of taxation and new restrictions on trade seems unlimited. A bit tax, for example, which could be levied on every bit of digital data that is transmitted over the Internet, would significantly impair the expansion of electronic commerce.

The high-technology community that I represent in Austin, Texas, has been a driving force for growth throughout our State. Fortune Magazine calls Austin the best place in the country to do business. And in large measure this is the product of the environment we have created with high technology.

Meanwhile, the United States is the world leader in high-technology research and development. The actions that have already been taken by this Administration and the actions that this resolution urges will solidify our Nation's competitive edge in the world economy.

In 1995, I believe there were about 3 million people who were Internet users. Today, we are at about 200 million. And within 5 years we are expected to have a billion Internet users around the globe.

Clearly, an Internet Global Free Trade Zone will foster continued growth, and not only benefit one of the

most important engines driving our strong economy, but it will also benefit consumers at home and abroad, who will be encouraged to get connected. And this also means more good high-paying jobs here in the United States, and it means more opportunity for the citizens of the world to share in this important new revolution in technology.

We need no tax on e-mail and no tariffs or other trade restrictions on the Net.

I applaud the Administration for what it has already done in placing this important agenda item on the list of top priorities when the World Trade Organization convenes in Seattle, I thank the gentleman from California (Mr. COX) for his continued leadership to ensure that government does not impede continued expansion of electronic commerce.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution and to congratulate my colleague, the gentleman from California (Mr. COX), for introducing it.

This important resolution would direct the U.S. representatives to the upcoming World Trade Organization summit in Seattle, Washington, to advocate making the moratorium on Internet taxation that was adopted at the 1998 WTO conference a permanent Internet tax moratorium.

Mr. Speaker, I worked closely with the gentleman from California to move legislation through the House in 1998 that placed a moratorium on new taxes on the Internet. This important legislation set the standard for other nations around the world to follow. As a result, the Internet remains relatively free from the burdens of special and new taxes, and we must continue to put pressure on our fellow nations that would seek to tap this booming economic resource and destroy much of its momentum.

Mr. Speaker, we cannot stand by and assume that the rest of the world holds the same distaste for taxing the Internet. That is why we must continue to work actively through measures such as this one to keep the Internet free from new taxes. This includes monitoring the ongoing deliberations of the commission set up by the Internet Tax Freedom Act passed by Congress in 1998. This commission, chaired by the governor of my home State of Virginia, Jim Gilmore, will hopefully return to Congress next year with recommendations to retain the no-new-tax policy that has made this medium so successful.

In the meantime, Mr. Speaker, we must send a message to our fellow nations gathering in Seattle next month that to permit taxation of the Internet is to infect it with a virus that will slowly sap its strength, weakening and ultimately destroying the extraordinary growth that has revolutionized the way we live, work, and learn.

I urge my colleagues to support this important resolution.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time. I obviously have a bias on this issue. I represent a district that is the most wired in the country, which probably means it is the most wired in the world, with 59.9 percent of all the households in the northern Virginia area wired with the Internet. So, obviously, I do not want any taxation on Internet transactions.

We know that ''wired communities'' are going to be at the cutting edge of the enormous growth of this industry. The resolution itself says that electronic commerce between businesses is going to grow to $1.3 trillion in another 3 years and that, in fact, the electronic retail sales are going to amount to about $108 billion. With 200 different nationalities with their own different sovereign forms of government, I cannot imagine how we could implement a bit tax. We do not want it. It is going to impede the progress of spreading information technology throughout the world.

We do need to keep in mind, however, that this is still an open issue. Legislatively, it is still an open issue before us. There is only a moratorium on Internet taxation. There is a commission that we put together to address the long term issues surrounding internet taxation composed of businesses, States, localities and Federal officials, determining what we do about a couple of major problems. One of them is what do States and localities do when Internet, e-commerce, takes over from traditional retail commerce? What do they do with the loss of revenue? How do we make it up to our schools, our roads, our public safety, et cetera? They are currently dealing with that issue.

The other issue is what do we do with the retail centers of activities in our cities and towns? If e-commerce is going to be the way that we normally purchase a product, it has profound implications for the physical centers of our communities across the country. We have to deal with those issues.

Now, I am admitting a bias. I do not want taxation on any e-commerce, because that would be in the interest of my constituency. But we have also got to listen to the State and local officials who can see what is coming from places that, while they may be wired, are desperately in need of the tax revenue from retail transactions that will be made uncompetitive if our economy goes the way of e-commerce. It is far more convenient and it is less expensive. E-commerce, in fact, is always going to be less expensive compared to traditional sales if it is not taxed. It is not fair to have retail establishments taxed, yet people who are selling the same product on the internet are not taxed because we prohibit taxation of those products. That has got to be resolved.

If we go in this direction, which I think ultimately we will, how do we make up for the loss of revenue to our States and localities? We have to deal with this. We are the Nation's leaders, and it is incumbent on us to resolve these issues now before we make permanent such a profound change in our private retail and public revenue structures.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. OXLEY).

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

Mr. Speaker, as we send Ambassador Barshefsky to the WTO Ministerial in Seattle next month, the world is on the verge of a crucial decision for electronic commerce. Will it remain duty and tariff free?

We are here today to say, yes, it should. That is the consensus here in the United States about what is best for the growth and development of e-commerce. But other countries in the world are not so sure, and that is why we are backing Ambassador Barshefsky in her efforts that will be undertaken at the WTO Ministerial meeting in Seattle 5 weeks from now at a session that many of us will be attending.

This week, I am circulating a letter to Ambassador Barshefsky for Members' signatures that share the same spirit as the Cox resolution. We need strong congressional support to show the world that the United States stands firmly opposed to any taxation of e-commerce.

The imposition of tariffs and duties on electronic services or information will only mean that they will become less available to the world. Unless cyberspace is tax free, how will people in developing nations have consumer choice? In my view, the tariff moratorium should be made permanent. It should be as broad as possible to cover the wide array of what is available electronically.

This decision in Seattle is no doubt going to be a difficult choice for developing nations strapped for revenue while watching the Internet grow exponentially. It is the principled choice, however, and I believe the right conclusion will be reached in Seattle with the leadership of our delegation and others who agree with this policy.

The U.S. leads the world in the software industry. The fact is that we live in an age where the downloading of software is an export directly to a consumer. It has never touched the hands

of a government agent at a post office, a shipping port, or an airport. That freedom of government intrusion is what we hope to protect.

Mr. Speaker, if the world fails here, we will see an immediate rash of tariffs, customs duties, and other trade barriers. The only possible result is the limitation of available information and services, and that cuts to the very heart of what the Internet does so well.

I ask strong support for the Cox resolution.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time, and I compliment the gentleman from California (Mr. COX) for his steadfast efforts to keep everybody's paws off economic commerce, or e-commerce.

I think this is an essential resolution, and it is a signal to other folks around the world just to say no to imposing taxes on Internet sales. We have seen the development and unprecedented growth of the Internet and e-commerce and what it means to the American taxpayer, what it means to the person sitting at home who now has the luxury that several years ago was only a dream. And what we are saying is we want to continue that growth; we want to continue the opportunities that occur daily. People sitting across this country and, indeed, across the world recognize the endless possibilities of what the Internet means to e-commerce.

So many governors across this country, so many people recognize when we tax something unnecessarily, we are hurting commerce, we hurt growth, and we destroy opportunity. What we want the WTO to do, and what we want our ambassador to do is to send a signal to everyone around the world to keep their paws off consumers' wallets.

There are those who say, well, if we do not tax e-commerce then we will affect sales tax revenues and miss out on the windfall. I have got some words for those folks. We are taxed too much. I see it every day in New York. People go across the bridge to New Jersey because there is no sales tax on clothing. That is the way people think. They go to where they can find the cheapest price. That is human nature.

So, if anything, we should build a wall here not to impose taxes on e-commerce and hope that other folks around this country will start lowering the tax burden on hard-working folks with families. But in spite of that, the last several years what we have seen and witnessed in this country, as e-commerce has grown, so too have sales tax revenues.

So I think those concerns are misplaced. And, if anything, we should be dedicating our efforts to reducing the tax burden on hard-working Americans while at the same time prohibiting new taxes on e-commerce.

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

Mr. CRANE. Mr. Speaker, I yield myself the balance of my time to conclude with one final observation, and that is, in response to the concerns expressed by our ranking minority member on the full Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), and the ranking member on the Subcommittee on Trade, the gentleman from Michigan (Mr. LEVIN), about the failure to have held hearings on this issue.

We have been under tight constraints, but let me just remind everyone that this is not mandating anything. It is simply urging the U.S. to seek a global consensus on this issue. I am sorry that we did not have the hearings that the gentleman said he would have liked to have seen; but hopefully, as we go down the line, we will have increased opportunities for that. But right now I would urge all my colleagues to support this measure.

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

Mr. CRANE. I yield to the gentleman from New York.

Mr. RANGEL. I say this with all deference and respect to my dear friend from Illinois, Mr. Speaker. It is not just this one bill that we are talking about. We expect that another tax issue will be coming up on the suspension calendar. If I thought it was just a question of time, I would not resent it.

Mr. WU. Mr. Speaker, I rise today in strong support of H. Con. Res. 190, a bill to place a moratorium on electronic commerce taxation. It is crucial that Congress works to provide a tax-free environment for the Internet to grow.

Mr. Speaker, during this past decade, the United States has witnessed the longest peacetime economic expansion in recent memory. Indeed, e-commerce has contributed to much of this decade's economic growth. It is estimated that over 140 million people worldwide are now online. In the United States alone, the information technology industry accounted for more than one-third of the real growth in the gross domestic product over the past 3 years, employing more than 7 million workers.

In my home State of Oregon, "the Silicon Forest," in communities like Portland, Beaverton, and Hillsboro—e-commerce has been responsible for a remarkable economic recovery, and boom, over the past decade. We in Oregon have benefited from the strong growth of the information technology industry. Oregon companies, large and small, have benefited from the growth of the Internet.

Although electronic commerce still constitutes a relatively minor part of global trade, technological advances and key trade policy decisions will surely facilitate the further growth of this important industry. In the upcoming years, electronic commerce is expected to grow by leaps and bounds. Congress must commit itself to work with the international community to pave the way for this important industry to grow.

Furthermore, like all other business transactions, it is crucial to achieve uniformity within the information technology industry, such as a universally accepted form of electronic signature. By encouraging and developing a system of standards, Congress can further assist the growth of e-commerce.

Mr. Speaker, I strongly support this important legislation. Let's continue to encourage the growth of the information technology industry and America's economy. I urge my colleagues to support H. Con. Res. 190.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in favor of H. Con. Res. 190, a resolution which extends the work initiated by my colleague, Mr. COX, last year, on extending the moratorium on Internet taxation to the international arena. This important piece of legislation urges the United States to seek a global consensus now that supports a moratorium on tariffs and on special, multiple, and discriminatory taxation of electronic commerce. It does so by calling on the World Trade Organization to enact a permanent moratorium on e-commerce tariffs at its Seattle ministerial meeting next month. With none of the WTO's 130 members currently taxing Internet commerce, it is imperative that we implement a global strategy that ensures that the Internet remains tax free before such barriers are erected.

With Internet use and global electronic commerce growing at an astronomical pace, it is inarguable that the Internet is emerging as the most unique and the fastest-growing tool of communication known to mankind. The Internet facilitates not only economic growth but the easy dissemination of ideas and information from almost any spot in the world. We are at the tip of the iceberg in terms of the potential that the Internet can offer both cheaply and quickly. Yet an ever-present concern plagues many of us who—like my colleagues standing with me here today—understand the need to foster its continued growth by minimizing the amount of government regulation and taxes that will interfere with the transformation of the Internet into the repository of global communications for the 21st century. H. Con. Res. 190 is a critical component of ensuring that government does not inhibit the growth of the Internet, whether intentionally or unintentionally. Various schemes of taxation introduced by governments across the world will make the internet an unpredictable environment for even simple communications; much more so for conducting online business. Such a development would most certainly discourage the easy and efficient use that the Internet now provides for users worldwide.

Last year, we enacted the Internet Tax Freedom Act which codified a policy against special, multiple, discriminatory Internet taxation and urged the United States to seek international agreements that would concertize those same principles globally. With the July 1999 United Nations Report urging sovereign states to impose "bit taxes" on electronic transmissions, it is incumbent now more than ever for Congress and the United States to take the lead in opposing any taxation of electronic commerce globally that would inhibit the continued economic and social growth of the

Internet. The resolution specifically urges the President to oppose a United Nations or any other international organization's proposal to establish a "bit tax."

It is also important that we utilize every available opportunity to press for an Internet tax moratorium and for this reason, H. Con. Res. 190 also calls on the Organization for Economic Cooperation and Development to adopt the principle of "no multiple, discriminatory, or special taxes" on the Internet or on electronic commerce.

Each of the principles expressed in this crucial measure are equally important to the future of the Internet. I want to thank my colleagues, Mr. COX and Mr. SESSIONS, for introducing this resolution and for moving it forward quickly. I urge all Members to vote in favor of H. Con. Res. 190.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 190, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

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SENSE OF CONGRESS THERE BE NO INCREASE IN FEDERAL TAXES TO FUND ADDITIONAL GOVERNMENT SPENDING

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 208) expressing the sense of Congress that there should be no increase in Federal taxes in order to fund additional Government spending.

The Clerk read as follows:

H. CON. RES. 208

Whereas Federal taxes are at their highest peacetime level in history, taking 20.6 percent of the gross domestic product;

Whereas the typical American family pays 36 percent of its income in Federal, State, and local taxes—more than it spends on food, housing, and clothing combined;

Whereas in 1999 governments at all levels will collect $10,298 for every man, woman, and child in the United States;

Whereas since 1989 the Federal per capita tax burden has increased 27 percent;

Whereas the Congressional Budget Office forecasts that the productivity of American workers—and controlled Federal spending—will create a non-Social Security surplus of $996,000,000,000 over the next 10 years;

Whereas the House of Representatives voted on May 26, 1999, to protect Social Security and Medicare by passing the Social Security lock box by a vote of 416 to 12; and

Whereas Congress must protect Social Security and Medicare by controlling Federal spending, rather than by increasing taxes on any Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that there should be no increase in Federal taxes in order to fund additional Government spending.

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 208.

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

There was no objection.

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

Mr. Speaker, I am pleased to be here today to speak in favor of House Concurrent Resolution 208.

I would like to commend my good friend and colleague, the gentleman from Pennsylvania (Mr. TOOMEY) for introducing this important legislation that forces us to focus on the choices we need to make in order to maintain fiscal discipline.

As my colleagues know, House Concurrent Resolution 208 expresses the sense of this Congress that we should not raise taxes in order to fund additional Federal spending.

Indeed, as I understand it, Mr. Speaker, it is the sentiment of this commonsense, conservative majority in this House through another legislative vehicle later on our Calendar to propose that we work to realize a savings of 13 cents for every $10 of Federal spending, because we need to keep in mind the bigger picture here. Taxes are at their highest peacetime level in the history of our country. The average American family pays more in taxes than in food, shelter, and clothing combined.

Mr. Speaker, we cannot continue to burden working Americans with higher and higher and higher taxes. We must be willing to find savings by reducing wasteful Washington spending so that we can maintain fiscal discipline without asking the American people to hand over more of their hard-earned money to the Federal Government.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to my friend, the gentleman from Pennsylvania (Mr. TOOMEY) and that he be permitted to yield further blocks of time.

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

There was no objection.

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

Mr. Speaker, this is stupid. An issue like this should either be brought to the floor by leadership for discussion, or someone ought to take a course in Economics 101.

Now, I know the difficulty it is to count when they are trying to put together a budget. It is something like what is, is; and how many months in a year; and what is an emergency. I know the difficulty they are having. But it cannot be so bad that they are going to make a mockery out of the entire legislative process by asking this floor to feel good by saying that we are not going to raise Federal taxes in order to fund additional Government spending.

There are only three things to do if they are going to spend. If they are going to have additional spending, for whatever purpose, they have to go to the majority. Now, I know it does not feel comfortable being in the majority, but they are the majority. They are the leadership. And so, they have to find out what they want to spend. And I guess they would go to the Committee on Appropriations. But we do not spend here in the minority. Majority spends.

So what is the solution? The solution is that they either increase taxes, which the resolution they are dictating to the Speaker and to the Republican leadership that they cannot do that, they go into the Social Security Trust Fund. And then they put on commercials on TV that they are not doing that, even though the Congressional Budget Office says that they are.

Or the third thing that they do is come to the floor and say, I never put my hand in the cookie jar in the first place.

This is no way to deal with the problems that we face as a Nation. We do not come on the House of Representatives floor with a sense of Congress. We legislate in this House. We send these issues to the respective committees. We have hearings. And we do something about it.

If, on the other hand, they are in a continuous resolution mode and they are not involved anymore in legislation and they just want the President to be their partner so that the Government does not close down, then go to the White House and tell him what to put in the bill. Because clearly, the President is going to have issues in the omnibus bill that has never come out of the committees that have been set up in this Congress.

So I know maybe they want to have something to vote on. And who knows, maybe the public really thinks this is on the level. Maybe they really think that we are coming down here voting against Federal taxes. Normally they wait until April 15 to do something this stupid. But, no, now they are saying here on the brink of the Government about to close down because of the inability to pass the appropriations bills that they are going to take the Suspension Calendar, which says that it is

noncontroversial, and then we are going to mandate and see who has the nerve to vote against something which says that we are not going to have an increase in Federal taxes.

Do my colleagues not know that, if we could do this, nobody in the United States would ever have to pay taxes? We should have 435 Members on the floor every day passing resolutions that we do not need any taxes. We can pull up the Code by its roots, just pass the resolution. We can stop spending tomorrow. Pass a resolution.

But one thing they will not do, they will not come up with any concrete ideas to cut back spending or any ideas how we can avoid having Social Security be a problem in the future.

So, Mr. Speaker, there are so many things that we should be doing, individual minimum tax, increases in minimum wage, even the extensions which are so important to the American people, questions of education, patients' bill of rights, a variety of things. But in lieu of a press release, we are now going to use the Suspension Calendar to say we do not want any further increases in Federal taxes to fund additional Government spending.

Mr. Speaker, I want other people to make some type of observations on this historic piece of legislation that has now come before the House of Representatives, even though I wish the chairman of the Committee on Ways and Means was here so that we could have an exchange as to how we could deal with these tax issues. But I will deal with the Committee on Rules until we can find out how we are going to do this.

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

Mr. TOOMEY. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, I would like to thank the gentleman from New York (Mr. RANGEL) for adding to the civility of the discourse in the House.

But, Mr. Speaker, later this week, in all probability, we will pass the 13th and final appropriations bill for this year. And when we do so, we will have spent in those bills all the non-Social Security funds that the Federal Government will take in next year but not one dime of the Social Security funds themselves. We will have a balanced budget, and we will not have raised taxes.

Unfortunately, the President has already vetoed three of those bills and he may veto more because he thinks we are not spending enough money in them.

Mr. Speaker, if the President wants to spend more money, as he does, for instance, in the foreign aid bill, he has to show us where he is going to cut spending somewhere else. Because the only alternatives are to spend part of the Social Security fund or to raise taxes, and neither of those alternatives is acceptable. We have made it clear in this body that we will not tolerate spending Social Security money.

Today I believe we must send the President a clear message that we will not raise taxes to pay for his new additional spending, either.

Now, when we talk about Federal taxes, it is useful to consider the overall context of the Federal budget, the national economy, and just a little bit of history.

This first chart illustrates that Federal discretionary spending is higher than it has ever been; and, thus, the Federal Government is bigger than it has ever been.

The second chart shows that Federal taxes are higher than they have ever been in our Nation's peacetime history, consuming almost 21 percent of our Nation's entire economic output.

Now, even after we set aside all of the Social Security funds for Social Security and debt retirement, as this third chart will show, we still have unprecedented surpluses projected as far as the eye can see. The administration's budget forecasts that. The congressional budget forecasts that. Private budget forecasters show that.

Now, when taxpayers are paying more than it takes to fund the biggest Federal Government in history and, in addition to that, taxpayers are paying more than it takes to pay Social Security benefits over the next 10 years and another $2 trillion more and all of that surplus is going to reform Social Security or to pay down the national debt, when taxpayers in fact are paying an additional trillion dollars before and beyond that, it is obvious to me that taxes are too high.

For the President to propose adding to this record Federal tax burden is outrageous. We need to lower taxes and restore to working Americans their freedom to decide how they want to spend their money. And make no mistake about it, when the Federal Government takes money away from the people who earn it, it is taking part of that freedom away as well.

The money this Government takes from hard-working Americans is money those hard-working folks will never be free to spend for themselves as they see fit. The money this Government takes from working Americans takes time for these folks to earn that money. That is time people cannot devote to things they would rather be doing than working for the Federal Government, such as spending time with their children, caring for an elderly family member, volunteering in their community, or just enjoying some leisure time.

At a time of already record-high Government spending, record-high Federal taxes, unprecedented surpluses, it is just unconscionable to consider taking even more money away from the people who earn it. And that is all this resolution says, that there should be no increase in Federal taxes in order to fund additional Government spending.

Mr. Speaker, America's taxpayers are counting on this Congress to protect them from the President's very large appetite for their money. I urge my colleagues to send a clear message to the President: No tax increases, restrain Federal spending. Vote ''yes'' on House Concurrent Resolution 208.

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

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means, the tax writing committee.

Mr. MCDERMOTT. Mr. Speaker, I come out here today, I have never seen such a weighty piece of legislation in my entire 29 years in Government. In the State legislature, they do not even come up with things as stupid as this. But here we are. And there is a pattern. There is a pattern.

One week ago, the leadership sent a bunch of freshmen out here with a silly bill with the President's tax increases in it and nothing that it was going to be spent on; and, lo and behold, we slapped it down. And then they went down that afternoon to the White House, having insulted the President with that, and said, see, the House does not want to raise taxes. So today they are going down again to balance the budget this afternoon, and we come out and we find this kind of nonsense in front of us.

Now, I do not know who the brain trust is over there, but I know that the one that was put in House Concurrent Resolution 197 had a provision in it that had to do with the tobacco tax. And they were against that tobacco tax, by God. Boy, they were really against it.

Now in the one that is before us now, House Resolution 208, they have taken it out. And I think, I say to the gentleman from New York (Mr. RANGEL), what they are doing is setting the stage to raise the tobacco tax. Because if they were against it yesterday when they filed it, what has changed? Why have they come up here without it?

I think they are going to use it. Yes, sir, they are getting ready to fix this budget. Does that make sense to my colleagues?

□ 1130

One of the fascinating things about this, you have always got to be careful when you put numbers in here. In paragraph 2, it says, ''Whereas Federal taxes are at their highest peacetime level in history, taking 20.5 percent of the gross domestic product.''

Do my colleagues know what the percentage was when the Republicans took over the House of Representatives? 18.6. Under their tutelage, under their great management, under all this

great stuff they have done, including that tax break last year, people are now paying almost 2 percent more taxes than they paid when they started. Now, what they have done, of course, is they have shifted all the income to the people on the top and they are paying more taxes. So their proposals actually worked. They have shifted all the money in the country up, under their tax bills, and we are paying more taxes in this country because of Republican policies.

It is a wonderful thing to sit here and contemplate what the thinking must have been in the room. They said, well, we do not want to raise taxes to pay for programs. What other reason would there be to raise taxes? I mean, why else would a Congress come out here and raise taxes? Because they did not have anything else to do? No, that would not be it. Well, maybe, I know what it was. The only other reason would be to punish the rich, right, people who have got money. That is the only reason they would raise taxes, to take it away from them.

Now, this is the kind of thinking that has led us to this impasse. They came out here earlier in the session and had a $792 billion tax break. Thank God that died, because they cannot balance the budget. They were going to give away $729 billion, and they cannot balance the budget. They cannot get us out of here. We are here on our second continuing resolution, and by God I will bet my colleagues we will have a third continuing resolution because they cannot figure out how to bring this thing to a close. Yet 3 or 4 months ago, they were willing to give away $800 billion. It makes no sense. It makes about as much sense, I guess, as this one.

Mr. TOOMEY. Mr. Speaker, I yield 4 minutes to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, let me begin by making clear that no matter how strongly we feel about issues of substantive disagreement whether it is tax increases or tax relief or spending or cutting spending, I do not think that the rhetoric, the language using the words like ''stupid'' or ''silly'' to characterize the behavior of other Members is ever appropriate to use on this House floor, whether you are a senior ranking member of a committee or whether you are a new Member of Congress like the principal sponsor of this legislation. I do not think I have heard so much hot air released at once since the Hindenburg went down.

I would like to get back to the substance, to the process that brought us here in the first place. At the beginning of this year, President Clinton in good faith brought forth a budget proposal. He said we are going to set aside 60 percent of the Social Security surplus and we are going to spend 40 percent. And he laid out his priorities in that budget and he said, ''We're going to increase taxes.'' His tax increase was approximately $240 billion over 10 years. It was a detailed budget, as the President submits every year to Congress.

The Republican Congress said, ''That's not right.'' And we put together a budget proposal that members of the minority did not support and that is their prerogative, but it was a budget proposal that said for the first time in 40 years we are going to set aside every penny of the Social Security surplus and we are going to do it while cutting taxes. And again the minority disagreed with that proposal, and the gentleman from Washington tried to describe some of the reasons they were against tax relief. Well, that is fine, too. But we advanced that tax relief proposal, to eliminate the marriage penalty, eliminate death taxes, give full health insurance deductibility for those that are buying health insurance and are self-employed, increase access to health insurance and the President vetoed that bill, as is his prerogative. But now we are at the end of the budget process and Republicans are holding firm to their commitment not to spend Social Security. We did it last year. We balanced the budget for the first time in 40 years without using Social Security. We can and we must do it again this year. That causes heartburn for a lot of members of the minority, feeling the pressure of having to control spending. We have talked about reducing spending across the board by 1 percent, allowing agency heads and department heads to root out waste and abuse, just 1 percent, one penny on every dollar, in order to balance the budget in 2000 without using Social Security. I believe we can do that. And the administration has indicated that they want to balance the budget without using Social Security, too. So we might have some common ground here. We will work with the administration to fund priorities if they can reduce spending elsewhere in the budget.

But what about taxes? The administration has waffled on tax increases. The President seems to have backed off his proposal to raise taxes by $240 billion over 10 years. We had a vote, a legislative vote in this House last week where his tax proposals received zero votes. I think that was an important statement for the House to make. But today we can go on record as saying no tax increases for new government spending, no spending the Social Security trust fund, no tax increases. It is a simple, clear message to the American people. We have been firm in our commitment as the majority party to protect Social Security since the very beginning of this budget process. With the passage of this resolution and the continued statement on a bipartisan basis from all Members of the House that we should not be increasing taxes, I think the fiscal responsibility this year and next year will continue to result in a growing economy and a better quality of life for hard-working Americans.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume. If I have offended anybody, then I apologize. I just would want to say that it is extremely frustrating for a legislator to come to this floor and to believe that we can decrease, or not increase, Federal taxes or not have additional spending by putting a bill on the suspension calendar. It is frustrating to see that the tax writing committee is not dealing with taxes, the appropriating committee is not dealing with bills, but that the Committee on Rules is still pushing out bills under suspension.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the tax writing committee.

Mr. DOGGETT. I thank the gentleman for yielding me this time.

Mr. Speaker, I believe one thing that is very obvious to anyone who has been observing this Congress is that we would not be here today debating this resolution or debating anything else if our Republican colleagues had done their job. They have not done their job. They are desperate for distraction. So I expect we will have more resolutions. This is not the last one. There will be more of these kind of resolutions to distract from the simple fact that they have failed utterly and completely to do their work during this past fiscal year. They are a competitive group. They are competing with themselves. We thought last year's Congress set the standard for doing little. It certainly was the least productive Congress since the days of Harry Truman. But they are competing with that record and I think they are winning. I believe they will have an even less productive and even more do-nothing Congress than they did during 1998.

That incredible record reminds us that today we are entering week four of the new fiscal year, and they still have not done last year's work. It is incredible that almost a month after the end of the Federal fiscal year, the bill that funds all of the Federal assistance to education, the bill that funds all of our health research in this country to try to cure dreadful diseases like Parkinson's, cancer, diabetes, that bill has never been presented on the floor of this House. That is what I mean by donothingism. It is the failure to do your work and to present for debate on the floor of the House that very fundamental bill. I know the Republicans, some of them still want to abolish the Department of Education, but at least they could bring that bill to the floor and let the House debate it.

Let me give my colleagues a second example since we are talking about

taxes. On September 24, all the members of the Committee on Ways and Means were called into an emergency meeting directly across the hall from this Chamber in which we gather today. We were told that unless we rushed through a bill, the tax forms could not be prepared by the Internal Revenue Service. It had to be done by October 7 or the forms would not be ready. That bill was a very important one to people in central Texas, because it continued the research and development tax credit. That is a tax credit established by a Democratic Congress. It is true that under Speaker Gingrich it was allowed to expire and our technology companies were denied the benefit of that tax credit in 1995, but we saw an opportunity to extend it and continue it. Well, where is that bill? It has never been brought to the floor of the House. October 7 is past; we are approaching November 7, and they have never brought the research and development tax credit, the §127 and other so called ''extenders,'' employer provided education assistance, they have never brought these to the floor of the House to be considered. That is why a number of people are concerned that the Republican do-nothingism may jeopardize this tax credit and cause its loss for research and development. This credit expired on June 30, and we must not lose it again as happened under this Republican leadership with Newt Gingrich in 1995.

I do think it is important to note one important improvement in this resolution, and that is the deletion of the attack on a tax on tobacco. The only thing this Republican Congress ever did about tobacco usage and the fact that 3,000 of our young people get addicted each day to nicotine, the only thing they ever did was to provide a $50 billion tax credit to the tobacco lobby. When the public found out about it, Republicans got so scared about it that they withdrew that credit after it had been approved by the House. But it is at least worthy to note that while the sponsors of the pending resolution initially attacked the tobacco tax, they have removed that language from this resolution. And that happens to be the only significant tax increase the President has proposed. It is certainly better to tax tobacco than to take money from Social Security.

Mr. TOOMEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, let us bring it back into focus again. There are only three things you can really do with taxes. You can cut them and bring relief to hardworking taxpayers. That is what this Congress did, and the White House vetoed, so we deprived the opportunity of American hardworking taxpayers to keep a little more money in their paychecks or at the end of the year so they can put more food on the table or they can buy some clothes for the kids when they go to school or they could put a little money away for their child's college fund. That was deprived because of a veto from the White House and for those who chose to vote against that bill.

We can keep taxes exactly where they are, which hopefully is the worst we can do this year. Or we can do what the gentleman from Pennsylvania (Mr. TOOMEY) says, is not increase taxes, that is all, to pay for additional spending. What is so wrong about that? If you feel committed, if you do, fine. But if you feel committed that we need to raise taxes to pay for additional spending, then you should not have the problem, Mr. Speaker, of coming down here and voting for it.

I happen to believe that the people that I represent in Staten Island and Brooklyn are working too hard right now, sometimes two and three jobs, trying to put their kids through college, trying to just get enough money the buy that second car. They are working too hard for us to come down here and say, ''You know what, we don't think you're being taxed enough. We think we should be taking a little more out of your pocket.'' No, I would rather go home, Mr. Speaker, and look those folks in the eyes and tell them, you know what, we are doing all we can to provide more freedom and opportunity to you and your families and we are doing all we can in Washington to ensure that we are not going to take more money out of your pocket, we are not going to take more money out of your home because that is where we believe that money belongs.

If you feel so strongly that this government should be getting bigger and larger because the Federal Government should be taking more of the taxes, then come right down here and say it. But in the meantime, people like the gentleman from Pennsylvania, and I believe he speaks for the vast majority of Americans, are saying, you know what, we are taxed too much, do not do it. Spend the money appropriately and responsibly.

Mr. TOOMEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, I rise in strong support of this resolution. We are talking about the people of the United States. It is their money. It is not our money. I congratulate my freshman colleague the gentleman from Pennsylvania (Mr. TOOMEY) for bringing this forward today.

The rhetoric today is incredible. One of my colleagues said we have not done our job, the Republicans have not done our job. It reminds me of the story of the farmer who hooked a horse up to one side of a wagon and a mule up to the back pulling in the opposite direction.

□ 1145

The reason we do not have a budget is because our colleagues will not do their job and vote for it.

We believe we can live within our means. Our colleagues are doing nothing to help us on this. They are laughing. That is the attitude we have from that side of the House. When we deal with a serious issue, we get laughter. As my colleagues know, actions speak louder than words.

We bring forward appropriations bills that spend within our means, and the Democrats vote no. Why? Because they say it does nothing for Social Security. Well, it has nothing to do with Social Security. They vote no because we will not spend more money, which means spending Social Security money.

With the President actions speak louder than words. All we heard last year is: We need to save Social Security. What did he do in his budget proposal? He spent $58 billion of Social Security, this money, this year on new programs, and he said we need to save Medicare and Medicaid in 5 years. He was proposing to cut $11.9 billion out of the programs. That does not save anything.

The President said: We need to save Social Security. We saved the first bill this year for the President to come forward with his reform for Social Security, and guess what that bill is doing? Doing nothing. He has not made a proposal to save Social Security.

I know when I was a young man I was raised with my grandparents. We were poor, and I started a business off in the construction industry, and I had an old van that used more oil than it did gas, and I was willing to sacrifice, and I built a company. I want my kids to have that opportunity, and I even want my colleagues' kids to have that opportunity. But they want to tax them to death. 20.5 percent of GDP is in taxes; they ought to be ashamed of themselves.

What we are trying to do here is make a statement: ''Put your actions where your words are.'' We have heard enough rhetoric. We have watched them vote no. We have watched the laughter and the childishness on the floor, and that is fine, Mr. Speaker. I respect these individuals. Some are trying to do what is right, some are trying to be political.

Let us protect the American people. Let us let people keep more of their hard-earned money, we do not need it. Government has grown to be a fatted calf and a fat hog. We do not need to spend our constituents' money. They earned it, they should keep it; we are trying to make that statement. If we are going to save Social Security, let us stop spending money. If we are

going to help the American people better their lives, let us stop taxing them and spending their money.

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

Mr. Speaker, it would be very sad if the majority did not understand their responsibility. I am going to try to run this by just one time because the gentleman who just got finished speaking said the mule and the horse are working against each other.

The majority sets the agenda. The majority sets the budget. The majority sets the spending level. The majority sets the amount of taxes that are going to be made there. So I do not know why we need to have a resolution because would they be changing anything in their resolution that if they were going to say that expressing the sense of Congress that the Republican majority should not increase federal taxes? The Republican majority should not fund additional government spending. The congressional Republican majority for some reason omits now cigarette taxes or whatever they are going to do. Just put in there ''majority,'' and then we would know what we are voting for because everyone agrees with them. It is just that this is not the process that we control taxes and spending, by using the suspension calendar.

If they want to say, let the committees do it, then do it. My God, they did not ask for help on the Patients' Bill of Rights. We had to pull teeth to get some votes out of them where the minority provided the leadership. They did not ask for help in cutting back the number of teachers the President requested and the number of policemen. They sure did not ask for help when they decided they wanted to cut taxes by $792 billion, and they are asking for help by having a continuing resolution, and I assume they will be running down to the White House trying to get some help from the President of the United States.

All I am suggesting is: If they got the majority, they do not come to the floor and say it is a sense of Congress, they do it. They set the authorization, they set the spending and they set the taxes.

So, if it makes them feel better in coming here with sense of Congresses, we are going to help them. We are going to support it, and we are going to say we all do not want Federal increases in spending, and we do not want increases in taxes and we will have prescription drugs even if we, as the minority, have to provide the leadership for our aged and for our sick people, and we will pay for it, Mr. Speaker, but we believe in legislating and not just bringing something up on the suspension calendar.

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

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

First of all, Mr. Speaker, I would just like to say that I welcome the support of our colleagues on the other side of the aisle in resisting any increase at all in Federal taxes whatsoever, and I hope that they will pass that message on to the President, who has not apparently come to the same conclusion. He obviously does have a considerable say in this budget process as well as the Republican majority does, and I would simply remind my colleagues that at a time when there is already record high level of government spending, record high level of Federal taxes and unprecedented surpluses it would be unconscionable to consider taking even more income away from the American people who earn it, and that is what this resolution is all about. It is very simple. It simply says:

There should be no increase in Federal taxes in order to fund additional government spending.

I urge my colleagues to send this clear message to the President: No tax increases, restrain spending.

Mr. STARK. Mr. Speaker, this Congressional Resolution is stupid. It is a truly a type of ''con''—designed to make a political statement without any real thought for the future.

Between now and 2030, the number of Americans on Medicare will double, from 39 million to about 80 million. How will we pay for the retirement and health of the Baby Boomers.

We can cut benefits in half as the number of enrollees doubles, thus holding spending fairly steady. But that would mean just transferring costs to people in their old age and when they are sick.

We can cut what we pay doctors and hospitals in half, but who would then provide quality care to seniors?

Or we could consider some tax increases.

Actually, to save Medicare will take a combination of the three options I have just listed.

To pass a Resolution like this to take one of those options off the table. Do we really want to do that? Instead of having an intelligent debate on how to provide for our citizens in the future, this Congress is just passing solgans—solgans which if taken literally would destroy our ability to meet the future needs of the Nation.

That's why I'm voting ''no'' today.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 208.

The question was taken.

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

The yeas and nays were ordered.

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

REAUTHORIZATION OF JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2496) to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, as amended.

The Clerk read as follows:

H.R. 2496

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

SECTION 1. REAUTHORIZATION OF JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994.

Section 5 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719c) is amended by striking ''for each of the fiscal years 1995 through 2000'' and inserting ''for each of the fiscal years 2001 through 2005''.

SEC. 2. EXPANSION OF PROGRAM TO INSULAR AREAS.

The Junior Duck Stamp Conservation and Design Program Act of 1994 is amended—

(1) in section 2(c) (16 U.S.C. 719(c)) by striking ''50 States'' each place it appears and inserting ''States'';

(2) by redesignating section 5 (16 U.S.C. 719c), as amended by section 1 of this Act, as section 6; and

(3) by inserting after section 4 the following:

''SEC. 5. DEFINITION OF STATE.

''For the purposes of this Act, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2496.

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

There was no objection.

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

I am pleased that we are considering H.R. 2496, a bill introduced by our friend and colleague from Texas (Mr. ORTIZ). This measure will reauthorize the very popular Junior Duck Stamp Conservation and Design Program Act. This innovative program allows thousands of children from kindergarten to high school to participate in a nationwide wildlife art contest. It also provides students with a broad exposure to migratory water fowl and encourages activities to motivate students to take an active role in conserving these species.

In 1998, 42,337 students participated in this nationwide art contest. The first place national winner received a $2,500 scholarship, and his winning design appeared in the Federal Junior Duck Stamp for that year. This legislation does not make any major changes to the underlying law. It simply extends the authorization of appropriations, which is $250,000 for an additional 5 years. By doing so the U.S. Fish and Wildlife Service will continue to license and market junior duck stamps and use stamp proceeds to support conservation, education and hopefully to expand the junior duck stamp design competition to hundreds of additional students.

At our full committee markup the gentleman from American Samoa (Mr. FALEOMAVAEGA) offered an amendment to expand the coverage of this program to include American Samoa, the District of Columbia, Guam and the Northern Mariana Islands, Puerto Rico and the Virgin Islands. I strongly support his amendment and hope that thousands of additional students from places like Tom's River to Pago Pago will have an opportunity to win this art contest in the future.

I urge an aye vote.

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

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

Mr. Speaker, I am extremely pleased that this legislation has now been brought before the floor for consideration, and I certainly want to commend my good friend, the gentleman from New Jersey (Mr. SAXTON), the chairman of our Subcommittee on Fisheries and Oceans, for his leadership and for bringing this legislation for the Members' consideration.

Mr. Speaker, the Junior Duck Stamp Program has matured over a relatively short period of time into a valued conservation and education program that is enjoyed by thousands of schoolchildren nationwide. Merging conservation education with the arts has proven to be an effective strategy to increase knowledge and appreciation of migratory bird and their habitat within our schools. The Junior Duck Stamp Program has enhanced public awareness of the critical need to protect and preserve our Nation's diverse waterfowl and their essential wetland habitats. Moreover, this innovative program has helped promote a conservation ethic among America's young people which will be absolutely critical to ensure healthy wildlife and a healthy environment in the future.

Mr. Speaker, an added benefit to the Junior Duck Stamp Program has been that it has also extended appreciation for wildlife and wetlands far beyond the classroom to the public at large through literally hundreds of annual art contests and exhibitions of art work at State fairs, wildlife refuges, museums and educational conferences. From the southern bayous of Louisiana to the prairie potholes of North Dakota to the tidal marshes along the Pacific Coast such public exposure has attracted and informed thousands of people annually who might otherwise remain unenlightened about the need to protect and conserve the wildlife and wetlands we enjoy today.

Mr. Speaker, I do commend the gentleman from Texas (Mr. ORTIZ) for his introduction of this legislation. I especially appreciate his support and again the support of our chairman the gentleman from New Jersey (Mr. SAXTON) in working with us to expand the eligibility of this program to now include the insular areas as well as the District of Columbia.

This is a noncontroversial bill that deserves the support of this House, and I do strongly urge my colleagues to support this legislation.

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

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

Before I yield back the balance of my time I would like to just make note that our good friend is back in the reader's chair. Mr. Paul Hayes is back with us today for the first time, and I know that all of my colleagues will want to join with me saying how pleased we are to have him back and that he has recovered from a little bump that he had awhile back, and we are delighted that he is with us today.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. ORTIZ), the sponsor and the author of this legislation.

Mr. ORTIZ. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. SAXTON), my good friend the chairman of the subcommittee, and the ranking member of the committee for their leadership, for being able to pass this in the subcommittee, bringing it to the full committee and onto the floor, and today I rise in support of H.R. 2496, the Junior Duck Stamp Conservation and Design Program Act. This is a noncontroversial program that increases the capacity for schools, States and other institutions to conduct wildlife conservation and education programs.

□ 1200

I had the honor of sponsoring the Junior Duck Stamp Conservation and Design Program Act back in the 103rd Congress when I was a subcommittee chairman of the Committee on Merchant Marine and Fisheries. The purpose of the program, then and now, is to provide elementary and secondary school students with educational opportunities in the conservation and management of migratory birds. The program supplements our schools by offering an educational component to conduct conservation programs.

As economic and population growth continues and increasingly affects our environment and natural resources, we have to work harder to find ways to preserve both our world and our standard of living.

Solutions to this challenge, like any challenge, begin with knowledge and understanding, and that begins with education. This is why so many people have embraced educational methods, such as the Junior Duck Stamp Program. This program teaches grade school students appreciation for environmental science and habitat conservation, while rewarding their hard work and effort with support for continuing education.

This is a great tool to help educate students who have not had the opportunity many of us have had to spend time with nature and to develop appreciation of our resources and their management.

Mr. Speaker, at this time I would like to tell my friends that over 400,000 students are involved in this program; and, again, I would like to thank the chairman and the ranking member, and I ask my friends to support this bill.

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

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

Mr. Speaker, I would just like to take one moment to congratulate the gentleman from Texas (Mr. ORTIZ) for his great effort in bringing this bill to the floor and for making it possible for us to reauthorize this program. It is certainly, as I said before, a very worthwhile program, and I congratulate the gentleman from Texas for his forethought in bringing it to us.

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

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2496, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

RONGELAP RESETTLEMENT ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2970) to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created at Rongelap during United States administration of the Trust Territory of the Pacific Islands, and for other purposes.

The Clerk read as follows:

H.R. 2970

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 ''Rongelap Resettlement Act of 1999''.

SEC. 2. RONGELAP RESETTLEMENT AGREEMENT.

The ''Agreement Regarding United States Assistance in the Resettlement of Rongelap Concluded Between the United States Department of the Interior and Rongelap Atoll Local Government'', accepted by the Secretary of the Interior on behalf of the President on September 19, 1996, as amended, shall continue in effect: *Provided*, That the authority to make disbursements pursuant to section 3 of such Agreement is extended for a period of 10 years after the existing authority terminates and that all such disbursements are—

(1) subject to the percentum limitation set forth in the Agreement;

(2) used by the Rongelap Atoll local government to manage and support community reunification, recovery, and mobilization for resettlement, and other activities associated with and in support of resettlement for the dislocated populations at Majuro, Ebeye, Mejatto, and elsewhere in the Marshall Islands; and

(3) subject to the disapproval of the Secretary based upon a determination that a particular use of funds does not effectively contribute to resettlement or address conditions of dislocation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2970.

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

There was no objection.

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

Mr. Speaker, Rongelap Atoll is one of four atolls which were contaminated by high-level radiation from nuclear testing during the time the islands were administered as a trust territory by the United States. The people of Rongelap were first forced to leave their home in 1954. Since that time, they have returned to reside in Rongelap based on incorrect assurances that the islands were safe.

Now, after independent, scientific studies confirmed by the Department of Energy and the National Academy of Science, a federally funded resettlement plan is being implemented with the full involvement and consent of the Rongelap community. In 1996, Congress provided trust funds for the implementation of this plan for the resettlement of the 2,900 Rongelapese living in various parts of the Marshall Islands. Congress also required the administration to enter into an agreement with the Rongelap community to manage the resettlement process.

H.R. 2970, Mr. Speaker, approves this resettlement agreement, allows the distribution of funds already provided by Congress for this purpose and provides that the Secretary of Interior may disapprove expenditures that do not effectively advance resettlement.

This legislation, introduced by the gentleman from Alaska (Chairman YOUNG) and the ranking Democrat of the Committee on Resources, the gentleman from California (Mr. MILLER), creates no cost to the Federal Government and is supported by the Rongelap community and the Marshall Islands. I urge all Members to support the measure.

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

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

Mr. Speaker, today I rise to support the passage of H.R. 2970, which provides for the continuance of the 1996 Rongelap Resettlement Agreement between the Department of Interior, the Rongelap Atoll local government and the Republic of the Marshall Islands. Without this legislation, the resettlement activities being carried out by Rongelap's local government would be jeopardized and the eventual return of the Rongelap people back to their Atoll could be delayed well into the next millennium.

As you may know, Rongelap, as has been pointed out by the gentleman from New Jersey (Mr. SAXTON), is one of four atolls of the Marshall Islands which were contaminated due to nuclear testing during the time the islands were administered as part of the Trust Territory of the Pacific islands and as a U.N. trusteeship under the control of the United States.

In the post-World War II era, islands that were identified as nuclear test sites by the U.S. were evacuated and their people displaced from their homelands which they had known for centuries. The resulting contamination of their land and surrounding coral reef ecosystems have made it very difficult for their safe return to their islands.

In 1996 Congress authorized the implementation of a plan for the resettlement of the people of Rongelap, which now comprises a population of some 2,900 persons. Congress expressly required the President to establish an agreement to govern the resettlement process as intended by Public Law 104–134. In fulfilling that requirement, the Secretary of the Department of Interior entered into an agreement with the Rongelap Atoll local government for a resettlement program that includes radiological rehabilitation and reconstruction of the islands, as well as a community recovery and reunification program.

A trust fund established by Public Law 102–154 ensures that the local government is able to carry out the resettlement program. The principle of the trust fund requires that 50 percent of the annual income be dedicated to island rehabilitation. An amount not to exceed 50 percent of the income is made available to Rongelap's local government to manage and administer the resettlement program through their local government. This enables the government to carry out community recovery programs and address the needs of the Rongelap people through government services and support efforts.

This arrangement is set to expire next year unless Congress acts now to extend that authority. If the current arrangement is permitted to terminate, a resettlement administering authority that would essentially duplicate the local government would have to be established and funded in order to organize and mobilize the community for resettlement. This process could take many years to complete and would only serve to delay the return of the Rongelap people, which is our objective and which is their objective, and a legitimate one at that.

The success of the Rongelap local government, however, to carry out resettlement activities, has far exceeded the agreement and expectations of both the Congress and the Department of Interior. In recognition of their success and progress, it would be imprudent to abort the current approach.

This legislation is clearly bipartisan, supported by the Rongelap Atoll local government, cosponsored by the Committee on Resources chairman, the gentleman from Alaska (Mr. YOUNG), and the committee's ranking member, the gentleman from California (Mr. MILLER). I congratulate both of them for acting swiftly to ensure that the forward progress of the Rongelap government is continued.

I also recognize and congratulate my fellow island brothers. I represent an area that is closest to the Marshall Islands of all the districts represented in the House. I congratulate my fellow islands brothers and sisters for their effective management of the resettlement trust fund and their success in planning and discharging sound public policies to resettle their homelands.

I encourage my colleagues to support the passage of this legislation.

Mr. Speaker, I include for the RECORD a statement from His Excellency, Banny deBrum, the ambassador

of the Marshall Islands to the United States.

EMBASSY OF THE REPUBLIC OF THE MARSHALL ISLANDS

To: Hon. Robert Underwood.
From: RMI Embassy.
Subject: House Committee Report.
Date: October 26, 1999.

DEAR CONGRESSMAN UNDERWOOD: The RMI agrees with the findings and recommendation set forth in House Report 106–404, adopted unanimously by the Resources Committee on October 20, 1999. As documented in Appendix B of the Committee's report, the Republic of the Marshall Islands (RMI) strongly supports the request of the Rongelap Atoll Local Government (RALGOV) for ratification by Congress of the resettlement program established by agreement between the Department of the Interior (DOI, RMI and Rongelap. The resettlement program fulfills the policy goals set forth by Congress in Section 118(d) of P.L. 104–134, and since all parties view the policy and the programs a success, Rongelap and the RMI do not want to leave continuation of the program to chance as the years pass, and as priorities at DOI change for reasons that have nothing to do with Rongelap or the resettlement program.

H.R. 2970 carries out the express intention of Congress as stated in P.L. 102–154 (105 Stat. 1009) that the Rongelap Resettlement Trust Fund be used by the local government to carry out a resettlement program based on a self-determination process for the community. Congress required Rongelap to enter into an agreement with the Executive Branch, and a 1996 agreement between DOI and Rongelap, with approval of the RMI, satisfies that requirement.

Under the 1996 DOI agreement, the Rongelapese are empowered to be in control of their own resettlement. This means that the scientist can investigate and recommend ways to mitigate radiological contamination, engineers and construction contractors can carry out radiological rehabilitation projects, and government officials can exercise oversight, but the decisions about resettlement are made by the people.

This is a significant improvement over past resettlement program in which the islanders were relocated again and again without meaningful participation in planning or decision-making. DOI is to be commended for agreeing to a program that gives the Rongelapese the final word on what measures to advance resettlement will be taken. This makes the people who must decide whether to go back to Rongelap or resettle elsewhere the ability to take control of their own destiny after decades of being controlled by federal officials with an agenda having little to do with the future well-being of the community.

H.R. 2970 preserves the authority of the Secretary of the Interior to disapprove of any expenditure which is determined not to be an effective use of funds to address the conditions of dislocation or to advance resettlement. This bill also preserves limits on the use of annual earnings of the resettlement trust fund by the local government, while recognizing the importance of local government operations and resettlement programs to the success of the overall effort. Thus, this bill confirms the policy DOI has adopted under Section 118(d) of P.L. 104–134, and extends the current program for 10 years instead of allowing it to expire in 2000.

If the resettlement program were not ahead of schedule, if the local government were not operating efficiently and effectively to achieve resettlement within the framework of law and policy DOI required under the resettlement agreement it approved in 1996, then we might want to modify or change the ground rules for the program. However, since the Rongelapese have met every requirement imposed by DOI and exceeded DOI's expectations for implementation of the resettlement program, it would be unwise and unfair to change the policy, the program or the ground rules now.

Given the unpredictability of U.S. actions and policies that resulted in exposure of the Rongelapese to near lethal high level radiation during the U.S. nuclear testing program, given the fact that some of their people were used for epidemiological research and testing not related to medical treatment and without the knowledge or consent of the test subjects, given the fact that they were returned to their island in 1957 and told by the AEC that it was safe, and given the determination by the National Academy of Sciences in 1993 that they should not inhabit that island until it has been made safe through a scientifically monitored program of radiological rehabilitation, I think 10 years of predictability in U.S. policy regarding their radiological clean up of their islands and resettlement of the community if and when their homeland is safe is not too much to ask. DOI has a successful program, and this bill will make sure it continues.

Thank you for your continued support and allow this important opportunity to share the RMI Government's position on H.R. 2970.

Sincerely,

BANNY DEBRUM,
Ambassador.

Mr. Speaker, I yield 5 minutes to the gentleman from America Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Guam for yielding me such time to express my support for this legislation. I also want to express my appreciation to the gentleman from New Jersey (Chairman SAXTON) for his leadership in managing this bill before the Members of the chamber.

Mr. Speaker, the people of Rongelap Atoll, like those from Bikini Atoll in the Marshall Islands, have been suffering for decades because of the nuclear testing activities of the United States Government earlier.

Through the efforts of this committee, Congress passed legislation in 1996 which is assisting the people of Rongelap in establishing a resettlement plan. From the trust fund established in 1992, 50 percent of the annual income is dedicated to island rehabilitation, reconstruction and resettlement programs. The other half of the trust income is available to continue the resettlement program through the local government. This is working well, and I certainly hope that my colleagues will support the bill.

Mr. Speaker, the people of Rongelap Atoll were victims of the most powerful nuclear explosion ever known to man at that time, the first hydrogen bomb explosion in the Marshall Islands in the Pacific in 1954, a 15 megaton explosion that was approximately 1,000 times more powerful, 1,000 times more power than the atom bombs we dropped on Hiroshima and Nagasaki during World War II.

The people of Rongelap did not even know what had happened, other than the fact that they first observed a terrifying brilliant flash of light over 100 miles away, then the shifting winds that brought them a powder-like substance that they innocently washed themselves with, only to result in severe burns and rashes. The color of the ocean turned yellow. Severe vomiting and illnesses of all sorts soon followed; and as a result of this wrong our government had committed against the people of Rongelap, the health of these people has never been the same.

Mr. Speaker, the records indicate our government did commit a grave wrong against the people of Rongelap. The U.S. officials responsible for this hydrogen bomb explosion knew, knew, that the winds had shifted at least 3 to 4 hours before the nuclear hydrogen explosion would take place.

Mr. Speaker, our military officials knew that with the shifting winds, the nuclear fallout would be going directly towards the island of Rongelap and all the men, women, and children living in Rongelap were subjected to radioactive contamination. So now our government is making an effort to at least compensate in some fashion the residents of Rongelap Atoll.

Mr. Speaker, no amount of money will ever restore these people back to normal health, but I do submit that I want to thank sincerely the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, and the gentleman from California (Mr. MILLER), the ranking member, and thank again the gentleman from New Jersey (Chairman SAXTON) for their leadership and efforts which are bringing this legislation forward to, at least with some sense of conscience, make available some kind of assistance to these people that were subjected to this serious nuclear explosion that our government made in 1954.

I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2970.

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

A motion to reconsider was laid on the table.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 970) to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota, as amended.

The Clerk read as follows:

H.R. 970

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 ''Perkins County Rural Water System Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101–294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term ''Corporation'' means the Perkins County Rural Water System, Inc., a nonprofit corporation established and operated under the laws of the State of South Dakota substantially in accordance with the feasibility study.

(2) FEASIBILITY STUDY.—The term ''feasibility study'' means the study entitled ''Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.'', as amended in March 1995.

(3) PROJECT CONSTRUCTION BUDGET.—The term ''project construction budget'' means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(4) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term ''pumping and incidental operational requirements'' means all power requirements that are incidental to the operation of the water supply system by the Corporation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

(6) WATER SUPPLY SYSTEM.—The term ''water supply system'' means intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines operated by the Perkins County Rural Water System, Inc., to the point of delivery of water to each entity that distributes water at retail to individual users.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the Corporation for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 6. USE OF PICK-SLOAN POWER.

For operation during the period beginning May 1 and ending October 31 of each year, portions of the water supply system constructed with assistance under this Act shall be eligible to utilize power from the Pick-Sloan Missouri Basin Program established by section 9 of the Act of December 22, 1944 (Chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

SEC. 7. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 8. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 9. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—At the request of the Corporation, the Secretary may provide to the Corporation assistance in overseeing matters relating to construction of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $15,000,000 for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

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

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

Mr. Speaker, Perkins County is located in northwest South Dakota on the border with North Dakota. Like many areas in the high plains, there are insufficient water supplies, and much of what is available does not meet minimum health and safety standards.

In the early 1930s, South Dakota and Perkins County funded a water supply feasibility study which was completed in 1994. The study concluded that obtaining water from the Southwest Water Authority, a nearby water system located in North Dakota, was the most feasible option, and that the necessary water supply system would cost approximately $20 million. This bill provides for a 75/25 Federal-local cost share, with a total authorization of $15 million for the water supply project costs.

A similar bill passed the House and Senate last year, but due to time constraints was never sent to the President for signature. This bill simplifies the Pick-Sloan power provision of the previous bill, and makes power available to the project at the firm power rate schedule of the Pick-Sloan Eastern Division, within the Western Power Administration, rather than at pumping power rates. This is more equitable to other power users, and consistent with other municipal and industrial water projects.

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

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

Mr. Speaker, I rise in support of H.R. 970. Similar legislation was passed by both the House and Senate in the 105th Congress.

The committee has received extensive testimony regarding the poor quality of domestic water supplies in this area. Farmsteads in this part of South Dakota are often miles apart, and residents must depend on wells that produce water with high levels of sodium.

Engineering studies have shown that centralized treatment facilities using groundwater would not be cost-effective. It makes much more sense to assist Perkins County residents by allowing them to hook up to the Southwest Pipeline project, a rural water supply now under construction just over the border in North Dakota.

I congratulate the Chair and the ranking member, and I urge my colleagues to support H.R. 970.

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

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. THUNE), the author of this legislation.

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

Mr. Speaker, I stand to speak in favor of H.R. 970, the Perkins County Rural Water System Act of 1999.

Mr. Speaker, it has been a long and winding road that this important project has taken to get to this point today. I am extremely pleased that we are nearing the point of enactment.

I would like to thank the gentleman from California, the chairman of the Subcommittee on Water and Power, and the gentleman from Alaska (Mr. YOUNG), the chairman of the full Committee on Resources, as well as the ranking members, the gentlemen from California, Mr. MILLER and Mr. DOOLEY, for their assistance and cooperation in helping advance this bill. Their leadership and cooperation throughout this process have been very instrumental and will continue to be instrumental as we work with the other body to see that this bill becomes law.

The reason I say H.R. 970 has been on a legislative journey of sorts is because this body in the last session of Congress passed a measure similar to H.R. 970, and in the waning days of the 105th Congress, a bill very similar to the one before us today met the approval of the full House.

However, when considered by the other body, the bill was amended and differences between the two bodies could not be settled. As a result, I reintroduced this legislation, and I hope the House will see fit to approve it today.

Mr. Speaker, this bill would provide the authorization that is necessary for the Perkins County rural water system to qualify for Federal assistance for construction. When completed, the system will provide water to over 3,500 people in an area covering 2,866 square miles.

In order to give my colleagues in the House some perspective of that area, that area is larger than either the State of Delaware or Rhode Island. But unlike either of these two States, this area of South Dakota lacks this very important lifeline resource of water.

Not unlike some other areas of South Dakota, Perkins County frequently experiences problems in terms of quality and quantity of water. The present water supply all too frequently fails to meet Environmental Protection Agency standards for total dissolved solids and sulfates. In addition, the sodium and fluoride levels have surpassed acceptable limits. While water clearly is a factor in the quality of life, it is also a factor of good health.

The people of Perkins County have waited for some time to address these concerns. In fact, the project's origins date back to 1982, when sponsors of the Southwest Pipeline project in North Dakota contacted a group of farmers and ranchers in Perkins County to gauge their interest in receiving water from a better, healthier source. While interest was there, the Southwest Pipeline project did not develop to the point that it could have been included in engineering design until 1992.

However, the Southwest Pipeline authorization does not explicitly authorize construction of the Perkins County rural water system. Despite this strong historical connection, there still was not the legal authority necessary for the system, which is why I am on the floor of the House today.

The legislation before us now would help address a vital need to any and every community: that is, water suitable for human consumption. Many areas of this Nation are blessed with vast quantities of quality drinking water. It is a resource that helps ensure growth and prosperity. Other areas, like Perkins County, South Dakota, however, suffer from lack of access to a dependable water supply.

Though this may be a sparsely populated area of this Nation, the communities in Perkins County such as Bison, Lemmon, and Prairie City, all are important to supporting the social fabric of the magnificent rangeland that surrounds. Likewise, there is potential for growth, but only if the basic resources are in place.

H.R. 970 would help this region continue to thrive into the next century. The bill also will allow us to move past simply examining the symptoms of poor drinking water and move forward with the cure to the deficiencies in the current water supply.

On behalf of the residents of Perkins County, South Dakota, I ask all the Members on both sides of the aisle to support this legislation today. Again, I thank the leadership of this committee for moving this bill forward.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time. I urge an aye vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 970, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1999

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1528) to reauthorize and amend the National Geologic Mapping Act of 1992.

The Clerk read as follows:

H.R. 1528

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Geologic Mapping Reauthorization Act of 1999''.

SEC. 2. FINDINGS.

Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) by redesignating paragraph (8) as paragraph (10);

(3) by inserting after paragraph (7) the following:

''(8) geologic map information is required for the sustainable and balanced development of natural resources of all types, including energy, minerals, land, water, and biological resources;

''(9) advances in digital technology and geographical information system science have made geologic map databases increasingly important as decision support tools for land and resource management; and''; and

(4) in paragraph (10) (as redesignated by paragraph (2)), by inserting ''of surficial and bedrock deposits'' after ''geologic mapping''.

SEC. 3. DEFINITIONS.

Section 3 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31b) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (6), (7), (8), and (10), respectively;

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

''(4) EDUCATION COMPONENT.—The term 'education component' means the education component of the geologic mapping program described in section 6(d)(3).

''(5) FEDERAL COMPONENT.—The term 'Federal component' means the Federal component of the geologic mapping program described in section 6(d)(1).''; and

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

''(9) STATE COMPONENT.—The term 'State component' means the State component of the geologic mapping program described in section 6(d)(2).''.

SEC. 4. GEOLOGIC MAPPING PROGRAM.

Section 4 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c) is amended—

(1) in subsection (b)(1)—

(A) in the first sentence, by striking ''priorities'' and inserting ''national priorities and standards for'';

(B) in subparagraph (A)—

(i) by striking ''develop a geologic mapping program implementation plan'' and inserting ''develop a 5-year strategic plan for the geologic mapping program''; and

(ii) by striking ''within 300 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997'' and inserting ''not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999'';

(C) in subparagraph (B), by striking ''within 90 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997'' and inserting ''not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999''; and

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking ''within 210 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997'' and inserting

''not later than 3 years after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999, and biennially thereafter'';

(ii) in clause (i), by striking ''will coordinate'' and inserting ''are coordinating'';

(iii) in clause (ii), by striking ''will establish'' and inserting ''establish''; and

(iv) in clause (iii), by striking ''will lead to'' and inserting ''affect''; and

(2) by striking subsection (d) and inserting the following:

''(d) PROGRAM COMPONENTS.—

''(1) FEDERAL COMPONENT.—

''(A) IN GENERAL.—The geologic mapping program shall include a Federal geologic mapping component, the objective of which shall be to determine the geologic framework of areas determined to be vital to the economic, social, environmental, or scientific welfare of the United States.

''(B) MAPPING PRIORITIES.—For the Federal component, mapping priorities—

''(i) shall be described in the 5-year plan under section 6; and

''(ii) shall be based on—

''(I) national requirements for geologic map information in areas of multiple-issue need or areas of compelling single-issue need; and

''(II) national requirements for geologic map information in areas where mapping is required to solve critical earth science problems.

''(C) INTERDISCIPLINARY STUDIES.—

''(i) IN GENERAL.—The Federal component shall include interdisciplinary studies that add value to geologic mapping.

''(ii) REPRESENTATIVE CATEGORIES.—Interdisciplinary studies under clause (i) may include—

''(I) establishment of a national geologic map database under section 7;

''(II) studies that lead to the implementation of cost-effective digital methods for the acquisition, compilation, analysis, cartographic production, and dissemination of geologic map information;

''(III) paleontologic, geochrono-logic, and isotopic investigations that provide information critical to understanding the age and history of geologic map units;

''(IV) geophysical investigations that assist in delineating and mapping the physical characteristics and 3-dimensional distribution of geologic materials and geologic structures; and

''(V) geochemical investigations and analytical operations that characterize the composition of geologic map units.

''(iii) USE OF RESULTS.—The results of investigations under clause (ii) shall be contributed to national databases.

''(2) STATE COMPONENT.—

''(A) IN GENERAL.—The geologic mapping program shall include a State geologic mapping component, the objective of which shall be to establish the geologic framework of areas determined to be vital to the economic, social, environmental, or scientific welfare of individual States.

''(B) MAPPING PRIORITIES.—For the State component, mapping priorities—

''(i) shall be determined by State panels representing a broad range of users of geologic maps; and

''(ii) shall be based on—

''(I) State requirements for geologic map information in areas of multiple-issue need or areas of compelling single-issue need; and

''(II) State requirements for geologic map information in areas where mapping is required to solve critical earth science problems.

''(C) INTEGRATION OF FEDERAL AND STATE PRIORITIES.—A national panel including representatives of the Survey shall integrate the State mapping priorities under this paragraph with the Federal mapping priorities under paragraph (1).

''(D) USE OF FUNDS.—The Survey and recipients of grants under the State component shall not use more than 15.25 percent of the Federal funds made available under the State component for any fiscal year to pay indirect, servicing, or program management charges.

''(E) FEDERAL SHARE.—The Federal share of the cost of activities under the State component for any fiscal year shall not exceed 50 percent.

''(3) EDUCATION COMPONENT.—

''(A) IN GENERAL.—The geologic mapping program shall include a geologic mapping education component for the training of geologic mappers, the objectives of which shall be—

''(i) to provide for broad education in geologic mapping and field analysis through support of field studies; and

''(ii) to develop academic programs that teach students of earth science the fundamental principles of geologic mapping and field analysis.

''(B) INVESTIGATIONS.—The education component may include the conduct of investigations, which—

''(i) shall be integrated with the Federal component and the State component; and

''(ii) shall respond to mapping priorities identified for the Federal component and the State component.

''(C) USE OF FUNDS.—The Survey and recipients of grants under the education component shall not use more than 15.25 percent of the Federal funds made available under the education component for any fiscal year to pay indirect, servicing, or program management charges.

''(D) FEDERAL SHARE.—The Federal share of the cost of activities under the education component for any fiscal year shall not exceed 50 percent.''.

SEC. 5. ADVISORY COMMITTEE.

Section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d) is amended—

(1) in subsection (a)(3), by striking ''90 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997'' and inserting ''1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''critique the draft implementation plan'' and inserting ''update the 5-year plan''; and

(B) in paragraph (3), by striking ''this Act'' and inserting ''sections 4 through 7''.

SEC. 6. GEOLOGIC MAPPING PROGRAM 5-YEAR PLAN.

The National Geologic Mapping Act of 1992 is amended by striking section 6 (43 U.S.C. 31e) and inserting the following:

''SEC. 6. GEOLOGIC MAPPING PROGRAM 5-YEAR PLAN.

''(a) IN GENERAL.—The Secretary, acting through the Director, shall, with the advice and review of the advisory committee, prepare a 5-year plan for the geologic mapping program.

''(b) REQUIREMENTS.—The 5-year plan shall identify—

''(1) overall priorities for the geologic mapping program; and

''(2) implementation of the overall management structure and operation of the geologic mapping program, including—

''(A) the role of the Survey in the capacity of overall management lead, including the responsibility for developing the national geologic mapping program that meets Federal needs while fostering State needs;

''(B) the responsibilities of the State geological surveys, with emphasis on mechanisms that incorporate the needs, missions, capabilities, and requirements of the State geological surveys, into the nationwide geologic mapping program;

''(C) mechanisms for identifying short- and long-term priorities for each component of the geologic mapping program, including—

''(i) for the Federal component, a priority-setting mechanism that responds to—

''(I) Federal mission requirements for geologic map information;

''(II) critical scientific problems that require geologic maps for their resolution; and

''(III) shared Federal and State needs for geologic maps, in which joint Federal-State geologic mapping projects are in the national interest;

''(ii) for the State component, a priority-setting mechanism that responds to—

''(I) specific intrastate needs for geologic map information; and

''(II) interstate needs shared by adjacent States that have common requirements; and

''(iii) for the education component, a priority-setting mechanism that responds to requirements for geologic map information that are dictated by Federal and State mission requirements;

''(D) a mechanism for adopting scientific and technical mapping standards for preparing and publishing general- and special-purpose geologic maps to—

''(i) ensure uniformity of cartographic and scientific conventions; and

''(ii) provide a basis for assessing the comparability and quality of map products; and

''(E) a mechanism for monitoring the inventory of published and current mapping investigations nationwide to facilitate planning and information exchange and to avoid redundancy.''.

SEC. 7. NATIONAL GEOLOGIC MAP DATABASE.

Section 7 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f) is amended by striking the section heading and all that follows through subsection (a) and inserting the following:

''SEC. 7. NATIONAL GEOLOGIC MAP DATABASE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Survey shall establish a national geologic map database.

''(2) FUNCTION.—The database shall serve as a national catalog and archive, distributed through links to Federal and State geologic map holdings, that includes—

''(A) all maps developed under the Federal component and the education component;

''(B) the databases developed in connection with investigations under subclauses (III), (IV), and (V) of section 4(d)(1)(C)(ii); and

''(C) other maps and data that the Survey and the Association consider appropriate.''.

SEC. 8. BIENNIAL REPORT.

The National Geologic Mapping Act of 1992 is amended by striking section 8 (43 U.S.C. 31g) and inserting the following:

''SEC. 8. BIENNIAL REPORT.

''Not later 3 years after the date of enactment of the National Geologic Mapping Reauthorization Act of 1999 and biennially thereafter, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

''(1) describes the status of the national geologic mapping program;

''(2) describes and evaluates the progress achieved during the preceding 2 years in developing the national geologic map database; and

''(3) includes any recommendations that the Secretary may have for legislative or other action to achieve the purposes of sections 4 through 7.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

The National Geologic Mapping Act of 1992 is amended by striking section 9 (43 U.S.C. 31h) and inserting the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

''(1) $28,000,000 for fiscal year 1999;

''(2) $30,000,000 for fiscal year 2000;

''(3) $37,000,000 for fiscal year 2001;

''(4) $43,000,000 for fiscal year 2002;

''(5) $50,000,000 for fiscal year 2003;

''(6) $57,000,000 for fiscal year 2004; and

''(7) $64,000,000 for fiscal year 2005.

''(b) ALLOCATION OF APPROPRIATIONS.—Of any amounts appropriated for any fiscal year in excess of the amount appropriated for fiscal year 2000—

''(1) 48 percent shall be available for the State component; and

''(2) 2 percent shall be available for the education component.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1528.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 1528, a bill to reauthorize and amend the National Geologic Mapping Act of 1992. That law established a cooperative program between the United States Geologic Survey, the various State geologic surveys, and academia to prioritize geologic mapping needs for the Nation, and to ensure that a small cadre of trained mappers continues to flow from our universities.

This bill represents the second authorization, the second reauthorization of the initial program, which was enacted by the 102nd Congress.

Mr. Speaker, just in the last few months we have witnessed earthquakes in Turkey, Greece, and Taiwan, with devastating loss of life and quality of life. The planet we live on is a dynamic one. Having modern geologic maps of our country is a foundation of good Earth science application to natural hazards identification and abatement, as well as for broad planning efforts for resources utilization. Such mapping is also key to delineation and protection of sources of safe drinking water and sound land use planning.

The National Geologic Mapping Act has fostered a spirit of cooperation between the Federal Government's Earth scientists and those employed by the 50 States, as well as academia. No one agency or group has all the answers. Through the workings of the Cooperative Geologic Mapping Program, priorities based on real needs are advanced, and funding is made available to the States on a 50/50 matching basis from a small portion of the annual USGS appropriation.

Since the program was initiated, the States have demonstrated a greater ability to come up with the matching funds in their own State legislatures, a sign that the program is indeed successful.

Of course, we realize that geologic mapping will not stop earthquakes, landslides, and volcanic eruptions from happening, but it does provide new insights into the likelihood of their occurrence, so that the impacts to society may be ameliorated.

I would like to thank our colleague, the gentleman from West Virginia (Mr. RAHALL), a cosponsor of this bill and a sponsor of the original act in 1992, for joining with me in support of this new and improved act, and likewise for our colleague, the gentleman from the Second District of Nevada (Mr. GIBBONS), who is a geologist himself and a cosponsor of H.R. 1528.

Lastly, I would like to acknowledge the efforts of Dr. David Wunsch, who is a congressional science fellow who worked with the Subcommittee on Energy and Mineral Resources during the last year. David has returned to the Kentucky Geologic Survey to do important research in the hydrogeology of coal-bearing terrains, but he was instrumental in seeing this bill come this far.

H.R. 1528 has the full support of the administration, and I urge its passage.

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

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

Mr. Speaker, this bill, the National Geologic Mapping Reauthorization Act of 1991, has the full support of the Committee on Resources. Democrats and Republicans alike have voted to favorably report this bill to the House, and the Clinton administration has also endorsed the bill.

We need geologic mapping in our society for many worthwhile purposes, including emergency preparedness, environmental protection, land use planning, and resource extraction.

Over the years, the need for geologic maps has grown steadily, but map production has not kept up. The Earth provides the physical foundation for our society. We live upon it and we use its resources. Therefore, we need to work toward a better understanding of the Earth's resources and potential dangers.

Geologic maps are one effective way to convey the Earth science foundation needed for better understanding and decision-making by all of us, Federal agencies, State, territorial, and local governments, private industry, and the general public alike.

The National Geologic Mapping Act of 1992, which this bill would extend, which was first authored by our colleague, the gentleman from West Virginia (Mr. RAHALL) authorized a national program of geologic mapping to be accomplished through partnership with State geological surveys, academia, the private sector, and the USGS.

This partnership is essential if we are to developing the extensive amount of material needed for informed decision-making. Accordingly, it is my pleasure to support adoption of the bill. I urge all of my colleagues on both sides of the aisle to join me in voting on H.R. 1528.

I would like to acknowledge the leadership of the subcommittee chairwoman, the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield 5 minutes, to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, first of all, I would like to begin by thanking the gentlewoman from Wyoming (Mrs. CUBIN) for her gracious yielding of time for me to speak, and her diligent work and commitment on this bill, as well as that of the gentleman from Guam (Mr. UNDERWOOD), and for seeing to it that this bill reaches the House floor.

Mr. Speaker, this legislation becomes very important when we consider and address issues of safety in the environment. H.R. 1528 reauthorizes the geologic mapping Act of 1992, which was a legislative response to identified deficiencies in the National Academy of Sciences with their lack of basic geologic knowledge and structures in this country.

Being a geologist myself, I can personally attest to the great importance of geologic mapping and its resultant impact on many aspects of our society. Geologic maps benefit safety and planning regulations, telling us where natural disasters may occur. For example, they identify and map earthquake fault lines and water flow patterns which are important to identifying disaster potentials when building infrastructure for our communities and transportation routes.

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Without a detailed geologic map of the United States, we will be forced to address issues such as safe drinking water and environmental systems, understanding in the same dangerous fashion that someone might drive a car at night without headlights.

It is imperative for us to explore and understand what resources we have in

this country and how best to use them before we carelessly make unscientific decisions without the full knowledge of our underlying environment.

I also believe that detailed geologic maps provide the basic information for solving a broad range of regional and State problems. These include the protection of drinking water, the identification and mitigation of natural hazards such as earthquakes and volcanic eruptions, as well as many other land-use planning requirements.

This legislation will assist State and local communities with land and water decisions, aid farmers and ranchers with crop decisions, advance habitat protection for endangered species, and aid the mining industry with site determination for mineral resources.

Currently, Mr. Speaker, only about 20 percent or one-fifth of the Nation is adequately mapped. Congress, however, has finally begun to understand the importance and need of geologic mapping, and it is time that we use our dollars wisely to bring about the best science for this country.

Geologic maps are the primary database for virtually all applied and basic earth science investigations. It is because of this continued need for core science that I urge all Members to support H.R. 1528. I believe that passage of this bill is in the best interest of science and the Nation as well.

Once again, Mr. Speaker, I would like to thank the gentlewoman from Wyoming (Mrs. CUBIN) for her leadership in bringing this important legislation before us today. I urge all my colleagues to vote in favor of this bill.

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

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

The SPEAKER pro tempore (Mr. BONILLA). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 1528.

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

A motion to reconsider was laid on the table.

GAS HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1753) to promote the research, identification, assessment, exploration, and development of methane hydrate resources and for other purposes, as amended.

The Clerk read as follows:

H.R. 1753

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 ''Gas Hydrate Research and Development Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term ''contract'' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(4) GRANT.—The term ''grant'' means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education, within the meaning of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(7) SECRETARY OF COMMERCE.—The term ''Secretary of Commerce'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(8) SECRETARY OF DEFENSE.—The term ''Secretary of Defense'' means the Secretary of Defense, acting through the Secretary of the Navy.

(9) SECRETARY OF THE INTERIOR.—The term ''Secretary of the Interior'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. GAS HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of gas hydrate research and development.

(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 120 days after the date on which all such individuals are designated and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE AND COORDINATION.—The Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop gas hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of gas hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of gas produced from gas hydrates;

(D) promote education and training in gas hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development); and

(F) develop technologies to reduce the risks of drilling through gas hydrates.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industry, institutions of higher education, and Federal agencies to—

(1) advise the Secretary on potential applications of gas hydrate;

(2) assist in developing recommendations and priorities for the gas hydrate research and development program carried out under subsection (a)(1); and

(3) report to the Congress within 2 years after the date of the enactment of this Act, or at such later date as the Secretary considers advisable, on the impact on global climate change from gas hydrate extraction and consumption.

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among government, industry, and institutions of higher education to research, identify, assess, and explore gas hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in gas hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for gas hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

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

''(4) The term 'gas hydrate' means a gas clathrate that—

''(A) is in the form of a gas-water ice-like crystalline material; and

''(B) is stable and occurs naturally in deep-ocean and permafrost areas.''; and

(3) in paragraph (7), as so redesignated by paragraph (1) of this section—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

''(G) for purposes of this section and sections 202 through 205 only, gas hydrate; and''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2000;
(2) $7,500,000 for fiscal year 2001;
(3) $11,000,000 for fiscal year 2002;
(4) $12,000,000 for fiscal year 2003; and
(5) $12,000,000 for fiscal year 2004.

Amounts authorized under this section shall remain available until expended.

SEC. 6. SUNSET.

Section 3 of this Act shall cease to be effective after the end of fiscal year 2004.

SEC. 7. REPORTS AND STUDIES.

The Secretary shall simultaneously provide to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy prepares at the direction of any committee of the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1753.

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

There was no objection.

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

Mr. Speaker, gas hydrates, which consist of a mixture of gas and water frozen into a solid crystalline state, have great energy potential. The most abundant form of gas hydrates, methane hydrates, are found in many areas throughout the world.

The U.S. Geological Survey's 1995 National Assessment of United States Oil and Gas Resources estimated the value of the U.S. in-place methane hydrate resource to be an astounding 320,000 trillion cubic feet of gas or 320 quadrillion cubic feet of gas.

By comparison, the United States annually consumes about 22 trillion cubic feet of methane as natural gas, and the world's current known gas reserves are about 5,000 trillion cubic feet of gas.

In addition, the occurrence and stability of gas hydrates at oceanic depths offers the possibility that excess greenhouse gases, especially carbon dioxide, may be disposed in the deep ocean as synthetic hydrates.

H.R. 1753 directs the Secretary of Energy, in consultation with the Secretaries of Commerce, Defense, and the Interior, and the Director of the National Science Foundation, to commence a program of gas hydrate R&D.

It authorizes the Secretary of Energy $5 million for fiscal year 2000, $7.5 million for fiscal year 2001, $11 million for fiscal year 2002, and $12 million for each of fiscal years 2003 and 2004 to carry out the program.

The bill also authorizes the Secretary of Energy to award grants or contracts to, or enter into cooperative agreements with institutions of higher education and industrial enterprises to conduct gas hydrate R&D; requires that all such awards be made available based on a competitive merit review process.

It limits administrative expenses to not more than 5 percent and prohibits any funds from being used for either the construction of a new building or alteration of an existing building, including site grading and improvement and architect fees.

It allows the Secretary of Interior to award gas hydrate R&D contracts in grants to, and to enter into cooperative agreements with, qualified entities under the Marine Mineral Resources Research Act of 1996.

It sunsets the gas hydrate R&D program after the end of fiscal year 2004.

Mr. Speaker, I commend the bill to the House for its adoption.

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

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

Mr. Speaker, I am pleased to be here today to move one step closer to enactment of the Gas Hydrates Research and Development Act. I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the full Committee on Science, as well as the gentleman from Texas (Mr. HALL), the ranking member of the full committee, the gentleman from California (Mr. CALVERT), the chairman of the Subcommittee on Energy and Environment, for all of their hard work on this bill.

In particular, I would like to commend the gentleman from Pennsylvania (Mr. DOYLE), our colleague on the subcommittee and full committee, for all of his hard work on this legislation. He of course is the author of this bill.

Gas hydrates have the potential to provide a significant natural gas resource to this country if they are safely and economically extracted from the ocean floor where they are found.

This legislation establishes an interagency research and development program to examine many issues associated with the extraction of gas hydrates, including the possible economic, environmental, and energy benefits.

I strongly support this legislation.

Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. DOYLE), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. DOYLE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I appreciate the gentleman from Illinois (Mr. COSTELLO) for yielding me the time.

Mr. Speaker, I am pleased to be here this afternoon to speak in support of the Gas Hydrate Research and Development Act. As has been noted, this bill is a 5-year authorization measure that will promote the research, identification, assessment, exploration, and development of gas hydrate resources.

I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his interest in moving forward with this bill. I want to recognize his efforts in drawing greater attention to a diverse range of important and timely matters, including the need for heightened gas hydrate research, that have come before the Committee on Science during this session.

I also want to acknowledge the support that the gentleman from California (Mr. CALVERT), the chairman of the Subcommittee on Energy and Environment, and the gentleman from Illinois (Mr. COSTELLO), the ranking member, has given to the initiatives that are outlined in the legislation currently before us.

Mr. Speaker, the Gas Hydrate Research and Development Act provides the necessary framework, guidance, and authority to enable further examination in what could conceivably save consumers billions of dollars, make difficult national and environmental decisions easier, and strengthen our Nation's energy security.

I am proud of the fact that this effort has attracted bipartisan support in the House as well as in the Senate. Senator AKAKA's companion legislation S. 330, which is cosponsored by Senators LOTT, GRAHAM, CRAIG, and LANDRIEU, was passed by the Senate earlier this year. Here in the House, I am pleased to report that both the Committee on Science and the Committee on Resources reported the measure out by voice vote.

I am also particularly proud of the inclusive approach that this initiative embodies. It instructs the Secretary of Energy to work with other agencies, institutions of higher education, and the private sector in conducting future gas hydrate research and development. I have always favored a consortium approach to such efforts as they not only prove to be cost effective, but in many cases help to accelerate the rate of discovery.

There are many questions surrounding gas hydrates that must be answered, and to accomplish the necessary R&D activities will require a diverse set of engineering and scientific disciplines. I am confident that DOE's

outreach efforts and the specific expertise in this area can be found at our Federal energy technology centers, in concert with the input from the other entities I have previously mentioned, that we can achieve our goal of producing the technology necessary for the commercial production of methane from oceanic and permafrost hydrate systems while at the same time meeting requirements for cleaner fuels and reduced emissions.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I rise in strong support of H.R. 1753, a bill to authorize a program of the Department of Energy fostering research and development of a peculiar form of energy minerals, natural gas hydrates.

This bill is a blended version of the legislation reported by the Committee on Science and the Committee on Resources. It reflects a role for the Department of Interior's Mineral Management Service, the agency which is charged with resources disposition from our continental shelves. That is where the lion's share of methane hydrate minerals occur, there and in the permafrost regions of the Earth.

This bill integrates the role which the scientists of the Marine Minerals Research Institute, an adjunct of the Minerals Management Service, may play in gas hydrates research. The Institute, which has three branches, one for continental shelf research, one for deep ocean basins and near island environments, and one for arctic and cold water regions, is well positioned to provide expertise in the quest to make what is now a drilling hazard for some OCS operations and turn it into an energy resource.

Mr. Speaker, without a doubt, if this Nation is to reach a sustained use of 30 trillion cubic feet of natural gas by the end of the next decade, which is a Clinton administration projection, then we will need to develop unconventional sources of natural gas as well as the traditional accumulations. Coalbed methane being developed in my home State of Wyoming is one of those unconventional sources. But methane hydrates in our Alaskan permafrost regions and our OCS also hold great promise to help our country meet this demand with domestic gas.

I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his willingness to incorporate several Committee on Resources' adopted provisions to strengthen this bill. I would also like to thank the committee staffs for their work to iron out the differences.

Lastly, I would like to acknowledge the efforts of our former congressional science fellow, Dr. David Wunsch. He was critical to the formulation of my subcommittee's hearings and amendments to this bill.

Mr. Speaker, I urge my colleagues to support this bill and to help us move toward the goal of energy self-sufficiency.

Mr. DOYLE. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN), who has always been and continues to be a leading advocate for critical R&D efforts. I know I am not alone in counting the gentleman from West Virginia among the most distinguished Members of Congress who can always be counted on for his strong support and sound advice.

Mr. MOLLOHAN. Mr. Speaker, I rise in support of H.R. 1753, the Gas Hydrate Research and Development Act of 1999. I want to commend the gentleman from Pennsylvania (Mr. DOYLE) for his introduction of this legislation and for his leadership in the area of this Nation's research into the use of energy and the more efficient use of energy, creating an energy independence for this country.

The Department of Energy estimates that up to 200,000 trillion cubic feet of methane may exist in crystalline or hydrate form and in U.S. permafrost regions and surrounding waters. This potentially enormous resource is 100 times greater than the entire conventional natural gas supply in the United States.

However, we are still unsure how much methane we really have in hydrate form as well as how exactly to convert methane hydrates into a commercially feasible product.

In 1997, the President's Committee of Advisors on Science and Technology, P–CAST, identified the need for a comprehensive methane hydrates research and development program, recommending an initial investment of $44 million over 5 years.

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H.R. 1753 will go a long way toward implementing the P–CAST recommendations and will continue the work already started by the Federal Energy Technology Center, FETC, which has sites in Morgantown, West Virginia, and in Pittsburgh, Pennsylvania.

FETC has a long history in the methane hydrates field. In 1981, when the first hydrate ice core was retrieved, FETC was one of the six organizations chosen to analyze it. Continuing its leadership in this area, FETC has developed a strong methane hydrate strategy designed to implement the P–CAST recommendations.

H.R. 1753 would allow DOE to move forward with the FETC hydrates program. Other nations, most notably Japan, already have begun intensive hydrate research efforts. The longer we wait to move ahead, the harder it will be to catch up.

I call on my colleagues to join me in voting for this important legislation, and I call on DOE to implement the FETC plan.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the distinguished subcommittee chair.

Mr. CALVERT. Mr. Speaker, I thank the gentleman from Wisconsin, the chairman of the Committee on Science, for yielding me this time.

As chairman of the Subcommittee on Energy and Environment of the Committee on Science, I am pleased we are considering H.R. 1753, the Gas Hydrates Research and Development Act of 1999. My friend and colleague on the subcommittee, the gentleman from Pennsylvania (Mr. DOYLE), introduced H.R. 1753, which we marked up and passed by a voice vote on May 12. I am happy to report the final version was approved overwhelmingly by the full committee on September 9.

Mr. Speaker, I have the distinct pleasure of serving on both the House Committee on Science and the Committee on Resources, which shared jurisdiction on this bill, and I would like to thank my friends on the Committee on Resources for all their hard work in getting H.R. 1753 to the floor.

I especially would like to thank the chairman, the gentleman from Alaska (Mr. YOUNG), and the gentlewoman from Wyoming (Mrs. CUBIN), who now ably chairs the subcommittee which I once chaired and whose willingness to work with me and the chairman of the Committee on Science on this important piece of legislation is much appreciated. I also again would like to thank the gentleman from Illinois (Mr. COSTELLO), who worked hard to make sure that this bill moved forward.

Gas hydrates, as has been described here earlier, are an ice-like substance found in the undersea sediment in the Arctic permafrost and other locations throughout the world. These hydrates one day will provide an abundant supply of clean natural gas if we can only figure out a way to get it out. So that is what this is all about. Much more research is needed before we can attain that goal, and 1753 brings us closer to the day when we can safely and effectively begin to use this abundant new source of energy.

This legislation will make funds available to continue the research into extracting this clean and bountiful source of potential energy gas hydrates. It also seeks to better coordinate research between the Department of Energy, the U.S. Geological Survey, and the United States Navy.

I urge my colleagues to support this legislation which will help secure our energy future.

Mr. DOYLE. Mr. Speaker, I yield 2½ minutes to the gentleman from Guam (Mr. UNDERWOOD), who played an instrumental role in shepherding this

legislation through the House Committee on Resources.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 1753, the Methane Hydrate Research and Development Act of 1999, a piece of legislation which was introduced on May 11 by our friend and colleague, the gentleman from Pennsylvania (Mr. DOYLE), who has taken the lead on this. I also want to thank the chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. CALVERT), the gentleman from Illinois (Mr. COSTELLO), and the gentlewoman from Wyoming (Mrs. CUBIN) for their efforts in support of this.

The primary purpose of this bill is to promote the research, identification, assessment, exploration, and development of methane hydrate resources. This is important because one of our most important sources of clean, efficient energy is natural gas. Today, natural gas comes primarily from geological formations in which methane molecules exist in the form of gas.

They also exist in ice-like formations called hydrates. Hydrates trap methane molecules inside a cage of frozen water and hydrates are generally found on or under seabeds and under permafrost. While we do not know the extent or amount of methane trapped in hydrate, scientists believe today we are talking about an enormous resource.

According to the U.S. Geological Survey, worldwide estimates of the natural gas potential of methane hydrates approach 400 million trillion cubic feet, as compared to the mere 5,000 trillion cubic feet that make up the world's known gas reserves. This huge potential illustrates the interest in advanced technologies that may reliably and cost effectively detect and produce natural gas from methane hydrates.

I would like to add that the technology that is needed for this will involve some form of deep seabed mining, which is an area and a concern of interest to those of us in the Pacific.

On a cautionary note, we should be mindful that although methane is relatively clean burning, it is a fossil fuel. So removing it from its safe haven on the ocean floor and burning it will release carbon in the form of carbon dioxide into the atmosphere. Methane hydrates near offshore drilling rigs also may pose a threat through substances on the ocean floor. For instance, if a drilling rig were hit by shifting or deep pressurization of the methane hydrates underneath it, the impact on the rig and the workers aboard could be disastrous.

This is worthwhile legislation. It is something we need as a country to get going on, because I believe other countries are developing the technology to deal with this.

Mr. DOYLE. Mr. Speaker, I yield myself the balance of my time.

I too want to thank the gentleman from California (Mr. CALVERT) for his words of support and express my appreciation for his good work not only on science issues but on veterans issues as well.

As I mentioned in my opening remarks, the potential for significant benefit to consumers, the environment, and business exist in methane hydrate research. I want my colleagues to listen to and consider the following: it has been projected that the U.S. gas consumption is expected to increase by 40 percent by the year 2020. Couple this with the fact that currently more than half of the present U.S. oil supply is imported and without natural gas production our oil import volume would be much larger. But if only 1 percent of the methane hydrate resource could be made removable, the United States could more than double its domestic natural gas resource base.

As numerous scientists, as well as the President's Committee of Advisors on Science and Technology have noted, natural gas will remain a principal energy source well into the next century. This is partly attributable to the increasing pressure for clean fuels. As methane from hydrates is essentially a pure methane, which is free of sulfur, nitrogen, and other contaminants, it is the cleanest burning of all fossil fuel resources. Subsequently, its utilization could be a key factor in mitigating global warming concerns.

Needless to say, when a new abundant resource is found that meets a growing demand with a greater level of efficiency, consumers will not only have a greater selection of options but more affordable costs as well. It is time we begin to avail ourselves of the potential resources brought to bear through intensive methane hydrate research, just as Japan, India, the United Kingdom, Germany, Brazil, and Norway are currently active in doing through their individual methane hydrate programs.

Mr. Speaker, as much as methane hydrate research is a matter of global proportions, it is of equal importance to almost every region of our country. While large deposits have been identified and studied in Alaska, the West Coast from California to Washington, the Blake Ridge offshore of the Carolinas, and in the Gulf of Mexico, activity and interest has been demonstrated in numerous other locations.

In the area of western Pennsylvania that I represent, Gerald Holder at the University of Pittsburgh, and the Pittsburgh Energy Technology Center, have a long history in hydrate research. Efforts are also underway at Penn State University, the Colorado School of Mines, the Georgia Institute of Technology, the Massachusetts Institute of Technology, Brookhaven National Lab, Texas A&M University, the Monterey Bay Aquarium Research Institute, and the South Dakota School of Mines and Technology are just a few of the various other organizations that have a vested interest in methane hydrate research.

I also want to make particular mention of the work that is being done at the University of Hawaii and again recognize Senator AKAKA for his efforts in advancing similar legislation in the Senate.

Mr. Speaker, H.R. 1753 presents a thoughtful and common sense approach to expanding future energy choices. Through continued pursuit of progress in science and technology, we can assist in providing future generations with an abundant supply of a clean and reasonably priced energy source.

I urge my colleagues to support the Gas Hydrate Research and Development Act, and I thank my chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his support and his help.

Mr. Speaker, I submit the statement of Senator AKAKA in support of H.R. 1753 for the RECORD.

REMARKS OF SENATOR DANIEL K. AKAKA REGARDING METHANE HYDRATE LEGISLATION

I believe that H.R. 1753, and the Senate counterpart bill, S. 330, are important energy research bills that Congress should enact this session. Methane hydrate research has strong, bipartisan support. Senators Lott, Graham, Craig and Landrieu have cosponsored S. 330.

The discovery of methane hydrates presents a research and development opportunity with major energy security implications. The bill will serve the long-term goal of developing new energy supplies as well as the near-term goal of increased safety and recovery of conventional oil and gas.

Significant, widespread deposits of gas hydrates have been detected, but have not been characterized, all over the globe. The data on this resource may surprise you.

Worldwide, the amount of methane trapped in gas hydrate form is estimated to be 10,000 gigatons—twice the carbon found in all other fossil fuels and 3,000 times the amount of methane present in the atmosphere. Scientists at the U.S. Geological Survey estimate that 320,000 trillion cubic feet of natural gas exists in methane hydrate form in the U.S.—a staggering resource.

In the United States, on-shore deposits are found in the arctic regions of Alaska. However, deep sea methane hydrate deposits are the most abundant source of methane, occurring at depths greater than 300 meters. Marine geologists have identified large deposits off the coasts of Alaska, Louisiana, Texas, New Jersey, Oregon and North and South Carolina.

Research is needed to determine whether we can produce natural gas from these vast reserves. Natural gas from methane hydrates will never be realized unless we undertake a serious research and development program outlined in these bills.

The U.S. currently lags other countries in exploring this exciting new energy source. Japan and India have launched aggressive R&D programs to explore methane hydrates. Some believe that Japanese commercial production is only a decade away. Clearly we

are falling behind in our efforts to understand this energy source. In the face of dwindling energy resources and increased reliance on energy imports, we can hardly afford to miss this important opportunity.

In addition to potential use as an energy source, methane hydrate deposits also represent a challenge to conventional oil and gas extraction. Hydrates influence physical properties of ocean sediments, particularly strength and stability. Characterizing hydrate formation and breakdown is important for the safety of deep offshore drilling and other deep sea operations.

Given these research, technology, and energy security considerations, it would be shortsighted not to invest in our future by assessing and developing gas hydrates. I urge you to pass H.R. 1753.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support H.R. 1753, the Methane Hydrate Research and Development Act of 1999. This measure will promote the research, identification, assessment, exploration, and development of methane hydrate resources.

As a Member of the House Science Committee, I recognize the importance of our natural resources. And as a Houstonian and Texan, I have a vested interest in natural and fossil fuels.

Natural gas is an important source of clean efficient energy. Today, natural gas comes primarily from geological formations in which methane molecules—the primary component of natural gas—exist in the form of gas.

Methane also exists in ice-like formations called hydrates. Hydrates. Hydrates trap methane molecules inside a cage of frozen water. Hydrates are found on or under seabeds and under permafrost.

The amount of methane trapped in hydrates is largely unknown, but it is very large. A number of scientists believe that hydrates contain more than twice as much energy as all the world's coal, oil, and natural gas combined.

Currently, we do not know how to produce a meaningful amount of energy from hydrates. Scientists around the world are trying to discover cost effective production methods. They are also trying to assess the size of the resource base, to explore problems hydrates cause during the production of offshore natural gas, and to explore additional uses for hydrates.

If scientists can find a way to safely extract the gas, they will have tapped an enormous new clean-burning energy supply. This act direct the Secretary of Energy to commence a gas hydrate research and development program. In conjunction with the Secretaries of Defense and the Interior, along with the Director of the NSF, the Secretary of Energy is to commence this research. This measure will allow the Secretary to award grants or contracts or even enter into cooperative agreements with institutions of higher education and industrial enterprises to conduct basic and applied research, to identify, explore, assess, and develop gas hydrate as a source of energy.

Mr. Speaker, it is vital that we continue to search for new sources of energy that will reduce our dependence on foreign sources, further protecting our energy security, and that will protect the environment from further harm.

Mr. MASCARA. Mr. Speaker, in an era of increasingly volatile energy prices and dwindling energy resources, it is imperative that the U.S. fund research for alternative energy sources now so that we are not left out in the cold when the cost of or inaccessibility to traditional fossil fuels makes heating our homes and fueling our factories impossible. H.R. 1753, the Methane Hydrate Research and Development Act of 1999, attempts to stave off that threat by directing the Secretary of Energy to coordinate a research and development program with the Secretaries of Defense, Interior and the Director of the National Science Foundation to develop methane hydrate resources.

Methane hydrate, a frozen mixture of methane and water, is found in sea sediments of the outer continental regions under unstable, high pressure conditions and in arctic regions where permafrost conditions exist. Methane hydrate, once safely extracted from these regions promises to become a viable source of alternative energy. The most promising area of research seems to be in harvesting methane hydrates from the outer continental regions. A 1997 U.S. Geological Survey appraisal of natural gas hydrate resources in the U.S. estimated that about 200,000 trillion cubic feet exist. It has been estimated that one 50 by 150 kilometer area off the coast of North and South Carolina could supply the energy needs of the United States for over 70 years.

Unfortunately these estimates do us no good without investments to develop the technology to safely and economically harvest methane hydrates. Passage of H.R. 1753 is a crucial first step to developing economical and ecologically sensitive technology that allows the United States to meet our energy needs in the 21st century. I support passage of H.R. 1753 and urge my colleagues to support passage of this important legislation.

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

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

The SPEAKER pro tempore (Mr. BONILLA). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1753, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes.''.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that pursuant to Public Law 100–696, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from California (Mrs. FEINSTEIN) as a member of the United States Capitol Preservation Commission, vice the Senator from North Dakota (Mr. DORGAN).

CONCERNING ECONOMIC, HUMANITARIAN, AND OTHER ASSISTANCE TO NORTHERN SOMALIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 20) concerning economic, humanitarian, and other assistance to the northern part of Somalia.

The Clerk read as follows:

H. CON. RES. 20

Whereas in the area in the northern part of Somalia, referred to as Somaliland by the elected representatives of the people living there, a significant level of economic and social stability has been achieved, promising likely success for international and United States sponsored economic development and humanitarian programs;

Whereas economic development, humanitarian, and other forms of assistance to the people of such area from international organizations, the United States, and other foreign nations, has been diminished, delayed, or canceled due to questions about the assertion of sovereignty by those people as a nation separate from Somalia;

Whereas provision of economic development and humanitarian assistance to the people of such area does not constitute recognition of any particular claim to sovereignty by any de facto government of the region; and

Whereas the fundamental purpose of economic development, humanitarian, and other aid is to relieve human suffering: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) urges all international organizations, foreign countries, and agencies of the United States Government engaged in economic development, humanitarian, and other forms of bilateral or multilateral assistance to evaluate the ability of such assistance to achieve the amelioration of human suffering in each region of Somalia, including the northern part of Somalia referred to as Somaliland;

(2) urges the President not to delay, diminish, or cancel the amounts and kinds of assistance otherwise appropriate to the people of certain regions in Somalia because conditions may not be propitious for such assistance in other regions of Somalia;

(3) urges the President not to delay, diminish, or cancel the amounts and kinds of such assistance directed toward any region in Somalia waiting for a permanent resolution of the efforts now underway to forge a new government for Somalia;

(4) calls upon all Somali parties to continue to work toward a permanent end to the civil strife there and the adoption of a permanent governmental structure most conducive to the well-being and basic human rights of all Somali people; and

(5) calls on the President to—

(A) work with the international community to help bring an end to the suffering of the Somali people and work toward a negotiated settlement of the Somali conflict;

(B) increase the levels of humanitarian assistance provided to Somalia through local and international groups;

(C) provide funding for demobilization and demining efforts in Somalia;

(D) provide assistance in the health and education sectors of Somalia; and

(E) work with other donor groups to assist the people of Somalia in reconstruction and development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 20, the concurrent resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, the Horn of Africa is no longer as strategically important to our Nation as it once was. However, we cannot ignore it as an area of a region with past and continuing instability.

The hostility of the Islamic fundamentalist regime of Sudan toward our Nation, the regrettable ongoing war between Eritrea and Ethiopia, and the violent clashes between warlords in southern Somalia all bear watching. Because of these problems, it is in our national interest to identify those portions of the Horn which have demonstrated a degree of stability and governance and to encourage them. Northern Somalia, and particularly the area once defined as the British protectorate of Somaliland, is one such area.

Our distinguished colleagues, the gentleman from California (Mr. CAMPBELL) and the gentleman from New Jersey (Mr. PAYNE), traveled to that remote region last year. We are grateful to them for their energetic diligent service on the Subcommittee on Africa. This resolution is a direct result of their eyewitness accounts of a people rebuilding their lives and economies after a long troubled period.

Accordingly, I urge my colleagues to fully support this measure, H. Con. Res. 20.

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

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

Mr. Speaker, I rise in support of this resolution, H. Con. Res. 20.

□ 1300

Let me once again thank the gentleman from New York (Mr. GILMAN); the gentleman from California (Mr. ROYCE), chairman of the subcommittee; and the gentleman from Connecticut (Mr. GEJDENSON) for bringing this resolution to the floor.

I would also like to thank the primary sponsor, the gentleman from California (Mr. CAMPBELL), who traveled on CODEL Campbell to Somaliland last year, where we had the opportunity to meet with President Egal.

This resolution expresses several points: Support for humanitarian and targeted development assistance for Somaliland. It encourages efforts at democratization and transparency. It recognizes the level of stability in the region. It encourages freedom of the press. It encourages dialogue with other regions in Somalia, and it also calls on the U.S. to provide funding for health and education.

When Somalia gained independence from Britain and Italy, Somalia was left with two distinct systems of governing by virtue of the fact that they were controlled by different colonial powers.

The governing body of Northern Somalia was colonized by the British. In the south it was colonized by the Italians. As we know, Djibouti, an independent country before their independence, was colonized by the French.

The various systems have something to do we believe with the relative stability and instability of these regions. Northern Somalia, which was colonized by the British, was sort of left intact by the colonial hierarchy. They continued to allow traditional leaders to function. They allowed local leaders to be able to project themselves, therefore creating a more stable environment when independence came.

Whereas, their Italian counterparts replaced the indigenous structures and they had their own Italian model for Southern Somalia around Mogadishu. And so, the lack of local leaders being recognized in the south by the form of colonization that the Italians had as contrasted with that of the north is one of the reasons to explain the differences in those two regions.

''The Great Conference of the Northern Peoples'' convened a meeting in May of 1991 and established the part of Somalia which the people in the north call Somaliland. It also promulgated a new Constitution for that region. President Egal was reelected to office in 1997 for another 5-year term by winning 223 votes in their 315-member national communities conference.

Egal's relationship with other clans in Somalia has improved over the past years due to his efforts of reaching out to other clan leaders and once again having had visibility before independence.

Somalia is one example of a collapsed system of government by the north, as we can see in the past. And so, the opportunity for us to visit there with CODEL Campbell to see the schools, the hospitals, the civil servants functioning and our recent visit by President Egal encourages us to continue to support the efforts that are happening there.

Also, as the war continues between Ethiopia and Eritrea, we see that sides in Somalia are being taken by leaders between Isaias and Meles. And so, to have the stability in the north is very important.

Mr. Speaker, we urge support of this resolution.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. Royce), the distinguished chairman of our Subcommittee on Africa.

Mr. ROYCE. Mr. Speaker, I would like to share with the Members here that this resolution draws a much needed sense of attention by this Congress to Somalia, which has ceased to exist as a nation. And so, the nation's state, basically, has ended in a situation of near anarchy as a result of fighting between factions led by self-serving warlords there.

But this resolution authored by the gentleman from California (Mr. CAMPBELL) and the gentleman from New Jersey (Mr. PAYNE) recognizes that the northernmost part of Somalia has achieved a significant level of economic and social stability.

I would just like to share with the Members that November 1 in Newsweek Magazine they report: ''The people here in the north call their territory Somaliland and they want no part of the thuggery to the south. In the north, children in crisp, white shirts attend school and play cheerful games of soccer. Their parents busily rebuild broken homes, hammering new roofs or white-washing walls. And, astonishingly, not a gun is in sight.''

The article in Newsweek goes on to quote the Deputy Parliament Speaker, who says, ''We want a nod from Uncle Sam that we're going in the right direction. We've established a healthy haven in a very rough neighborhood.''

Well, this should be a given and this resolution does that. However, the resolution should not be construed as a call for diplomatic recognition of Somaliland per se. In fact, the resolution calls for all Somalia parties to work with the international community to achieve a permanent end to the civil strife there and the adoption of a permanent government structure most conducive to the well-being and basic human rights of all Somalia people.

I would like to commend again the gentleman from California (Mr. CAMPBELL) for offering this resolution and

the gentleman from New Jersey (Mr. PAYNE), the ranking member of the Subcommittee on Africa. I would also like to recognize the gentleman from New York (Mr. GILMAN), our full committee chairman, for his work on this resolution.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. CAMPBELL), who is one of the original sponsors of this measure.

Mr. CAMPBELL. Mr. Speaker, I wish to thank the chairman of our full committee, but for whom we would not have this resolution on the floor today, for his generous support for this resolution and, more generally, for his support for matters of great importance to all of us in regard to Africa.

I wish to thank the gentleman from California (Mr. ROYCE), the subcommittee chairman, who has taken the time to learn the subject matter, to become an expert, and to lead our Congress on matters of importance to all of us regarding Africa.

I thank the gentleman from New Jersey (Mr. PAYNE), my cosponsor and the ranking Democrat on the subcommittee, with whom I have traveled to Africa, who has constantly shared with me his extensive knowledge about Africa, gleaned not only from his years in Congress but also from his remarkable public service prior thereto in connection with his work with the YMCA and humanitarian and refugee assistance. From all these sources I have learned a great deal.

The resolution has a very simple purpose. The United States and international assistance agencies ought to help where we can do the most good, and we should not hold back that help pending a final and perfect resolution of the difficulties in Mogadishu. That is the heart of this resolution.

We do not have to get into the issue of recognition of any country, or subcategories or any countries, contrary to the accepted standards of our State Department. All we have to do is recognize that if there is in place an instrument that can accept assistance from the World Bank, from the Africa Development Bank, from AID, that we then ought to go ahead and offer that assistance if we can help needy people.

What is happening today instead, Mr. Speaker, is that such assistance by the World Bank, by the Africa Development Bank, by United States AID, is held up because there is no recognized government in Mogadishu. That should not be a reason to hold back useful assistance to some remarkable people in the northern part of the former country of Somalia, who have achieved so much.

Secondly, the legal status is exactly as my good friend and colleague, the subcommittee chairman, has stated. However, bear in mind that Somaliland was an independent sovereign state, admittedly for a short period, for 6 days; but as they came out of colonial status from Britain, they were an independent country. They voluntarily gave up that independence to join with formerly Italian colony of Somalia to form the State of Somalia.

Now, under the tremendous strain of a civil war, that union broke apart. I emphasize this because the people of the land that was Somaliland have aspirations. I do not speak against those aspirations. I note, as the subcommittee chair did, that today we do not speak on the subject of those aspirations for statehood. We leave that neutral and unsaid in this resolution.

However, so many of our colleagues remember the horror that befell American troops trying to do good in Mogadishu, and specifically, the American Rangers. That was not the fault of the good people of Somaliland. They had nothing to do with it. They had no control over Mogadishu. They were not part of the government, such as it was there. They were not part of the warring factions in Mogadishu.

Instead, what we see is a stable area capable of accepting aid and using it for needy people. And today, by this resolution, we put on record the House of Representatives and, hopefully, the other body as well in support of assisting people in ways that can be accepted and utilized.

In conclusion, I want to return to the note of thanks with which I began. We would not be here but for the chairman and the subcommittee chairman who have given priority to this resolution. It speaks volumes for their compassion and concern that they wanted to put this forward today. I thank them for doing so.

I conclude with a final word of thanks again to my good friend, the gentleman from New Jersey (Mr. PAYNE), whose leadership in this area has been exemplary to us all.

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

Mr. Speaker, let me conclude by saying I agree with the chairman of the subcommittee that this should not be construed as recognition. But I must certainly associate myself with the remarks of the gentleman from California (Mr. CAMPBELL) that this is a unique situation and, in the future, perhaps it is something that we need to look at. But I agree that this does not connote any type of recognition.

I do, though, in conclusion urge all independent national organizations, foreign countries, and agencies of the United States Government to engage in economic development and humanitarian and other forms of foreign assistance to evaluate the ability of such assistance to achieve the amelioration of human suffering in each region of Somalia, including the northern part of Somalia known as Somaliland.

We urge our President not to delay, diminish, or cancel the amount of assistance otherwise necessary to the people of certain regions of Somalia because the conditions in the other parts, as has been mentioned, are not stable and peaceful; and we encourage the President not to delay or diminish aid to certain areas of Somalia that are awaiting a peaceful resolution of the conflict.

We also call on all Somalia parties to continue to work towards a permanent end to the civil strife there and to adopt the permanent government structure conducive to the well-being and the basic human rights of all Somalis.

This resolution is just presented as a catalyst to deliver humanitarian assistance to Somalia and to create a dialogue that will end the suffering and confusion within Somalia.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 20, the resolution "Concerning Economic, Humanitarian And Other Assistance To Northern Somalia." To understand the importance of this resolution, we must look to the recent history of politically, economically and war torn Somalia.

Cities in Somalia have traditionally been centers of trade, administration and education. Now they lie shattered. In Hargeisa, for example, 80 percent of the buildings have been destroyed, supply infrastructures like electricity and water have been smashed, the schools left roofless and ruined, the hospitals devastated and the citizens have suffered without the most basic facilities. Anti-personnel mines and unexploded shells lie buried in the rubble of the city, still deadly, forbidding the clearance of much of the debris. Such terrifying conditions in what had been stable and well-established cities symbolize the legacy of Siad Barre's disastrous years of power.

As the Africa Watch Committee set down in its 1990 report on the region, "It is difficult to overstate the Somali government's brutality towards its own people, or to measure the impact of its murderous policies." Two decades of the presidency of President Siad Barre have resulted in human rights violations on an unprecedented scale, which have devastated the country. Even before the current wars, the human rights of Somali citizens were violated systematically, violently and with absolute impunity. The most bloody conflict, and the longest lasting, has been the war in the North against the Isaak clan, the largest in the region." Recounts given by the people who have and continue to be exposed to physical violence and verbal abuse in Somalia paints a picture of dead, wounded, displaced people and impoverished and demolished cities.

Mrs. Fozia Mohamed Awad, speaking of the problems in Northern Somalia recants "I personally lived through the 1985 massacre, when fifty to sixty men were driven out of prison and shot by government soldiers. This happened in the city of Burao, and there were no trials or court appearances, they were just shot down. After these killings, the government confiscated our property, established control posts at the entrances of our towns and along the highways and nothing could happen without them being bribed."

One morning the government army arrived at, Fozia Awad's village, approaching from a

dried-up riverbed. They opened fire, killing all they could see—people and animals. They killed her mother and two other women relatives. In all, sixty people were killed on that occasion at the water point. Then they went to the nearby village and killed everybody there, except a few who fled into the bush.

Mr. Speaker, dear colleagues, H. Con. Res. 46 is extremely important in that it expresses the sense of Congress deploring the escalation of the conflict between Ethiopia and Eritrea which has resulted in the massive and senseless loss of life, as well as substantial economic hardship to the peoples of both nations. This measure strongly urges both Eritrea and Ethiopia to bring an immediate end to the violence between the two countries and strongly affirms U.S. support for the Organization of African Unity (OAU) Framework Agreement. In addition, H. Con. Res. 20 calls on the United Nations Human Rights Commission and all human rights organizations to investigate human rights abuses in connection with the forced detentions, deportations, and displacements of populations caused by this conflict.

I would like to thank my colleagues, Congressman CAMPBELL and Congressman PAYNE for introducing this important resolution. This resolution presents a commitment by the United States to the people of Somalia. It is for the spirits of the thousands of people who have died in Somalia and 60,000 more who have been detained or forced from their homes who are crying out for world intervention. This resolution is a first step.

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

Mr. GILMAN. Mr. Speaker, I urge my colleagues to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 20.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 2

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 2, of which I am not particularly fond, and to which my name was added without my knowledge in error.

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

There was no objection.

CELEBRATING 50TH ANNIVERSARY OF GENEVA CONVENTIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 102) celebrating the 50th anniversary of the Geneva Conventions of 1949 and recognizing the humanitarian safeguards these treaties provide in times of armed conflict.

The Clerk read as follows:

H. CON. RES. 102

Whereas the Geneva Conventions of 1949 set basic humane standards of behavior during armed conflict, and are the major written source of international humanitarian law;

Whereas these Conventions prescribe humane treatment for civilian populations, wounded, sick and shipwrecked military personnel, and prisoners of war during armed conflict;

Whereas these Conventions recognize the International Committee of the Red Cross as an independent and neutral organization whose humanitarian mission is to protect and assist civilians, prisoners of war, and other victims of armed conflict;

Whereas ''the red cross in a field of white'' is not an ordinary organizational symbol, but one to which the international community has granted the ability to impose restraint during war and to protect human life;

Whereas the American Red Cross and its sister national societies are members of a world-wide organization rooted in the provisions of international humanitarian law and dedicated to the promulgation of its principles, among which are the Geneva Conventions of 1949;

Whereas the international programs of the American Red Cross bring relief from natural and manmade disasters abroad, contribute to the development of nonprofit relief organizations abroad, and include the teaching of international humanitarian law throughout the United States;

Whereas many domestic programs of the Red Cross in health and safety, disaster, blood, youth, and service to the members of the Armed Forces of the United States grew out of a response to armed conflict;

Whereas, thanks to the efforts of Clara Barton and Frederick Douglass, the United States ratified in 1882 the first convention for the amelioration of the condition of wounded and sick members of the armed forces in the field;

Whereas in 1955 the United States ratified the Geneva Conventions of 1949; and

Whereas the Geneva Conventions of 1949 are among the most universally ratified treaties in the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SENSE OF CONGRESS.

The Congress—

(1) recognizes the historic and humanitarian significance of the Geneva Conventions of 1949, and celebrates the 50th anniversary of the signing of these treaties;

(2) exhorts combatants everywhere to respect the red cross emblem in order to protect innocent and vulnerable populations on every side of conflicts;

(3) commends the International Committee of the Red Cross and the more than 175 national Red Cross and Red Crescent societies, including the American Red Cross, on their continuing work in providing relief and assistance to the victims of war as prescribed by these Conventions;

(4) applauds the Promise of Humanity gathering organized by the American Red Cross in 1999 in Washington, D.C., as an important reminder of our responsibilities to educate future generations about the principles of international humanitarian law;

(5) commends the efforts of the International Committee of the Red Cross and the more than 175 national Red Cross and Red Crescent societies, including the American Red Cross, for their work in educating the world's citizens about the humanitarian principles of international humanitarian law as embodied in the Geneva Conventions of 1949;

(6) invites the American Red Cross during this anniversary year to assist Congress in educating its Members and staff about the Geneva Conventions of 1949;

(7) supports the anniversary theme of the International Committee of the Red Cross that ''Even War Has Limits''; and

(8) calls upon the President to issue a proclamation recognizing the anniversary of the Geneva Conventions of 1949 and recognizing the Conventions themselves as critically important instruments for protecting human dignity in times of armed conflict and limiting the savagery of war.

SEC. 2. GENEVA CONVENTIONS OF 1949 DEFINED.

In this concurrent resolution, the term ''Geneva Conventions of 1949'' means the following conventions, done at Geneva in 1949:

(1) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (6 UST 3114).

(2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (6 UST 3217).

(3) Convention Relative to the Treatment of Prisoners of War (6 UST 3316).

(4) Convention Relative to the Protection of Civilian Persons in Time of War (6 UST 3516).

□ 1315

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), the sponsor of this resolution.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize the 50th anniversary of the Geneva Conventions. In 1949, the Geneva Conventions were formally adopted which set the rules for safeguarding members of the armed forces who are wounded, sick, shipwrecked, prisoners of war and civilian workers of the military. At the same time, the dream of Henry Dunant was realized. Henry was the founder of the Red Cross movement, and in 1859 he originally proposed the establishment of a civilian volunteer relief corps to care for the wounded.

It was in 1949, nearly 100 years later, that the Geneva Conventions were formally ratified. In the old days, they did not take prisoners. They killed them. As it evolved through the years, beginning in 1859 when Henry Dunant started the program, we began to be more humane in our treatment of war. So in 1949, nearly 100 years later, the Geneva Conventions were formally ratified, and the Red Cross was recognized as the world's humanitarian organization.

Through his vision and determination, an organization was built that has educated, protected, given hope, provided comfort and relief to millions of people all over the world. Today virtually every country in the world is part of the Geneva Conventions. It was because of Mr. Dunant and these conventions that I and my family had hope during my 7 years of captivity as a prisoner of war in Vietnam. After I was shot down over Vietnam, a Vietnamese officer came up to me with a Red Cross on his lapel and said I could write a letter. Seeing the cross, I assumed he was working for the Red Cross and was visiting me to ensure that I would be treated humanely as the Geneva Conventions dictated. As Members know, our wars with both Korea and Vietnam, those two countries did not formally adopt the Geneva Conventions. They signed them but they did not adhere to them.

After we spoke, he asked me if I wanted to write a letter. I wrote the letter and later learned it was never sent. I found out later that in Communist countries, there are not many left nowadays, the military runs the Red Cross and they do it the way they want to and not the way a humanitarian Red Cross that we know our Red Cross in America by and in other nations, the international one, does. They are not volunteers with humanitarian goals in mind.

Later on during my captivity, a real Red Cross representative finally visited me and some of my letters made it home, through the Red Cross, and my family was able to send some that way as well. Those letters were some of the only comfort my family and friends here in America received during my nearly 7 years in captivity, and they were possible because the American Red Cross was there to make sure that the Geneva Conventions were followed.

I tell that story simply to illustrate the power and respect that the symbol of the Red Cross holds throughout the world. The Red Cross and its affiliates are the organizations that are there in time of need, whether it be to ensure the human rights of political prisoners or to help reconstruct the homes and lives of victims of national disasters. The Red Cross is always there.

In my case they were there to uphold the most powerful of human rights treaties, the Geneva Conventions. That is why today I congratulate and say ''thank you'' to the Red Cross, the American Red Cross and the International Red Cross on the 50th anniversary of the Geneva Conventions. I know that my family and I are very grateful to the Red Cross, to the volunteers who selflessly continue to serve so that human dignity is not compromised and human suffering is eliminated. I congratulate the Red Cross and the international movement, and again commemorate the anniversary of these important international treaties.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Texas (Mr. SAM JOHNSON) for bringing this important measure before this body at this time.

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

Let me first pay public tribute to my good friend and distinguished colleague the gentleman from Texas (Mr. SAM JOHNSON) for bringing this matter to the body and for his heroic service to our Nation. We are deeply in his debt. I also want to commend the distinguished gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for sponsoring this legislation.

I am, of course, delighted to ask all of my colleagues to support H. Con. Res. 102. The Geneva Conventions, Mr. Speaker, were concluded in 1949, 50 years ago, to address the terrible practices that occurred during the Second World War. They established a comprehensive framework for dealing with treatment of combatants and civilians alike. The conventions include a wide range of protections. Persons who are not or are no longer taking part in hostilities according to the conventions need to be respected, protected and treated humanely. They must be given appropriate care, without discrimination of any kind. Captured combatants and other persons whose freedom has been restricted must be treated humanely. They need to be protected against all acts of violence, particularly against torture. If they are put on trial, they must enjoy the fundamental guarantees of proper judicial procedures. The right of parties to an armed conflict to choose methods of warfare are not unlimited. There must be no unnecessary or superfluous injury or suffering inflicted. In order to spare the civilian population, armed forces at all times must distinguish between civilian populations and civilian objectives on the one hand and military objectives on the other hand.

I think it is extremely important for us to state with pride that the American armed forces have gone out of their way to minimize or to eliminate what is typically called collateral damage, damage to civilian populations.

Since 1949, these and other protections have been critical in stopping at least some of the violence and abuse of both combatants and civilians. Through the good offices of the International Committee of the Red Cross, large numbers of American soldiers and citizens have been assisted in the invocation of these conventions.

In this connection, I want to pay tribute to Elizabeth Dole, who led the American Red Cross with such distinction over a long period of time. I urge all of my colleagues to vote for this 50th commemorative celebration of the Geneva Conventions.

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

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

Mr. Speaker, this resolution celebrating the 50th anniversary of the Geneva Conventions of 1949 recognizes the important contributions the Geneva Conventions of 1949 made to international humanitarian law. Last August we observed the 50th anniversary of these treaties. During this century, we have seen the scope and devastation of conflict and warfare reach hitherto unimaginable bounds. In order to ameliorate the far reaching, devastating consequences of battle and conflict, the states parties to the Geneva Conventions have undertaken to recognize certain limitations and to humanize the laws of war. I commend the author of the measure the gentleman from Texas (Mr. SAM JOHNSON) who through his own heroic experience as a POW during the Vietnam War has firsthand knowledge of the significance of these conventions. His North Vietnamese captors attempted to derogate from their obligations under the Geneva Conventions by injecting political issues into whether or not they had to be applied to U.S. airmen and other servicemen taken prisoner. Condemnation in the U.N. and elsewhere of its position forced Hanoi to apply these nonpolitical and humanitarian instruments regardless of any other political considerations.

Other provisions of the Geneva Conventions concerning the treatment of civilians during war or internal conflict have been shown by the events we have witnessed in this decade in the former Yugoslavia, in Central Africa and now in East Timor to be highly relevant. It is the Geneva Conventions that have by and large provided the basis for the indictment of numerous suspected war criminals by the Hague Tribunal. When these vital pieces of international humanitarian law are respected, the Geneva Conventions can and do temper the devastation of modern conflict. And when they are not, those violators who breach their provisions risk being considered as beyond the bounds of humanity, and the civilized world.

Accordingly, Mr. Speaker, I urge my colleagues in the House to approve H. Con. Res. 102, calling for appropriate recognition of the 50th anniversary of the Geneva Conventions of 1949.

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

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Illinois (Mr. EVANS).

Mr. EVANS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the resolution offered by the gentleman from Texas (Mr. SAM JOHNSON). As the ranking member of the Committee on Veterans' Affairs and a member of the Committee on Armed Services, the issues I deal with on a daily basis address the human costs exacted by war. Whether it be the millions of disabled veterans who still seek care from the VA or the innocent men, women and children who have been maimed by land mines, the scope of the carnage caused by war is breathtaking. We have come to take for granted that it is a barbaric enterprise, a part of the human condition that will always remain with us. However, the Geneva Conventions have helped bring some measure of sanity to the insanity we call war. It has helped to act as a safety net for the innocents of the world as well as foster respect for the basic human rights of combatants. While it has never by any stretch of the imagination been a perfect instrument, it is hard to imagine the pain and suffering that would have happened in our world without its existence.

If the Geneva Convention is to remain a living and important document, we must do all we can to ensure its relevance to the nations of the world and to all combatants. Today's resolution honoring the 50th anniversary of their creation will send an important message to the world that the United States believes in and embodies the humanitarian principles inherent in these accords.

I urge my colleagues to support this important resolution.

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

Mr. EVANS. I yield to the gentleman from Missouri.

Mr. SKELTON. I think the gentleman hit it right on the head when he used the phrase ''some measure of sanity.'' This, of course, is the very best in a very difficult world. But I wholeheartedly support this resolution and I compliment the gentleman on his comments. I thank the ranking member and the chairman for bringing this resolution to the floor. I certainly hope that it will pass, not only pass but do so unanimously.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 5 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from California for yielding me this time and want to say what a privilege it is to be in this Congress with him, he being one of the foremost champions of human rights not only in this Congress but throughout the world. I am very grateful for the commitment that he has made because if there are Members who exemplify what the Geneva Convention stands for in its unfolding of principles of humanity, it is the gentleman from California. I think we could also say that the esteemed chairman of the Committee on International Relations also is someone who celebrates these high principles.

I am certainly here in support of this resolution which celebrates the 50th anniversary of the Geneva Conventions.

□ 1330

It is important that we understand that the Geneva Conventions embody an agreement to try to bring principles of humanity into one of the most inhumane of circumstances in human conduct, the conduct of war, and Geneva Conventions brought together leaders from around the world 50 years ago with the express purpose of trying to find a way where, as we see a world slip into war, we could still say that there are some things that even in war are not going to be tolerated.

I have to say that in reflecting back in the last year in events which have been well publicized around the world I think it is important, when we speak of the Geneva Conventions, to also review the military objectives of NATO and Kosovo just 5 months ago which would seem to violate the very prohibition which the Geneva Convention has for deliberate attacks on civilians, and I cite from the Geneva Conventions here, Schedule 5, Article 52.1, which states that civilians shall not be the subject of an attack, while Schedule 6, Article 13.3, states, and I quote, civilians shall enjoy protection unless they take direct part in hostilities, end of quote.

Now the Conventions, in order for them to be effective must be applied to everyone whether we happen to like a given nation or not, and they would seem, if my colleagues read them, to apply to everyone in the world, including those Serbian civilians in Yugoslavia. For instance, Convention 4, Part 2, Article 13, states the provision of Part 2 covers the whole population of the countries in conflict without any adverse distinction based in particular on race, nationality, religion or political opinion and are intended to alleviate the sufferings caused by war, end of quote.

Well, we know for a fact that NATO targeted Serb civilians and civilian infrastructures. There is no one who would contest this now. For instance, the attack on the Serbian TV station caused the death of 20 civilians. NATO planes and missiles deliberately targeted the electric power infrastructure of Serbia. One State Department official has been quoted as saying that the attack on a TV station was intended to send a message to the Serbian populace, and this is a quote, to put pressure on the leadership to end this, unquote.

Now did NATO's aerial bombardment violate international humanitarian law as set forth in the Geneva Conventions of 1949? Did the bombing also violate the first additional protocol of 1977, which many of the NATO countries have ratified? The basic rule in Article 48 of Protocol 1 is that civilian populations and objects are to be distinguished from military objectives and that only military objectives are to be bombed. In addition, bombings which are intended to spread terror, and I will read that again, bombings which are intended to spread terror or attack civilian morale are expressly prohibited by Article 51. When NATO admittedly targeted the infrastructure of Yugoslavia, including water works, electricity plants, bridges, factories, television and radio locations in efforts to harm the morale of the people and to get them to overthrow their leadership, I wonder if NATO considered Article 51 which prohibited such actions.

NATO also targeted civilians when it attacked the Serbian TV station killing 20 civilians. Rules 51 and 57 also prohibit attacks on military targets that will cause excessive civilian deaths and prohibit disproportionate indiscriminate attacks. NATO bombing caused excessive loss of life and injury to civilians and possibly killed thousands.

Now we should celebrate the 50th anniversary of the Geneva Conventions and pass this legislation, but our words will ring hollow when our actions contradict them. Let us follow up this resolution with a study that honestly and independently determines how, if at all, recent military action in Kosovo contravened the Geneva Conventions.

I urge passage of the resolution.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

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

I would like to make a comment concerning my good friend's observations concerning NATO's participation in the recent hostilities in the former Yugoslavia.

Mr. Speaker, probably at no time in military history has there been such a deliberate attempt to minimize civilian casualties as was the case on the part of NATO. As a matter of fact, the NATO command went out of its way, even jeopardizing its own pilots, to minimize to the maximum possible extent civilian casualties. But I think it is self-evident that in a society where civilian and military facilities and infrastructure are intertwined and adjacent and contiguous the notion that warfare can be conducted without any civilian casualties is simply not realistic. The Geneva Convention makes a very clear distinction between tragic

civilian casualties, unintended, inadvertent, and the deliberate punishment, maiming, killing of civilians. Let the record show that at no time did NATO do anything to deliberately injure civilians.

Now I think a special comment needs to be made with respect to Milosevic's television facilities. As any dictator, Milosevic has used the propaganda apparatus of the Serbian television network to spread falsehood, rumors, disinformation, thereby prolonging this tragic war. It would have been unthinkable for NATO not to take out Serbian television, and the post mortems following the conclusion of military activities has concluded as one of the main criticisms of NATO's action that the television facilities were not taken out earlier. I think we need to draw a very sharp line of demarcation between the deliberate injuring of civilians and the inevitable civilian losses which are entailed in military activities.

NATO must indeed be proud of its extraordinary efforts to protect all civilians and all civilian facilities. Railroad stations, bridges, radio stations, television stations are part and parcel of today's war, and to attempt to conduct a war where military and civilian facilities are so inextricably intertwined, as they are in all modern industrialized societies, is simply absurd. I think it is incumbent upon all of us not to misread or misinterpret the Geneva Conventions. The Geneva Conventions deal with deliberate injury, maiming and killing of civilians. The Geneva Conventions realistically understand that in the tragic event of war there will be civilian casualties, and that is what happened in the case of the Kosovo encounter.

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

Mr. LANTOS. I yield to my good friend from Ohio.

Mr. KUCINICH. Mr. Speaker, I would like to point out that one of the great celebrations that NATO had in this conflict was its ability to precisely target certain facilities, notwithstanding the unfortunate episode at the Chinese embassy, and that being the case, NATO together with the intelligence it was receiving absolutely understood that there were civilians in that TV station.

Now I respectfully submit that Rules 51 and 57 in this Convention, which the gentleman and I both agree ought to be honored, prohibits attacks on military targets which would cause excessive civilian deaths, and while we could engage in a debate on, I suppose, what would constitute excessive civilian deaths, I humbly submit the possibility that NATO may have gone along the line of challenging this very provision which is in the Geneva Convention, and I think that the gentleman and I both agree in our service in this Congress that we want to see the highest principles of humanity upheld, and we both understand how terribly difficult it is for all of us to have to grapple with the decisions that are made during a war because I think we would both agree that war is something that needs to be avoided at all cost, and when it is finally something that is enacted, that we observe the Geneva Conventions.

My statement here on this floor is to point out that while we can all admire the ideals that are expressed in the Geneva Conventions that it is important, I think, to review a recent history which may suggest that the Geneva Conventions could be fully exemplified in the conduct of combatants.

I would agree with the gentleman from California that Mr. Milosevic is not someone who at any point ought to be regarded for his role in this. He has certainly done everything he can to undermine democracy and freedom and Serbia, and I think we would all agree that he ought to be ousted. But the people who are Serbian civilians who had no role in supporting the Milosevic regime and in some cases tried to overturn him ought to be accorded the full privileges of that same Convention which we would accord to all other nations in the world, and I want to thank the gentleman from California (Mr. LANTOS) for his indulgence and his kindness.

Mr. LANTOS. Mr. Speaker, I want to thank my colleague and friend for his comments, and let me just conclude by saying that the Chairman of our Joint Chiefs, General Shelton, General Wesley Clark, the head of NATO, are no less committed to fully observing the Geneva Conventions than are all the Members of this body, and with that, Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. CUNNINGHAM. Mr. Speaker, I am honored to stand in support of H. Con. Res. 102, introduced by my friend, the Vietnam War hero from Texas (Mr. SAM JOHNSON), celebrating the 50th anniversary of the Geneva Conventions.

This is not a theoretical matter for me. I know this is not a theoretical or abstract matter for the sponsor of this resolution. This resolution is about saving and honoring the lives of men and women who risk their lives in service to their country, and their families, and the innocent civilian victims of warfare.

I came precariously close to needing the protections of the Geneva Conventions myself.

On May 10, 1972, I flew my 300th air mission over Vietnam. I downed three North Vietnamese MiGs that day; together with the two I had previously shot down, I had just become the first U.S. Navy Ace of the Vietnam War. I was making the turn back home when forty miles inland, my F–4 Phantom was severely damaged by an enemy surface-to-air missile. I barrel-rolled that airplane until we reached the mouth of the Red River. My RIO, Willie Driscoll, and I ejected just as the Phantom exploded.

As we floated down to the water, there was no bravado, no silk scarf, no Benson and Hedges. I was scared to death. I saw the Viet Cong approaching my landing place from the beach. But I was blessed to be rescued by Americans. The Viet Cong did not capture me. I was spared the fate of my colleague, the gentleman from Texas (Mr. SAM JOHNSON), of being a prisoner of war. We are all in his debt.

These individual stories, of people whose lives were risked in war, and of people who were taken prisoner in war, point to the justification for the Geneva Conventions. It is that war is between nations, not between individual men and women; and that the men and women who risk their lives in war should be honored and treated with respect and dignity by the combatant nations involved.

Two miles west of the floor of this House lies ''the wall,'' the Vietnam Veterans Memorial. On its surface are the names of the men and women who gave their last full measure of devotion to their country during the war in Indochina. Each of them had parents and loved ones. Many had siblings and families of their own. The names of these family members and loved ones are not inscribed on the Wall, but in their grief, they are also casualties of the Vietnam War.

For them, and for the men and women serving America's armed forces today, the Geneva Conventions are very real. They mean the difference between life and death. They define the difference between a civilized world, and barbarism.

The Geneva Conventions, and the international organization that helps implement them, the Red Cross, deserve the honor of Congress today.

I am grateful to my friend, the gentleman from Texas (Mr. SAM JOHNSON) for sponsoring this resolution, and I urge all Members to support it.

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 102.

The question was taken.

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

The yeas and nays were ordered.

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

COMMENDING GREECE AND TURKEY FOR PROVIDING EACH OTHER HUMANITARIAN ASSISTANCE AND RESCUE RELIEF AFTER RECENT EARTHQUAKES

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 188) commending Greece and Turkey for their mutual and swift response to the recent earthquakes in both countries by providing to each other humanitarian assistance and rescue relief.

The Clerk read as follows:

H. CON. RES. 188

Whereas Greece and Turkey, two longstanding allies of the United States and

North Atlantic Treaty Organization (NATO) partners, have each recently suffered devastating earthquakes;

Whereas Greece and Turkey have unresolved issues that have led to tensions in the past;

Whereas Greece and Turkey, in an unprecedented fashion, were the first to respond to these tragedies by providing their neighboring country with humanitarian assistance and rescue relief that ultimately reduced the number of casualties;

Whereas Greece and Turkey were successful in putting aside their differences in order to respond swiftly to these crises; and

Whereas Greece and Turkey have held successful talks to begin to resolve their issues of disagreement: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends Greece and Turkey for their mutual and swift response to the recent earthquakes in both countries by providing to each other humanitarian assistance and rescue relief;

(2) encourages the United States to continue its efforts in aiding both countries as they seek to rebuild after these tragedies;

(3) recognizes the renewed spirit of cooperation and the importance of the talks between Greece and Turkey; and

(4) encourages Greece and Turkey to persevere in resolving outstanding issues between the two countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

The earthquake which devastated Turkey last August, Mr. Speaker, produced a swift reaction in neighboring Greece. Putting aside their bitter and longstanding political differences, the people and government of Greece responded to their neighbor's plight with generous humanitarian assistance and support.

□ 1345

The significance of this response by Greece did not go unnoticed or unwelcomed in Turkey, as the Turkish government as well as media commented very positively about Greece's quick response to this tragedy. In September, a strong but fortunately less destructive earthquake struck Athens, and Turkey was the first nation to respond in assistance in the form of search and rescue teams to locate survivors.

In the aftermath of those two natural disasters, the Greek and Turkish foreign ministers have been meeting and agreed to continue discussions building on the new-found good will between the Greek and Turkish people aimed at resolving the issues that have produced tensions between these two NATO allies of our Nation.

I commend the cochairs of our Hellenic Issues Caucus, the gentleman from Florida (Mr. BILIRAKIS), and the gentlewoman from New York (Mrs. MALONEY), for recognizing the significance of this thaw in relations between our two important allies in the Eastern Mediterranean and for their initiative which puts the Congress on record in support of continuing the dialogue between Greece and Turkey so that all outstanding differences can be resolved. I also thank the distinguished gentleman from Indiana (Mr. BURTON), a senior member of our committee and chairman of the Committee on Government Reform, also an original cosponsor of this resolution.

Mr. Speaker, we are now entering a critical stage for ensuring a peaceful future in that region of the Eastern Mediterranean. Next month, President Clinton will be visiting this region, and we hope he is going to use that occasion to make very clear to the government of Turkey our desire to see a settlement of a dispute in Cyprus on which Turkey needs to demonstrate a greater degree of flexibility.

We also hope that the President will make clear our interests in seeing that Turkey becomes accepted fully into the European Union when it meets the requirements of membership. There should be no discrimination against Turkey in that regard. In the interim, Mr. Speaker, our government should do everything we can to assist and encourage the process of reconciliation between Greece and Turkey.

Accordingly, I urge my colleagues to support the new spirit of reconciliation between Greece and Turkey and to unanimously adopt H. Con. Res. 188.

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

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

Mr. Speaker, I rise to urge all of my colleagues to give their strong support H. Con. Res. 188. It rarely happens in the course of human events that two historic enemies, through misfortune and tragedy such as an earthquake, suddenly find themselves looking at each other with a different set of eyes. This is what is happening with respect to Greece and Turkey.

We have grown accustomed over decades and generations to view Greece and Turkey as irreconcilable opponents and even enemies, this despite the fact that they both are members of NATO; this despite the fact that both have excellent relations with the United States. The tragic earthquake has brought together these two historic opponents.

I want to pay strong tribute to the leadership in both countries and express the hope on behalf of all of my colleagues that the beginnings of a more benign dialogue between Greece and Turkey might just be a harbinger of a new era to come. This will require a great deal of understanding, a great deal of acceptance on both sides; but for the first time in modern history, we see responsible Greek officials like the foreign minister making kind statements about Turkey and vice-versa.

Such a development, Mr. Speaker, would not only be in the interests of these two countries and the stability of Europe and the cohesion of NATO, but it would be of tremendous value to United States national interests. It is our earnest hope that this tragic set of events, acts of nature, might have brought together these two formerly opposed countries, and I strongly urge my colleagues to support the resolution.

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

Mr. CAMPBELL. Mr. Speaker, in the place of the chairman of the committee, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS), the cosponsor of the bill.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me time and for the cooperation of the gentleman and his committee and his staff on this piece of legislation. As a sponsor of the bill, I rise to urge my colleagues, as others have done, to support H. Con. Res. 188.

Mr. Speaker, this bill commends Greece and Turkey for their mutual and swift humanitarian assistance to one another following two devastating earthquakes which rattled these two neighbors. Tensions between these two countries have always been high, and they have come to the brink of war on more than a few occasions. Although they share a history strong with conflicts, devastation and war, they revealed to the world that, in time of need, all human lives carry the same weight.

In this devastating time, Greece and Turkey were successful in putting aside their differences in order to provide assistance for all those people who were injured, buried under the rubble, or left homeless by the earthquakes. Each country sent rescue workers, doctors, life saving equipment, blankets, and other forms of humanitarian aid to their neighbor. Greeks donated blood and provided schooling to Turkish students, all in the name of saving lives and building bonds of friendship, squashing previous animosity.

The acts of humanity that these countries have shown towards one another have generated a new favorable world sentiment. They prove once again that we can achieve a more peaceful future for our people, our world, and our planet, through good will, communications, and cooperation.

In recent months, government leaders and private businessmen from both countries have been meeting in the hopes of focusing on the similarities, rather than their differences, in order to forge a new positive relationship. They are presently holding their third round of talks on issues that affect both countries. These negotiations have created a feeling of optimism that these two nations will finally be able to resolve their differences.

Mr. Speaker, we need to send a message to Greece and Turkey that we recognize this renewed spirit of cooperation and the importance of the talks between them. We should encourage Greece and Turkey to persevere in resolving their outstanding issues.

Mr. Speaker, I applaud the actions of these two governments and these two peoples. I ask my colleagues to join me in commending Greece and Turkey for their heroic and achievements by supporting H. Con. Res. 188. Let this be a lesson to us all.

Mr. LANTOS. Mr. Speaker, before yielding to my good friend from New Jersey (Mr. PAYNE), I would like to pay tribute to the gentleman from Florida (Mr. BILIRAKIS), the gentlewoman from New York (Mrs. MALONEY), and my good friend, the gentleman from Indiana (Mr. BURTON), for their leadership on this issue.

Mr. Speaker, it gives me a great deal of pleasure to yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE), one of the most distinguished Members of this body and a strong leader on the Committee on International Relations.

Mr. PAYNE. Mr. Speaker, let me also commend the gentleman from California for the outstanding work he has done in being the conscience and the historian to this body. On many questions that come up, the gentleman from California (Mr. LANTOS) is always there with a historical and accurate display of what happened; and as long as we remember the past, then we can perhaps avoid problems in the future.

I stand to add my support to H. Con. Res. 188, commending Greece and Turkey for their mutual and swift response to the recent earthquakes in both countries by providing each other with humanitarian assistance and relief. I think that it shows that there are more similarities in people than differences, and sometimes leaders create differences that should not be there.

For Greece to respond immediately to the terrible earthquake in Turkey, to go there to help people in need and then having a similar situation, not quite the magnitude, but Turkey responding very quickly to Greece, I think hopefully could set the framework. Sometimes out of tragedy comes positive things, and perhaps this may well may be a welcoming situation so that leaders of both countries can see they have so much in common.

They are both supporters of NATO; they both are against extremist elements in the region. They both are supportive of a strong European Union, so people not only in Western Europe but Eastern Europe and throughout that region will be able to prosper.

I think both countries have a lot in common because they both have been so prominent in the growth and development of the world. The great Greek Empire that gave us philosophers like Aristide and Socrates, and the whole foundation of democracy which was started by the Greek society, and then another great empire, taken, of course, by force, but also showed great leadership with the Ottoman Empire that lasted for many, many years. So two great nations, two nations that have had so much to do with the growth and development of the world as we know it today should not be at each other's throats.

We know of the unfortunate situation, and there was enough blame to go around in the 1970s when the problem in Cyprus occurred, and neither side's hands were totally clean. But 25 years later we should come to some resolution to that problem. We should admit that perhaps there were problems created by both sides; but we should no longer, as we move into a new millennium, talk about an issue that happened 25 years ago.

Cypriots, whether they are Greek or Turkish, are basically the same. They really do not even see differences in one another. So if we could get the original Cyprus people together and they talk together as Cypriots, not as Greeks or Turkish, I think we would see perhaps a resolution of this problem.

So I am in strong support and commend those who are active in the Helenic Caucus, the gentleman from Florida (Mr. BILIRAKIS), the gentlewoman from New York (Mrs. MALONEY), and my good friend, the gentleman from Indiana (Mr. BURTON), and also once again say that I think that it is possible for us to come up with a resolution.

Mr. CAMPBELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to thank my good friend, the gentleman from Florida (Mr. BILIRAKIS), with whom I have had some differences on the Turkish-Greek issue over the years, for being a primary sponsor on this bill, along with the gentlewoman from New York (Mrs. MALONEY), who came to me and we sat down and talked about it, and the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her contribution. I also want to thank the gentleman from California (Mr. LANTOS), with whom I have become quite a good friend over the last couple weeks and months.

So maybe the millennium is coming, and even my good friend, the gentleman from New Jersey (Mr. PAYNE), we are all becoming closer. I guess the millennium is getting closer by the day. I do not think they are quite as bad as I thought they once were, and hopefully they do not think I am quite as bad as they once thought I was.

But this resolution I think is extremely important because it sends a signal from the Congress of the United States to both Greek and Turkish governmental leaders about how we feel about their spirit of cooperation.

Sometimes out of bad comes good, and the terrible tragedy that occurred in Turkey showed that Greek citizens and Greek governmental leaders were concerned about their fellow human beings in Turkey who were suffering. Two or three weeks later there was a terrible earthquake in Greece, and the Turkish government and the Turkish people reciprocated in kind. So an era of good feeling has evolved out of this.

It is the kind of thing that sparks warmth in the human heart, when you see enemies who have come close to being at war with one another three times in the last 25 years working together because people are hurting.

□ 1400

Since that time, there have been three steps, four steps that have been taken by the two governments which are very positive. The two countries decided to form a joint emergency response team to deal with natural disasters. The Greek and Turkish diplomats have held a series of meetings over the past 2 months on issues such as cooperation in culture, tourism, environment, and combatting crime.

During a meeting of the EU foreign ministers that was held in September, Greece expressed its support for Turkey's membership in the European Union. These are great steps in the right direction.

This resolution will not gloss over the fact that there are still strong differences on the issue of Cyprus, and those issues long-term are going to have to be resolved. Both sides are going to have to sit down and work out their differences.

But make no mistake about it, steps in the right direction have been taken by both Greece and Turkey. We applaud that in the Congress. We would like to see it continue. We want to work with both countries to make sure it continues. We want to congratulate them today for their efforts on behalf of each other in times of great crisis for their two countries.

Mr. LANTOS. Mr. Speaker, it rarely happens that a freshman Member of this body makes as powerful an impact on our work as my good friend, the

gentlewoman from Illinois (Ms. SCHAKOWSKY).

I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for not only his leadership but his humanity, and for being a mentor to me on international and human rights issues in the short time that I have been a Member of Congress.

I am honored and pleased to join my colleagues today in commending in this resolution Greece and Turkey in their mutual and prompt responses to earthquakes in both countries.

On August 17, in the middle of the night, Turkey experienced an earthquake that claimed thousands of lives and destroyed thousands of buildings. For a country of any size, a tragic event like this one requires the help of the international community. Rescue workers from Greece were the first to respond to Turkey's urgent situation.

On September 7, an earthquake occurred in Greece. The earthquake in Greece also caused numerous deaths and damage to property, and despite the strains of rebuilding after its own catastrophe, Turkey was the first country to react by sending rescue personnel and other resources.

Both of these countries showed a real commitment to humanitarian values and to each other. When individuals were in need and the lives of millions of human beings were at stake, these two countries put aside their differences and without hesitation did their best to help each other through a difficult time. The prompt and generous support exchanged between these two longtime allies of the United States and NATO members led to a welcomed warming of relations that serves as a valuable lesson to the global community.

It is important for the United States and the world to remain committed to helping Greece and Turkey through this difficult time of rebuilding. I look forward to doing so, and to witnessing continuing discussions between the Turkish and Greek governments to work out their remaining differences on other issues.

Again, I commend our allies, Greece and Turkey, and I look forward to working with them in the years to come. I would also like to commend and offer thanks to my colleague, the gentleman from Florida (Mr. BILIRAKIS), the sponsor of this legislation, and the chairman and ranking Democratic Member of the Committee on International Relations for helping to bring this bill to the floor, and the other cosponsors of this legislation, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Indiana (Mr. BURTON).

Finally, I wish to extend my sincere condolences to the families of the victims of these two tragic events. I urge all Members to support this measure.

Mr. CAMPBELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this resolution, and thank the distinguished gentleman from California (Mr. CAMPBELL) for yielding time to me.

Mr. Speaker, I had an opportunity to speak on this resolution when it was before the Committee on International Relations, and I also would like to convey the fact that I speak as the chairman of the House delegation to the NATO Parliamentary Assembly.

Greece and Turkey are two valuable and highly valued members of the NATO alliance as far as the United States is concerned. We have been concerned for some time about the obvious friction that has existed between these two NATO allies. We also have been very concerned about the fact that the European Union slammed the door in the face of Turkey when they provided their initial interest, expression of interest, in becoming a member, eventually, of the European Union, in part, allegedly because of Greek opposition to such membership.

Out of the adversity, out of the tragedy of the earthquake that occurred in Turkey, Greece responded in a wonderful neighborly fashion. It was well received by the Turkish people and the Turkish government. It has provided an opportunity for improved relationships between these two valuable countries, and I want to commend both the government of Greece and the government of Turkey for the way in which they have reacted to the adversity.

As mentioned perhaps a few minutes ago, when later a less severe earthquake took place in Greece, Turkey was quick to respond. Indeed, Turkey sent earthquake teams to Taiwan when they had their recent earthquake.

I do hope, as the gentleman from New York (Chairman GILMAN) said, that this will lead us to an opportunity for further cooperation and for reaching a peaceful settlement of the long-standing dispute related to Cyprus between Greece and Turkey, and that it in general will provide an opportunity for increased cooperation and friendships between those two countries.

So at a time when we often come to the House floor to lament things that are happening, it is good to commend our friends in Greece and Turkey for the extraordinary conduct that they have displayed in the wake of the recent tragedy.

I urge my colleagues to support the resolution.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY), who has brought to this body potent powers of persuasion and the commitment to decency and human rights across the globe.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from California for yielding time to me, and for his leadership in this body on so many important issues, both humanitarian, international, and just plain good policies for the United States of America.

As co-chair of the Congressional Caucus for Hellenic Issues and as an original sponsor of this legislation, I rise in strong support of resolution 188.

I would first like to thank the other co-chair of the Hellenic Caucus, the gentleman from Florida (Mr. BILIRAKIS), for his support on this legislation and his continued good work on behalf of the people in Greece and Cyprus.

I would also like to thank the gentleman from Indiana (Mr. BURTON) for his leadership on this issue and many others, and my colleague, the gentlewoman from Illinois (Ms. SCHAKOWSKY), for working with us to develop this legislation; and of course my colleague, the gentleman from New York (Mr. GILMAN), for bringing this bill quickly to the floor, along with the assistance and support of the ranking member, the gentleman from Connecticut (Mr. GEJDENSON).

This resolution commends Greece and Turkey for their quick and measured response to each other in their time of great need. When the terrible earthquake struck Turkey in August, Greece was the first country, the absolute first country to send in planes and their very best military unit to provide aid. Just weeks later, Turkey returned the gesture of caring, humanitarian feelings, and friendship by immediately responding to the earthquake in Greece with aid in tow.

I have also heard accounts and read in the papers that during this terrible aftermath of the earthquake, that Turkish papers printed for the first time Greek headlines thanking their friends in Greece for coming to help them in their great time of need. This was especially important because there has been great animosity between the two countries, great conflicts. Yet, in the hands of tragedy, these two countries reached across their often turbulent past with humanitarian aid and as helping friends.

While this is a great step forward, we must continue to reach out to our allies, Greece and Turkey, to help them to build their relationship together. The recently witnessed good will between the two countries will not continue if they do not continue to build a dialogue and foundation between the two countries.

After the earthquakes, there were meetings that took place between the

foreign ministers, foreign minister George Papandreou and the Greek foreign minister, Mr. Cem, on the disputes in the Aegean, in the disputes over Cyprus. They have been trying to work together for some just resolution. We really want to applaud their work, and hope that they will build a better foundation for future relations.

The international community has seen the signs of these two countries working together, and we need to encourage them to continue this good will in resolving their ongoing differences in the ongoing talks they are having. We urge them to continue to resolve the conflicts between them. Once the dust settles from the earthquake, the problems of yesterday will still be there unless they build a lasting relationship.

I really feel very strongly about the possibility of reaching a solution based on the foundation that they are building. Both Greece and Turkey are important U.S. allies. It is important also because the President hopes to visit these two countries, and hopefully he can be part of an ongoing effort to resolve some of the disputes between them.

At this point I rise to applaud the two countries, and really to applaud my colleagues for bringing this issue to the floor.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from California (Mr. CAMPBELL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 188.

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

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

The yeas and nays were ordered.

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

URGING AN END OF THE WAR BETWEEN ERITREA AND ETHIOPIA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 46) urging an end of the war between Eritrea and Ethiopia and calling on the United Nations Human Rights Commission and other human rights organizations to investigate human rights abuses in connection with the Eritrean and Ethiopian conflict.

The Clerk read as follows:

H. CON. RES. 46

Whereas peace and stability existed between Eritrea and Ethiopia following the 1991 ouster of the Mengistu dictatorship and the independence of Eritrea in 1993;

Whereas on May 6, 1998, a military confrontation erupted between Eritrea and Ethiopia, resulting in the deaths of thousands of civilians and the reported forced detention or deportation of over 60,000 people;

Whereas hundreds of thousands of Eritreans and Ethiopians have been displaced from their homes as a result of this conflict;

Whereas the governments of the United States and Rwanda, the Organization of African Unity (OAU), as well as countries in the region, immediately put forth proposals for resolving the conflict;

Whereas on September 9, 1998, Congress passed H. Con. Res. 292 commending efforts by the United States facilitation team to resolve the crisis, including its success in brokering a moratorium on air raids, and calling on Eritrea and Ethiopia to end the conflict peacefully before it escalated into a full-scale war;

Whereas on December 17, 1998, the Central Organ Summit of the OAU approved a Framework Agreement in furtherance of its efforts to mediate the dispute between the 2 parties and provide an avenue for peace;

Whereas on January 29, 1999, the United Nations Security Council adopted Resolution 1226 expressing its strong support for the OAU Framework Agreement, and calling on both parties to work for a reduction in tensions by adopting policies leading to the restoration of confidence between the governments and peoples of Eritrea and Ethiopia, including urgent measures to improve the humanitarian situation and respect for human rights;

Whereas the Government of the United States, the OAU, and countries in the region have been engaged in an intensive effort to identify a peaceful solution to the conflict;

Whereas on February 6, 1999, while sustained diplomatic efforts by the international community were ongoing, the moratorium on air strikes was violated and war once again erupted between Eritrea and Ethiopia;

Whereas on February 10, 1999, the United Nations Security Council passed Resolution 1227 condemning the use of force by Eritrea and Ethiopia, stressing that the OAU Framework Agreement remains a viable and sound basis for peaceful resolution of the conflict, and calling once again on both countries to ensure the safety of the civilian population and respect for human rights and international humanitarian law;

Whereas the governments of Eritrea and Ethiopia have enjoyed warm relations with the United States and have stated their commitment to a peaceful resolution of the conflict based on the OAU Framework Agreement; and

Whereas the peoples of Eritrea and Ethiopia have suffered for decades due to war and manmade famines and do not deserve once again to suffer due to armed conflict, which could destabilize the entire subregion of Africa: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) deplores the escalation of the conflict between Eritrea and Ethiopia which has resulted in the massive and senseless loss of life, as well as substantial economic hardship to the peoples of Eritrea and Ethiopia;

(2) strongly urges both Eritrea and Ethiopia immediately to bring an end to the violence between the 2 countries;

(3) commends the efforts of the Organization of African Unity (OAU) and former United States National Security Adviser Anthony Lake to mediate peace between Eritrea and Ethiopia;

(4) strongly affirms United States support for the OAU Framework Agreement; and

(5) calls on the United Nations Human Rights Commission and all human rights organizations to investigate human rights abuses in connection with the forced detentions, deportations, and displacements of populations caused by this conflict.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

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

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

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

Mr. ROYCE. Mr. Speaker, this resolution was authored by my colleague, the gentleman from California (Mr. CAMPBELL). It urges an end to the 17-month-long war between Eritrea and Ethiopia. That war has resulted in the loss of more than 70,000 lives. This resolution calls for an investigation of human rights abuses in connection with that conflict.

I want to share with the Members here today that both Ethiopia and Eritrea continue to obtain arms. They continue to train troops, they continue to mobilize, and they continue to engage in a furious propaganda war. Frankly, the conflict is spreading. It is spreading into Somalia. The international community, including those calling for debt relief, have to say at this point, enough. That is what the gentleman from California (Mr. CAMPBELL) attempts to do with this resolution.

□ 1415

Hopefully, this resolution will help to bring home to both sides in that conflict that Congress has lost patience with Eritrea and Congress has lost patience with Ethiopia. We have lost patience with the intransigence that keeps a war going that neither side can afford.

This resolution recognizes the OAU framework. It provides an equitable basis to end the devastating conflict.

I would like to commend not only the author, the gentleman from California (Mr. CAMPBELL), but the other members of the Subcommittee on Africa as well that worked on this resolution, and specifically the gentleman from New Jersey (Mr. PAYNE), the ranking member.

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

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

Mr. Speaker, I rise in support of H. Con. Res. 46 and would like to commend the gentleman from New York (Mr. GILMAN), the chairman of the committee, and the gentleman from Connecticut (Mr. GEJDENSON), the ranking member on the Committee on International Relations, for bringing this resolution swiftly to the floor of the House.

Let me also thank the gentleman from California (Mr. ROYCE), chairman of the committee, and the gentleman from California (Mr. CAMPBELL), the prime sponsor of this resolution, for their tireless work on behalf of the continent of Africa.

H. Con. Res. 46 says briefly that the Nations of Eritrea and Ethiopia should end their border war and that the United Nations Human Rights Commission and other human rights groups should investigate human rights abuses that have been perpetrated on the people of those two countries.

It also deplores the escalation of conflict between Ethiopia and Eritrea, which has resulted in massive loss of lives and substantial economic hardship. The resolution urges both countries immediately to bring an end to violence.

The resolution goes on to commend the Organization for African Unity and former U.S. National Security Advisor, Mr. Anthony Lake, and our Assistant Secretary for African affairs, Dr. Susan Rice, for their efforts to mediate this conflict along with the OAU and other world leaders.

This resolution strongly affirms the United States support of the OAU framework for peace and calls upon the UN Human Rights Commission and all human rights organizations to investigate human rights abuses in connection with the tensions, deportations, and displacement of the population.

This war has been going on for 1½ years and has gone on too long. I have known and do know both President Isaias of Eritrea and Prime Minister Meles of Ethiopia for some time. I have visited both of them in their countries on several occasions. They both are outstanding, bright leaders. So it makes no sense that two persons who have known each other, distantly related, can continue on with a war of this nature.

I had the privilege first to visit Ethiopia back under the rule of the former emperor of Ethiopia, His Excellency, Mr. Haile Selassie. It was the people like the Mengistu who took Ethiopia down the wrong path, but people like Meles and Isaias fought against the brutal dictator and dispelled him from the country. After successfully ousting Mengistu, Ethiopia gave Eritrea an opportunity to vote for its independence in 1993, following an internationally monitored referendum.

As my colleagues may know, the original vote was supposed to occur in 1962, but was never called. But we give credit to Prime Minister Meles for allowing the vote to go forward, and Eritrea voted to separate itself.

So I would just hope that this war would end. I would like to encourage the Algerian government to continue its efforts as a mediator in the conflict. The former Prime Minister of Algeria is convening a meeting this week to once again attempt to bring both sides together.

Last week, I had an opportunity to speak with the Honorable Dawit Yohannes, Speaker of the House of the People's Republic of Ethiopia, and I encouraged his government to review again the OAU document, outlining a ceasefire and urged them to accept it.

Both Ethiopia and Eritrea have undermined their respective economic development gains by engaging in a war that has cost both sides over $100 million, and some estimates claim that as many as 70,000 lives have been lost in this World War I type trench warfare. Civilian casualties are also very high, but the numbers are unknown.

The Ethiopian and Eritrean conflict has hindered the United States' effort and curtailed our efforts to try to work against the Islamic fundamentalist government in Sudan that have been dealing with terrorists from Yemen and has been destabilizing northern Kenya.

The IGAD peace process, chaired by Mr. Moi, has, as its members, both Ethiopia and Eritrea and Uganda, all embroiled in wars. So therefore peace cannot be negotiated in Sudan when these are conflicted themselves.

So this war must end. It has put an end to our ACRI, the African Crisis Response Initiative, which was being trained in Ethiopia, which will once again set back peacekeeping on the continent.

This war has taken a heavy toll on both sides of the conflict. It threatens to induce famine in Ethiopia and Eritrea and Sudan. Last year, the lack of adequate food put 2.6 million people in harm's way because of that.

In conclusion, let me say that I am pleased by the swift, quick, and decisive action taken, once again, by Tony Lake and Dr. Rice, and I encourage them to continue to promote a political settlement.

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

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL), who has invested so much personal time and energy in attempting to resolve this conflict.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman from California (Mr. ROYCE), chairman of the Subcommittee on Africa, for yielding me this time and for his complimentary words.

Mr. Speaker, I also recognize that, but for the subcommittee chair, we would not have this on the floor today. I once again recognize his depth of compassion and commitment to Africa as he has shown throughout this Congress.

I also begin with my recognition of the gentleman from New Jersey (Mr. PAYNE) in all that he has done to educate me and our other colleagues in the Congress on this very important issue.

Two years ago, my wife and I, with the gentleman from New Jersey (Mr. PAYNE) spent Thanksgiving in Asmara, Eritrea. We traveled to Keren, to Masawa. We traveled as widely as we could in Eritrea.

We stayed, then, for an additional week in Ethiopia. We visited, of course, the capital of Addis Ababa, but also Lalibela, Axum, Mekele, and went to the banks of Lake Tana.

We learned of a people that are remarkable, who have achieved so much, the people in Ethiopia who were never colonized, a people who were Christian from the time of the apostles, who have a patriarch, whose Orthodox Church is a powerful force within a country for compassion and respect for human rights.

Yet, these two countries have chosen to go to war, to spend what precious little treasure and human resources they have to kill each other. That is what war is, and that is what they have chosen to do.

I cannot fully express the sadness that comes to my heart and that of my wife as we reflect on the people that we met throughout Eritrea and Ethiopia. We were met at the remote airports by little children bringing flowers because a visit by a Member of the United States Congress is a rare occasion there. I wonder, were any of them killed? Did the bomb that fell on Mekele kill any of those little school children?

Then I think of the people in Ethiopia of Eritrean extraction who were herded together and put forcibly on buses and transported up to the border with Eritrea, where they had no means to take care of themselves. I wonder about the human rights conditions of those forcibly deported.

Then I hear of expressions on the radio that will sow the seeds of resentment for years to come, that will inflict wounds, that will prevent rapprochement following the end of this war.

To my colleagues in Congress, I can only offer my own sadness, my own words of severe disappointment. The gentleman from New Jersey (Mr. PAYNE) and I know how hard it is to draw the attention of our colleagues in Congress to the sufferings of the people in Africa.

When something like this happens, it only plays into the hands of those who would look away, those who would say,

well, that is just one African group going after another African group.

Would we ever say that about Europe, by the way? Would we ever describe World War I or World War II as just one European tribe going after another European tribe? Of course we would not. Yet there are those who might say so about Africa and turn their back. We do not turn our back, the gentleman from New Jersey (Mr. PAYNE) and I and the other members of the Committee on International Relations who bring this to the floor. I know that our colleagues taking part in this debate do not turn their back.

So that is the most important purpose of this resolution, to say that we do not turn our back. We are deeply troubled at the continuation of the war. We tell both countries, Mr. Speaker, that, as this war continues, the ability of those of goodwill who wish to see American help go to those most in need in Africa is compromised, is severely compromised by reason of this war.

I warn those whose interests are with those two countries that we will not be successful in the near term in augmenting interest and assistance because of the recollection of the war.

Second, this resolution calls for international human rights organizations to investigate the human rights abuses. By this, let me be specific. I was not heretofore, but today on the floor I wish to be specific. It is a human rights abuse for Ethiopia to round up Eritreans on the grossest use of stereotype that, because they are of Eritrean birth, they cannot be trusted, even though the two countries were one at the time of the birth of almost all of those individuals. These human rights abuses must be inspected.

This resolution calls upon the United Nations Human Rights Commission and all human rights organizations to investigate these human rights abuses. That is what Ethiopia has to account for because they have continued this war. My condemnation for that is serious.

I, of course, also mention Eritrea for having its role in the start of this war. I do not try to decide in these few moments who is most at fault. I simply observe with great sadness the difficulty that we have because of this war.

I conclude, Mr. Speaker, with a word of thanks again to the gentleman from New York (Chairman GILMAN), to the gentleman from California (Chairman ROYCE), to the gentleman from New Jersey (Mr. PAYNE), and to the administration.

There have been occasions when I have had to express my opposition to the administration. This is not one. I have nothing but admiration for their work, particularly of Assistant Secretary of State Susan Rice.

I urge an end to this war so that, when my wife and I return to Asmara and Addis Ababa, we might see those children grown up, knowing something other than war.

Mr. PAYNE. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, I will just take a minute of the body's time to express my strong support for the resolution as the Democratic cochair of the Congressional Human Rights Caucus. I want to associate myself with the remarks of the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. CAMPBELL).

I also want to take this occasion to pay tribute to both of these gentlemen for having devoted such an extraordinary portion of their personal and congressional time and energy to improving conditions in Africa. Both of them have been leaders in this field, and they deserve our highest commendation.

I know that the gentleman from California (Mr. CAMPBELL) and his wife have devoted untold numbers of days to dealing with problems of Africa, and they fully deserve our thanks and our commendation, as does the gentleman from New Jersey (Mr. PAYNE).

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

Mr. Speaker, this is an important resolution. My colleagues have spoken eloquently about this tragic conflict. I can ensure them that what the U.S. Congress says about this conflict matters.

□ 1430

Eritrea and Ethiopia are listening to our expression of enough is enough. Compromise is needed. And as my colleague, the gentleman from California (Mr. CAMPBELL), stated this conflict severely undermines U.S. support for these countries. With that in mind, I urge support of the resolution.

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

Mr. PAYNE. Mr. Speaker, I yield 4 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, it was my privilege back in July to visit Africa, to visit both Eritrea and Ethiopia. This is an interest of mine that began back in 1985 when I worked as a doctor in a refugee camp on the Ethiopian, Eritrean, Sudanese border during the great drought and war that was going on at that time.

I am very much aware, Mr. Speaker, that there is nothing more dangerous than a Member of Congress who has read a book or made a trip; but if I might, let me make a few comments following that visit. First of all, this is a country of 65 million people. It is not a tiny nation. It is a very significant portion of the continent of Africa.

These two nations are in one of the poorest areas of the world, in the Horn of Africa, but there has been remarkable efforts made since 1991, the end of the civil war against the Marxist military dictatorship that ruled both Eritrea and Ethiopia, and I saw evidence of this development. New schools, new industry, new colleges, community organizations working very hard on both sides on what they know to be their number one enemy, which is poverty. This has continued through 1993, and after 1993, when the peaceful separation of Eritrea from Ethiopia occurred and Eritrea achieved independence.

But then May of 1998 came along, and we had this horrific war. And let me repeat it is a horrific war that involves over 65 million people. It is entrenched warfare that has involved infantry assaults against fixed positions at a level not seen on this Earth in decades. There has been very, very high death rates among the wounded and there has been a high rate of wounded.

I visited the front one time, on one day for about an hour, on the Badime Plain. It was quiet then, as it has been now for several months. We could see remnants of burned-out tanks and were told that there were still corpses down below. But the problem will be what happens now that the rains are ending and the terrain is drying out. And that is the fear in those countries, but also the fear in Africa that this war will again renew itself.

I have visited with both Prime Minister Meles of Ethiopia and President Isaias in Eritrea. Both are patriots who care deeply about their countries, but so far they have been unsuccessful in their abilities to end this war together.

But it is interesting the amount of agreement on both sides. Both sides agree that this has been a horrific war with heavy losses on both sides. Both sides agree that this war has delayed development and delayed the fight against the ultimate enemy of the Horn of Africa, which is poverty. Both sides agree that eventually there will be an agreement, and both sides will work together once again on development together. Both sides agree that they want the world community to assist them in ending this war.

Now, that seems to me to be a lot of agreement and a lot of fertile ground for ending a war. But, unfortunately, to this date, it has not occurred.

This Congress does not have the specific answer on how to end this war. We are not diplomats. But this Congress and the American people do have great interest in seeing this terrible war end. I was optimistic at the end of July and August, and even into September, that progress was being made. Now I am not so optimistic, and I fear, as the rains have ended, that we may be seeing the signs of war renewing itself once again.

I hope the peacemakers will keep making peace. I hope the war fighters will hold off, even as the terrain dries. I support this resolution. One part of it I do disagree with, and perhaps it is an editing error, the resolution refers to thousands of civilian deaths. Personally, myself, I did not see evidence of thousands of civilian deaths. I saw evidence of thousands of internally displaced persons. But perhaps the resolution meant to say the deaths of thousands of soldiers.

But I support the underlying intent of this resolution, which is to encourage an end to this terrible war between Eritrea and Ethiopia and appreciate the interest of my colleagues in bringing the resolution here today.

Mr. PAYNE. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. MEEKS), who has lent his voice in a very short and rapid time.

And let me once again thank the gentleman from Arkansas (Mr. SNYDER) for the outstanding work he has done, being there on the line.

Mr. MEEKS of New York. Mr. Speaker, let me first thank the gentleman from California (Mr. CAMPBELL). In the short period of time that I have been privileged to be a Member of this House, I have seen his sincere commitment on the Committee on International Relations and particularly in reference to Africa. He has always been outspoken and always has had some concerns with reference to rectifying some of the human tragedies that have taken place, and I want to thank the gentleman for bringing this bill forward.

Let me also thank the Chair of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE), for his diligence in bringing forth these issues of concern to the African continent.

And, finally, let me thank the gentleman from New Jersey (Mr. PAYNE), who is one whom I admired long before I entered the halls of Congress. I admired him and his wisdom and his knowledge of not only Africa but the entire globe, but in particular Africa. He is one that I have learned to respect and hold on to the hem of his garments with reference to the knowledge that he has, and I value him as a Member and as a friend.

Mr. Speaker, this war that is now raging on, I do not understand. For the life of me, I scratch my head perplexed. Generally, when there are sides that want to separate from each other or something of that nature, war takes place at that point. Here, we have two nations who separated peacefully, and yet once the separation took place, without any real articulated reasons, they are at war.

I have had the opportunity to speak with both the ambassadors from Eritrea and Ethiopia and, as said by my colleague, the gentleman from Arkansas (Mr. SNYDER) before, it seemed to me they both wanted the same thing, yet war and tragedy continues. I ask, why do brothers and sisters fight one another? And for the life of me, I do not know.

But I say this, H. Con. Res. 46 gives us an opportunity to say to both nations, who want a decent relationship with this great Nation, that if they want to do so, we must have peace. And simply what it does is it reaffirms the OAU and the framework for peace which the OAU has set up. And it calls upon all of the human rights commissions and all human rights organizations to investigate human rights abuses in connection with the detentions, deportations, and displacements of their citizens.

If we do not urge these countries to end this war, it will continue to set both back to 10, 15 years ago, and affect their financial standing within the international community. This resolution sends a strong message that they can work cooperatively with the United States of America if they talk peace, and I urge my Members to support the passing of H. Con. Resolution 46.

Mr. PAYNE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Like the gentleman from New York (Mr. MEEKS), it is hard for me to understand why this war continues. I have both Ethiopian and Eritrean residents who live in my congressional district; and when I talk to them, it is uncle against uncle, brother against brother, sister against sister, and yet the fighting continues. And superficially it seems like just a family feud, but the devastation and the deaths and the tragedy goes on and on.

So I want to rise in support of this resolution and applaud the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. CAMPBELL) for bringing the resolution to the floor in hopes that this could be some added incentive for these two nations to resolve their differences.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume, and I urge support of H. Con. Res. 46.

I would also like to say that this conflict is starting to be felt here even in our Nation's capital between Ethiopians and Eritreans. I ask the Ethiopians and Eritreans here in our country to urge their governments to put down the weapons of war.

Ethiopia and Eritrea do not have the oil of Angola or Nigeria, nor the diamonds of the Congo or Sierra Leone, or the gold of South Africa or Botswana, and so the fight is really, unfortunately, a dispute that we believe can come to a solution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 46, the resolution that urges Eritrea and Ethiopia to end the war between the both countries. H. Con. Res. 46 expresses the sense of Congress deploring the escalation of the conflict between Ethiopia and Eritrea which has resulted in the massive and senseless loss of life, as well as substantial economic hardship to the peoples of both nations. In addition, this resolution strongly urges both Eritrea and Ethiopia to immediately bring an end to the violence between the two countries and strongly affirms U.S. support for the Organization of African Unity (OAU) Framework Agreement. The resolution also calls on the UN Human Rights Commission and all human rights organizations to investigate human rights abuses in connection with the forced detentions, deportations, and displacements of populations caused by this conflict.

In 1952, former Italian colony Eritrea federated into Ethiopia and became one of its provinces. Forty years later, in 1993, Eritrea gained independence from Ethiopia peacefully, but no borders were clearly defined. Relations between the two countries remained peaceful and Ethiopian Prime Minister Meles Zenawi and Eritrean President Isaias Afwerki were deemed leaders who would help bring an African renaissance. However, the introduction of a new currency in Eritrea in 1997 spurred tension between the two nations as Eritrea started to distance itself from Ethiopia.

In May 1998 an area known as the Badme Triangle, administered by Ethiopia, became the first region to break out in fighting when Eritrean troops invaded the area, claiming it as their own. Fighting continued in the area, with both sides participating in bombings and forced detention of prisoners. The provocative act of aggression by Eritrea has attracted wide public attention since the Council of Ministers of the FDRE issued a statement on May 13 urging the Eritrean government to pull out its invading forces from the occupied territories of Ethiopia. It thus, seems, pertinent to give an overall view of the crises. The areas that have been occupied by the invading Eritrean force are the whole of Badme Woreda and part of Shiraro Woreda which are both located in Tigrai State. These areas have never been part of Eritrea when Eritrea was under the occupation of Italian colonialists, the British protectorate and later under the Haile-Sellassie imperial administration. During the Derg regime, the residents of the two Woredas fought the military junta gallantly under the vanguard of the Tigrai People's Liberation Front (TPLF).

Despite the indisputable historical records on the disputed areas, the Eritrean government has for long raised territorial claims. It should also be clear that the Ethiopian government has territorial claims on some areas which have been unfairly incorporated into today's Eritrea. As a matter of fact, there may be nothing wrong in raising territorial claims. Taking that fact into account, the two countries had established a joint committee to resolve territorial disputes peacefully. Both governments had reached a common understanding:

(1) to resolve territorial claims through peaceful negotiations; and

(2) to respect their respective boundaries which both occupied at the time of the fall of the Derg. It was on this bases that the joint committee was active until recently.

While this was the case, however, an unexpected thing took place. The issue was that while the joint committee set up by the two governments had been working to peacefully settle the dispute based on the aforementioned understanding and while they had agreed to hold a meeting on Friday, 8, May 1998, the Eritrean forces touched off a clash in the north-western part of Ethiopia on Wednesday, 6 May 1998. In this regard, it seems that action was initially taken by the Ethiopian side; but this claim would not be sustainable for the simple fact that the locality where the clash broke out belonged to Ethiopia.

In November 1998, the OAU Central Organ for Conflict Resolution presented a peace proposal to the countries and although both countries verbally accepted the proposal, fighting continued throughout the Horn of Africa.

Mr. Speaker, we must speak out against this war and the human rights abuses associated with it. This is a war that has taken the lives of thousands of civilians and destroyed the economy of two growing countries. On Monday, October 11, of this year Eritrea accused Ethiopia of destroying six Eritrean villages in a border area which Ethiopia occupied during fighting between the two countries in February.

Administrators in the zone now report that forces from both countries have destroyed houses and villages and, in some cases, burned entire villages to the ground. Tens of thousands of soldiers have died during a vicious border war between the two Horn of Africa states in the last 17 months, and efforts by the Organization of African Unity (OAU) to resolve the dispute have so far failed.

In February the Ethiopian army forced Eritrea out of the disputed Badme area along the western end of their border after heavy fighting, and pushed into land which Eritrea says is unquestionably part of its country. Eritrea says around 4,000 Eritrean residents of the Gash Barka zone have since fled to displacement camps in the area.

Mr. Speaker, dear colleagues, I offer my full support for this resolution and urge that Eritria and Ethiopia end the war between them.

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 46.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING INVESTIGATION INTO DISAPPEARANCE OF ZACHARY BAUMEL

Mr. CAMPBELL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1175) to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

The Clerk read as follows:

Senate amendments:

Page 3, strike out all after line 12, down to and including line 22 and insert:

(b) PROVISION OF ASSISTANCE TO CERTAIN GOVERNMENTS.—In deciding whether or not to provide United States assistance to any government or authority which the Secretary of State believes has information concerning the whereabouts of the soldiers described in subsection (a), and in formulating United States Policy towards such government or authority, the President should take into consideration the willingness of the government or authority to assist in locating and securing the return of such soldiers.

Page 4, line 8, after ''additional'' insert: ''credible''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CAMPBELL) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 1175, currently under consideration.

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

There was no objection.

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

Mr. Speaker, the chairman of the full committee, the gentleman from New York (Mr. GILMAN), has taken a personal interest in this resolution. He cannot be here at this moment due to a prior commitment. I would, accordingly, read his remarks. They are more eloquent than my own, and I would say that his words fully reflect my own views on the subject as well.

''The measure before us today, H.R. 1175, is one which the House adopted overwhelmingly earlier this year but which was slightly amended by the other body last summer. Hence our renewed consideration.

''I remind my colleagues this important humanitarian measure is on behalf of three Israeli MIAs, one of whom, Zachary Baumel, is a dual American-Israeli national.

''It has been 17 long years since these Israeli soldiers faced Syrian forces in Lebanon's Bekaa Valley on June 11, 1982. The men have been missing since that day, and all efforts since then, which have spanned the globe, have not brought them back to their families. These families deserve answers.

''H.R. 1175 will require the Department of State to raise the matter of Zachary Baumel, Yehuda Katz, and Avi Feldman with appropriate government officials of Syria, Lebanon, and the Palestinian authority.

''This measure also requires the United States to raise the issue with other governments which may be helpful in locating and securing the return of these soldiers and to report to Congress on all efforts.

''The other body made two minor technical changes after consulting with us, the sponsors, the State Department, and the Baumel family, and everyone concerned has agreed to these changes.

''Accordingly, I wish to thank again our committee colleague, the gentleman from California (Mr. LANTOS), for his continuing interest and commitment to this issue, and also urge our colleagues once again to express their strong support for H.R. 1175, as amended.''

Mr. Speaker, that ends the prepared remarks of our chairman, the gentleman from New York (Mr. GILMAN), and I would add only my very own few words.

This has been of great importance to our committee and to me, as well as to the chairman. I observe what this resolution does. It not only calls on the State Department to continue raising this issue persistently, particularly with Syria, because it was in territory under Syria's actual control that these three individuals were taken prisoner—one of whom I emphasize is an American citizen as well as an Israeli citizen—but it also requests the State Department, in deciding which entities receive our aid, our taxpayers' money, that we take into account whether that entity or sovereign in question has assisted, has done all that it can, if it has basis for helping, to help with the resolution of these MIAs.

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I think that is exactly the right message to send. I applaud the gentleman from New York (Mr. GILMAN), our chairman, for his leadership in this. And I note the extraordinary work of my good friend and my colleague from California (Mr. LANTOS), the co-chair of the Human Rights Caucus, a champion for individuals against the abuse of their human rights wherever they may be and of what nationality they may be.

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

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

Mr. Speaker, as my very good friend and colleague has pointed out, we approved this resolution in a slightly different form sometime back and we are now adopting it again because the Senate made some very useful, minor modifications.

My good friend, the gentleman from California (Mr. CAMPBELL), outlined the issue. I can only add one footnote.

At a time when the peace process is moving in the area, it is incumbent upon Yassir Arafat and the Syrian leadership and all those who have any influence over the government that

holds these unfortunate prisoners of war for the last 17 years to exert every effort to have them finally released. This action is long overdue.

I urge all of my colleagues to join me in supporting this resolution.

Ms. SCHAKOWSKY. Mr. Speaker, today, for the second time this year, the House is considering H.R. 1175. This legislation, introduced by my distinguished colleague from California, Mr. LANTOS, would help to locate Zachary Baumel, an American citizen and other Israeli soldiers missing in action since 1982.

On June 22, 1999 the House sent a strong message by passing H.R. 1175 with 415 votes in support of the bill. Today, the House has a chance to pass this legislation—as amended by the Senate—and send it to the President for his signature.

I believe that the Administration is concerned about the fate of these brave soldiers. However, it has been five years since the Gaza-Jericho agreement, and Zachary Baumel, Zvi Feldman, Yehuda Katz and others are still missing. Passage of this legislation will ensure that the Department of State raises this case on an urgent basis with all appropriate governments and authorities.

Whenever American citizens or allies of the United States are taken during conflict, we must do everything possible to obtain their release or information as to their fate. My constituents agree. Over the past several months, I have received many letters and phone calls from individuals who are concerned about this issue, requesting that I do everything possible to ensure passage of this legislation. I urge all members to vote in support of this important measure.

Mr. PITTS. Mr. Speaker, I would like to take this time to voice my support for H.R. 1175, which would authorize an investigation into the disappearance of an American citizen, Zachary Baumel. It has been seventeen years since this young man, serving in the Israeli army, was captured along with the four other members of his tank battalion, in a battle with Palestinian and Syrian forces near the Lebanese town of Sultan Yaqub.

H.R. 1175 directs the Department of State to investigate the cases of Mr. Baumel, and two other soldiers, Yehuda Katz, and Zvi Feldman. The last known whereabouts of these soldiers was in Syrian-controlled territory, under the care of a Palestinian faction splintered from the PLO. As diplomatic efforts to secure the release of these men have been periodically unsuccessful to date, this legislation directs the State Department to discuss this matter on an urgent basis with officials of Syria, Lebanon, the Palestinian Authority, and other appropriate governments.

The bill makes a simple request of the President, that when he is considering whether or not to provide economic assistance to these countries, that he weigh and measure the willingness of these governments and authorities to assist in locating and securing the release of these men.

Mr. Speaker, the family of Zachary Baumel has been through incredible pain and uncertainty for these last seventeen years. Their hopes have been lifted in key times of negotiation, such as the Oslo Accords—yet to no avail.

It is time that our country take another real and substantive step in requesting action on behalf of these middle eastern governments. These young men and their families deserve no less.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from California (Mr. CAMPBELL) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1175.

The question was taken.

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

The yeas and nays were ordered.

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

STATISTICAL EFFICIENCY ACT OF 1999

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2885) to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency and quality of the Federal statistics and Federal statistical programs by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards, as amended.

The Clerk read as follows:

H.R. 2885

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 ''Statistical Efficiency Act of 1999''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ''agency'' means any entity that falls within the definition of the term ''executive agency'' as defined in section 102 of title 31, United States Code, or ''agency'', as defined in section 3502 of title 44, United States Code.

(2) The term ''agent'' means a person who—

(A) is designated by a Statistical Data Center (as designated in section 3) to perform exclusively statistical activities authorized by law under the supervision or control of an officer or employee of that Statistical Data Center; and

(B) has agreed in writing to comply with all provisions of law that affect information acquired by that Statistical Data Center.

(3) The term ''identifiable form'' means any representation of information that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means.

(4) The term ''nonstatistical purpose'' means any purpose that is not a statistical purpose, and includes any administrative, regulatory, law enforcement, adjudicatory, or other purpose that affects the rights, privileges, or benefits of a particular identifiable respondent.

(5) The term ''respondent'' means a person who, or organization that, is requested or required to supply information to an agency, is the subject of information requested or required to be supplied to an agency, or who provides that information to an agency.

(6) The term ''statistical activities''—

(A) means the collection, compilation, processing, or analysis of data for the purpose of describing or making estimates concerning the whole, or relevant groups or components within, the economy, society, or natural environment; and

(B) includes the development of methods or resources that support those activities, such as measurement methods, models, statistical classifications, or sampling frames.

(7) The term ''statistical purpose''—

(A) means the description, estimation, or analysis of the characteristics of groups without regard to the identities of individuals or organizations that comprise such groups; and

(B) includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support such purposes.

SEC. 3. DESIGNATION OF STATISTICAL DATA CENTERS.

(a) IN GENERAL.—Each of the following is hereby designated as a Statistical Data Center:

(1) The Bureau of Economic Analysis in the Department of Commerce.

(2) The Bureau of the Census in the Department of Commerce.

(3) The Bureau of Labor Statistics in the Department of Labor.

(4) The National Agricultural Statistics Service in the Department of Agriculture.

(5) The National Center for Education Statistics in the Department of Education.

(6) The National Center for Health Statistics in the Department of Health and Human Services.

(7) The Energy Consumption Division of the Energy Information Administration in the Department of Energy.

(8) The Division of Science Resources Studies in the National Science Foundation.

(b) DESIGNATION.—In the case of a reorganization that eliminates, or substantially alters the mission or functions of, an agency or agency component listed in subsection (a), the Director of the Office of Management and Budget, after consultation with the head of the agency proposing the reorganization, may designate an agency or agency component that shall serve as a successor Statistical Data Center under the terms of this Act, if the Director determines that—

(1) the primary activities of the proposed Statistical Data Center are statistical activities specifically authorized by law;

(2) the proposed Statistical Data Center would participate in data sharing activities that significantly improve Federal statistical programs or products;

(3) the proposed Statistical Data Center has demonstrated its capability to protect the individual confidentiality of any shared data; and

(4) the laws that apply to the proposed Statistical Data Center are not inconsistent with this Act.

(c) NOTICE AND COMMENT.—The head of an agency seeking designation as a successor Statistical Data Center under this section shall, after consultation with the Director of the Office of Management and Budget, provide public notice and an opportunity to comment on the consequences of such designation and on those determinations upon which the designation is proposed to be based.

(d) PROHIBITION AGAINST INCREASE IN NUMBER OF CENTERS.—No action taken under this section shall increase the number of Statistical Data Centers authorized by this Act.

SEC. 4. STATISTICAL DATA CENTER RESPONSIBILITIES.

The Statistical Data Centers designated in section 3 shall—

(1) identify opportunities to eliminate duplication and otherwise reduce reporting burden and cost imposed on the public by sharing information for exclusively statistical purposes;

(2) enter into joint statistical projects to improve the quality and reduce the cost of statistical programs;

(3) safeguard the confidentiality of individually identifiable information acquired for statistical purposes by assuring its physical security and by controlling access to, and uses made of, such information; and

(4) respect the rights and privileges of the public by observing and promoting fair information practices.

SEC. 5. LIMITATIONS ON USE AND DISCLOSURE OF DATA AND INFORMATION BY STATISTICAL DATA CENTERS.

(a) USE OF STATISTICAL DATA OR INFORMATION.—Data or information acquired by a Statistical Data Center for exclusively statistical purposes shall be used by the Center only for statistical purposes.

(b) DISCLOSURE OF STATISTICAL DATA OR INFORMATION.—Data or information acquired for exclusively statistical purposes shall not be disclosed in identifiable form, for any purpose other than a statistical purpose, without the informed consent of the respondent.

(c) RULE FOR USE OF DATA OR INFORMATION FOR NONSTATISTICAL PURPOSES.—A Statistical Data Center shall clearly distinguish any data or information collected for nonstatistical purposes (as authorized by law) by the Statistical Data Center by a rule that provides that the respondent supplying the data or information is fully informed, before the data or information is collected, that the data or information will be used for nonstatistical purposes.

SEC. 6. DISCLOSURE OF DATA OR INFORMATION BY AGENCIES TO STATISTICAL DATA CENTERS.

(a) AGENCIES THAT MAY DISCLOSE DATA OR INFORMATION TO A STATISTICAL DATA CENTER.—Subject to subsection (b), any Federal agency may disclose data or information to one or more Statistical Data Centers for exclusively statistical purposes.

(b) LIMITATIONS ON DISCLOSURE.—Data or information may be disclosed by an agency to one or more Statistical Data Centers under subsection (a) only if—

(1) the data or information are to be used exclusively for statistical purposes by the Statistical Data Center or Centers;

(2) the disclosure of, and proposed use of, the data or information by the Statistical Data Center is not inconsistent with any provisions of law or Executive order that explicitly limit the statistical purposes for which such data or information may be used;

(3) the disclosure is not prohibited by law or Executive order in the interest of national security;

(4) the disclosure is made under the terms of a written agreement between the Statistical Data Center or Centers and the agency supplying the data or information that specifies—

(A) the data or information to be disclosed;

(B) the purposes for which the data or information are to be used; and

(C) appropriate security procedures to safeguard the confidentiality of the data or information; and

(5) the data or information is not disclosed by that Center in identifiable form (except in a case in which the data or information was collected directly by a party to the agreement referred to in subsection (b)(4), and the agreement specifies that the data or information may be so disclosed to another party to the agreement for exclusively statistical purposes).

(c) NOTICE.—Whenever a written agreement authorized under subsection (b)(4) concerns data that respondents were required by law to report and the agreement contains terms that could not reasonably have been anticipated by respondents who provided the data that will be disclosed, or upon the initiative of any party to such an agreement, or whenever ordered by the Director of the Office of Management and Budget, the terms of such agreement shall be described in a public notice issued by the agency that intends to disclose the data. Such notice shall allow a minimum of 60 days for public comment before such agreement shall take effect. The Director shall be fully apprised of any issues raised by the public and may suspend the effect of such an agreement to permit modifications responsive to public comments.

(d) APPLICABILITY OF OTHER LAWS.—(1) The disclosure of data or information by an agency to a Statistical Data Center under this section shall in no way alter the responsibility of that agency under other statutes (including the Freedom of Information Act and the Privacy Act) with respect to the disclosure or withholding of such information by that agency.

(2) If data or information obtained by an agency is disclosed to another agency pursuant to this section, all provisions of law (including penalties) that relate to the unlawful disclosure of the data or information apply to the officers, employees, or agents of the agency to which the data or information is disclosed to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

(3) The officers, employees, and agents of the agency to which the data or information is disclosed, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information that would apply to officers and employees of that agency, if the information had been collected directly by that agency.

SEC. 7. COORDINATION AND OVERSIGHT BY OFFICE OF MANAGEMENT AND BUDGET.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate and oversee the confidentiality and disclosure policies established by this Act.

(b) REPORT OF DISCLOSURE AGREEMENTS.—(1) The head of a Statistical Data Center shall report to the Office of Management and Budget—

(A) each disclosure agreement entered into pursuant to section 6(b)(4);

(B) the results of any review of information security undertaken at the request of the Office of Management and Budget; and

(C) the results of any similar review undertaken on the initiative of the Statistical Data Center or an agency disclosing data or information to a Statistical Data Center.

(2) The Director of the Office of Management and Budget shall include a summary of all reports submitted to the Director under this subsection and any actions taken by the Director to advance the purposes of this Act in the annual report to the Congress on statistical programs submitted in accordance with section 3504(e)(2) of title 44, United States Code.

(c) REVIEW AND APPROVAL OF RULES.—The Director of the Office of Management and Budget shall review and approve any rules proposed pursuant to this Act for consistency with this Act and chapter 35 of title 44, United States Code.

SEC. 8. IMPLEMENTING REGULATIONS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Director of the Office of Management and Budget, or the head of a Statistical Data Center or of an agency providing information to a Center, may promulgate such rules as may be necessary to implement this Act.

(b) CONSISTENCY.—The Director of the Office of Management and Budget shall promulgate rules or provide such other guidance as may be needed to ensure consistent interpretation of this Act by the affected agencies.

(c) AGENCY RULES.—Rules governing disclosures of information authorized by this Act shall be promulgated by the agency that originally collected the information, subject to the review and approval required under this Act.

SEC. 9. EFFECT ON OTHER LAWS.

(a) TITLE 44 U.S.C.—This Act, including the amendments made by this Act, does not diminish the authority under section 3510 of title 44, United States Code, of the Director of the Office of Management and Budget to direct, and of an agency to make, disclosures that are not inconsistent with any applicable law.

(b) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Data or information acquired for exclusively statistical purposes as provided in section 5 is exempt from mandatory disclosure under section 552 of title 5, United States Code, pursuant to section 552(b)(3) of such title.

(c) PREEMPTION OF STATE LAW.—Nothing in this Act shall preempt applicable State law regarding the confidentiality of data collected by the States.

SEC. 10. CONFORMING AND PROPOSED CHANGES IN LAW.

(a) DEPARTMENT OF COMMERCE.—(1) Section 1 of the Act of January 27, 1938 (15 U.S.C 176a) is amended by striking ''The'' and inserting ''Except as provided in the Statistical Efficiency Act of 1999, the''.

(2)(A) Chapter 10 of title 13, United States Code, is amended by adding after section 401 the following:

''§ 402. Exchange of census information with Statistical Data Centers

''The Bureau of the Census is authorized to provide data collected under this title to Statistical Data Centers named in the Statistical Efficiency Act of 1999, or their successors designated under the terms of that Act.''.

(B) The table of sections for chapter 10 of title 13, United States Code, is amended by adding after the item relating to section 401 the following:

''402. Exchange of census information with Statistical Data Centers.''.

(b) DEPARTMENT OF ENERGY.—(1) Section 205 of the Department of Energy Organization Act (Public Law 95–91; 42 U.S.C. 7135) is amended by adding after subsection (l) the following new subsection:

''(m)(1)(A) The Administrator shall designate an organizational unit to conduct statistical activities pertaining to energy end use consumption information. Using procedures authorized by the Statistical Efficiency Act of 1999, the Administrator shall ensure the security, integrity, and confidentiality of the information that has been submitted in identifiable form and supplied exclusively for statistical purposes either directly to the Energy Information Administration or by other Government agencies.

''(B) To carry out this section, the Administrator shall establish procedures for the disclosure of these data to Statistical Data Centers for statistical purposes only consistent with chapter 35 of title 44, United States Code (commonly referred to as the 'Paperwork Reduction Act'), and the Statistical Efficiency Act of 1999.

''(2)(A) A person may not publish, cause to be published, or otherwise communicate, statistical information designated in paragraph (1) in a manner that identifies any respondent.

''(B) A person may not use statistical information designated in paragraph (1) for a nonstatistical purpose.

''(C) The identity of a respondent who supplies, or is the subject of, information collected for statistical purposes—

''(i) may not be disclosed through any process, including disclosure through legal process, unless the respondent consents in writing;

''(ii) may not be disclosed to the public, unless information has been transformed into a statistical or aggregate form that does not allow the identification of the respondent who supplied the information or who is the subject of that information; and

''(iii) may not, without the written consent of the respondent, be admitted as evidence or used for any purpose in an action, suit, or other judicial or administrative proceeding.

''(D) Any person who violates subparagraphs (A), (B), or (C), upon conviction, shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

''(E) For purposes of this subsection:

''(i) The term 'person' has the meaning given the term in section 1 of title 1, United States Code, but also includes a local, State, or Federal entity or officer or employee of a local, State, or Federal entity.

''(ii) The terms 'statistical activities', 'identifiable form', 'statistical purpose', 'nonstatistical purpose', and 'respondent' have the meaning given those terms in section 2 of the Statistical Efficiency Act of 1999.

''(3) Statistical information designated in paragraph (1) is exempt from disclosure under sections 205(f) and 407 of this Act and sections 12, 20, and 59 of the Federal Energy Administration Act of 1974, or any other law which requires disclosure of that information.''.

(2) Section 205(f) of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by inserting '', excluding information designated solely for statistical purposes under subsection (m)(1),'' after ''analysis''.

(3) Section 407(a) of the Department of Energy Organization Act (42 U.S.C. 7177(a)) is amended by inserting '', excluding information designated solely for statistical purposes under section 205(m)(1),'' after ''information''.

(4) The Federal Energy Administration Act of 1974 (Public Law 93–275) is amended—

(A) in section 12 (15 U.S.C. 771), by adding after subsection (f) the following new subsection:

''(g) This section does not apply to information designated solely for statistical purposes under section 205(m)(1) of the Department of Energy Organization Act (Public Law 95–91).'';

(B) in section 20(a)(3) (15 U.S.C. 779(a)(3)), by inserting '', excluding information designated solely for statistical purposes under section 205(m)(1) of the Department of Energy Organization Act (42 U.S.C. 7135)'' after ''information''; and

(C) in the first sentence of section 59 (15 U.S.C. 790h), by inserting '', excluding information designated solely for statistical purposes under section 205(m)(1) of the Department of Energy Organization Act (42 U.S.C 7135)'' after ''information''.

(c) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended by adding at the end the following new subsection:

''(o) SHARING OF IDENTIFYING INFORMATION FOR STATISTICAL PURPOSES.—

''(1) IN GENERAL.—The Director may, subject to the provisions of paragraph (2), designate as an agent of the Center (within the meaning of section 2 of the Statistical Efficiency Act of 1999) an individual—

''(A) who is not otherwise an employee, official, or agent of the Center; and

''(B) who enters into a written agreement with the Director specifying terms and conditions for sharing of statistical information.

''(2) EFFECT OF DESIGNATION.—An individual designated as an agent of the Center pursuant to paragraph (1) shall be subject to all restrictions on the use and disclosure of statistical information obtained by the individual under the agreement specified in paragraph (1)(B), and to all civil and criminal penalties applicable to violations of such restrictions, including penalties under section 1905 of title 18, United States Code, that would apply to the individual if an employee of the Center.''.

(d) DEPARTMENT OF LABOR.—The Commissioner of Labor Statistics is authorized to designate agents, as defined in section 2.

(e) NATIONAL SCIENCE FOUNDATION.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended—

(1) by amending subsection (i) to read as follows:

''(i) Information supplied to the Foundation or its contractor in survey forms, questionnaires, or similar instruments for purposes of section 3(a)(5) or (6) by an individual, by an industrial or commercial organization, or by an educational or academic institution that has received a pledge of confidentiality from the Foundation, may not be disclosed to the public unless the information has been transformed into statistical or abstract formats that do not allow the identification of the supplier. Such information shall be used in identifiable form only for statistical purposes as defined in the Statistical Efficiency Act of 1999. The names of individuals and organizations supplying such information may not be disclosed to the public.'';

(2) by adding the following new subsection after subsection (i):

''(j) In support of functions authorized by section 3(a)(5) or (6), the Foundation may designate, at its discretion, authorized persons, including employees of Federal, State, or local agencies (including local educational agencies) and employees of private organizations who may have access, for exclusively statistical purposes as defined in the Statistical Efficiency Act of 1999, to identifiable information collected pursuant to section 3(a)(5) or (6). No such person may—

''(1) publish information collected under section 3(a)(5) or (6) in such a manner that either an individual, an industrial or commercial organization, or an educational or academic institution that has received a pledge of confidentiality from the Foundation, can be specifically identified;

''(2) permit anyone other than individuals authorized by the Foundation to examine in identifiable form data relating to an individual, to an industrial or commercial organization, or to an educational or academic institution that has received a pledge of confidentiality from the Foundation; or

''(3) knowingly and willfully request or obtain any confidential information described in subsection (i) from the Foundation under false pretenses.

Any person who violates these restrictions shall be fined not more than $10,000, or imprisoned not more than five years, or both.''.

(f) DISCLOSURE PENALTIES.—Section 1905 of title 18, United States Code, is amended by inserting '', or agent of a Statistical Data Center as defined in the Statistical Efficiency Act of 1999'' after ''thereof'' in the first two places such term appears.

(g) PROPOSED CHANGES IN LAW.—Not later than the date that is 90 days after the date of the enactment of this Act, the President shall submit to Congress a description of any additional conforming changes in law necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2885.

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

There was no objection.

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

Mr. Speaker, the Federal statistical structure is currently an assortment of 70 different entities located within 12 cabinet departments within the executive branch of the Federal Government. This fragmented structure compromises the quality of statistical data and wastes limited government resources. It also imposes undue burdens on those who supply information to the Federal Government for statistical purposes.

Federal statistical agencies currently operate under a patchwork of laws and regulations that prevent them from sharing the statistical information they collect. The Bureau of the Census, for example, compiles a list of business establishments. The Bureau of Labor Statistics must compile a similar list because the two agencies cannot share this information.

Similarly, the Department of Agriculture must compile its own list of farms because it does not have access to the list of farms compiled by the Bureau of the Census.

H.R. 2885, the ''Statistical Efficiency Act of 1999,'' would permit these agencies to share statistical data and, at the same time, would establish a uniform standard to protect the confidentiality of information acquired for statistical purposes.

The bill designates eight Federal agencies as statistical data centers. These agencies were selected because their primary mission is to collect, produce, and disseminate statistical information. Federal agencies would be allowed to disclose data or information to these centers exclusively for statistical purposes.

The bill contains a number of provisions designed to protect the confidentiality of the information collected. Currently, Federal statistical agencies operate under a variety of confidentiality laws ranging from highly restrictive to virtually nonexistent. This bill would create a uniform set of confidentiality protections designed to safeguard statistical information from unauthorized disclosure. Under the bill, data or information acquired for statistical purposes could only be used for statistical purposes.

The disclosure of information to a statistical data center must be consistent with existing laws and must be made under the terms of a written agreement between the agencies supplying the information and the statistical data center. The agreement must

identify the data to be disclosed, the purpose for disclosure, and the procedures to be taken to safeguard the confidentiality of the information.

The bill prohibits the disclosure of data in identifiable form for nonstatistical purposes without the informed consent of the entity or individual who supplied the information. The bill also establishes criminal penalties for unlawful disclosure of this information.

Over the past two Congresses, the Subcommittee on Government Management, Information, and Technology has held three hearings focusing on proposals to improve the efficiency of the Federal statistical system, including the proposal before the House today.

Witnesses at these hearings included representatives from the administration, current and former heads of Federal statistical agencies, representatives of the General Accounting Office, and members from the academic and research communities. All of these witnesses agreed that both the quality and efficiency of the Federal statistical system would be improved by authorizing designated agencies to share statistical information under uniform confidentiality protections.

This legislation, which is similar to legislation proposed by the administration, has broad bipartisan support. Its benefits are equally broad.

Mr. Speaker, I urge my colleagues to support this important bipartisan measure, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of this legislation and I urge its adoption.

First I want to commend the gentleman from California (Chairman HORN) and the gentleman from California (Mr. WAXMAN), the ranking member, whose joint work has allowed us to bring this bill to the floor.

We all understand that our Government collects all kind of information. Some would say our government collects too much information. But the truth is much of this information that is collected is used to make very important policy decisions both in the agencies and on the floor of this House. It is important that this information be accurate and that it be readily available.

Yet, today we have no uniform system for the collection of Federal statistics. Eleven major agencies and between 50 and 60 minor agencies spend over $2 billion every year collecting data with no uniform standards to assure either the accuracy or to protect the privacy and confidentiality of that information.

Some agencies, like the Bureau of the Census, collect information and they hold that information in confidence and that is mandated by current legislative authority. But other agencies, like the Bureau of Labor Statistics, have a strong tradition of protecting the confidentiality of data but they have no legislative authority to support that practice.

The ''Statistical Efficiency Act of 1999'' accomplishes two objectives. First of all, it establishes a uniform legislative authority for the protection of information collected for statistical purposes. Second, the legislation establishes a procedure to allow agencies to share information one with the other.

This legislation will improve the efficiency of data collection and it will reduce the burden on individuals and businesses of responding to the mandates of various agencies for essentially the same information.

The first step this bill takes in facilitating data sharing among agencies is to assure the privacy and confidentiality of the information collected. This is accomplished by establishing the basic principle that all data collected for statistical purposes cannot be used for any other purpose.

For example, information collected for statistical purposes cannot be used for the enforcement of regulations or laws. This firewall between statistical purposes and regulatory enforcement is essential in obtaining the cooperation of businesses in reporting financial information.

The second step in the process laid out in this bill is to designate eight agencies involved in the collection of statistics as statistical data centers to facilitate data sharing. Under the terms of the bills, these agencies can establish written agreements for passing individually identifiable information between one another to improve the efficiency of the statistical activities. In addition, these eight agencies can facilitate data sharing among other agencies, again through written agreement.

I would like to note at this point that it is the intent of Congress in defining the term ''agent'' in this bill to give agencies the authority to swear in individuals who are not employees of the Federal Government as agents to facilitate data sharing. This will allow agencies like the Bureau of Labor Statistics to continue their long-standing relationship with State government for the collection of labor market statistics.

In addition, it will allow agencies to draw on expertise in the private sector for specific projects. These agents will, of course, be subject to the same requirements to protect the confidentiality of data as Federal employees of the agencies involved.

This bill also requires statistical data centers to identify ways to reduce costs and improve efficiency and quality in the Federal statistical system. The bill charges the Director of the Office of Management and Budget with the responsibility for overseeing the confidentiality and data sharing policies of the act.

□ 1500

Finally, the bill establishes penalties for improper disclosure of information collected for statistical purposes.

H.R. 2885 is strongly supported, as the gentleman from California (Mr. HORN) stated, by the administration, and this legislation represents an important step forward in improving the efficiency and quality of data collection. I urge its adoption by this House.

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

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

Since my colleague who has been so helpful on this legislation mentioned the administration's statement of policy, I would like to file that Statement of Administration Policy at this point in the RECORD.

Briefly it says, ''The Administration strongly supports House passage of H.R. 2885. The bill will enhance the confidential treatment of information provided to Federal statistical agencies and facilitate the sharing of information among those agencies for statistical purposes.''

I would also like to submit for the RECORD the estimate of the Congressional Budget Office on H.R. 2885 that, in essence, sums up: it is not a problem. CBO ''estimates that neither the receipts nor the spending would exceed $500,000 in any one year.''

STATEMENT OF ADMINISTRATION POLICY

H.R. 2885—STATISTICAL EFFICIENCY ACT—(HORN (R) CALIFORNIA AND 6 COSPONSORS)

The Administration strongly supports House passage of H.R. 2885. The bill will enhance the confidential treatment of information provided to Federal statistical agencies and facilitate the sharing of information among those agencies for statistical purposes.

* * * * *

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 22, 1999.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimates for H.R. 2885, the Statistical Efficiency Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen).

H.R. 2885—Statistical Efficiency Act of 1999

H.R. 2885 would designate eight bureaus and offices as statistical data centers: the Bureau of Economic Analysis, the Bureau of the Census, the Bureau of Labor Statistics (BLS), the National Agricultural Statistics Service, the National Center for Education Statistics, the National Health Center for Health Statistics, the Energy Consumption Division in the Department of Energy, and the Division of Science Resources Studies in the National Science Foundation. Together,

these agencies received appropriations of about $2.1 billion in 1999. Subject to certain confidentiality procedures, the bill would allow the centers to share statistical data, eliminate duplicate reporting requirements, and enter into joint projects to improve the quality and lower the cost of statistical programs. In addition, the bill would allow other federal agencies to share data with the eight centers for purely statistical purposes. In general, under current law, an agency that collects data is not allowed to share the information with another agency.

H.R. 2885 could lower the government's costs to collect statistical data if its results in the eight centers pooling resources and eliminating duplicate efforts. Although it is uncertain how much agencies would share resources and data under H.R. 2885, based on information from the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), CBO estimates that implementing the bill would reduce information collection costs by about $2 million a year. Any such savings would depend on the amounts provided to these agencies in appropriations acts. In addition, by allowing agencies to share and compare data, the bill also could improve the quality of federal statistics, but CBO has no basis for estimating the budgetary impact of such improvements. Finally, subject to the availability of appropriated funds, CBO estimates that the bill would cost CBO less than $500,000 annually to write regulations and oversee the bill's implementation.

Enacting H.R. 2885 would result in the collection of additional criminal fines, which affect both governmental receipts and direct spending, pay-as-you-go procedures would apply. CBO estimates that neither the receipts nor the spending would exceed $500,000 in any one year. H.R. 2885 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact is John R. Righter. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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

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

Mr. HORN. I urge the adoption, Mr. Speaker, of this measure and hope everybody will support it.

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 2885, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DWIGHT D. EISENHOWER EXECUTIVE OFFICE BUILDING

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1652) to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

The Clerk read as follows:

S. 1652

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

SECTION 1. DESIGNATION OF DWIGHT D. EISENHOWER EXECUTIVE OFFICE BUILDING.

The Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, shall be known and designated as the ''Dwight D. Eisenhower Executive Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Dwight D. Eisenhower Executive Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

The bill before us today was introduced by the distinguished Senator from Rhode Island, John Chafee, who passed away on Sunday. I first would like to express my deepest sympathies and send condolences both to the Senator's family as well as to the people of Rhode Island. John Chafee will be sorely missed.

We are here today to complete one of the legislative initiatives begun by Senator Chafee, something that he felt in fact very strongly about. Senate bill 1652 designates the Old Executive Office Building in Washington as the Dwight D. Eisenhower Executive Office Building. President Eisenhower distinguished himself in the military before being elected the 34th President of the United States. After graduating from the United States Military Academy at West Point, Dwight Eisenhower was promoted to captain and assigned to command tank training at Camp Colt in Gettysburg, Pennsylvania. For his efforts during World War I, he was awarded the Distinguished Service Medal.

In 1919, President Eisenhower continued his tank training command, this time in Camp Meade, Maryland, where he met Colonel George Patton, who would become a lifelong friend. Before World War II, President Eisenhower spent time in the Panama Canal Zone, France and in the Philippines as chief of staff to General Douglas MacArthur. Eisenhower graduated at the top of his class from the military's command and general staff school at Fort Leavenworth, Kansas. Before going to the Philippines, Eisenhower's office was located in the Old Executive Office Building.

In 1939, President Eisenhower was 49 years old and held the rank of lieutenant colonel. By 1941, Eisenhower was promoted to brigadier general and after the bombing at Pearl Harbor, General George C. Marshall placed Eisenhower in charge of the war plans division. As chief American war planner, Eisenhower strongly supported the ''Europe first'' strategy. Eisenhower's second major campaign during World War II occurred in North Africa where he headed the operations division before General Marshall placed him in command of the U.S. Army's European theater of operations.

In 1944, Eisenhower was named Supreme Commander of the Allied expeditionary forces. The successful Normandy invasion launched on D-Day was the ultimate thrust which led to the German defeat. On December 15, 1944, Eisenhower was promoted to the Army's highest rank, General of the Army.

In 1952, after serving as president of Columbia University and commander of NATO forces, Eisenhower sought and won the Republican nomination for President. President Eisenhower was overwhelmingly elected to serve two terms as our Nation's President. His accomplishments as President span from the peaceful resolution of the Korean War to the implementation of desegregation, to fighting communism, to implementation of the interstate highway system. He presided over a remarkable time of peace and prosperity in this country. President Eisenhower became an elder statesman following his two terms as President. His worldly accomplishments and direct involvement with the Old Executive Office Building make this a most deserving honor.

I have given only the briefest sketch of Eisenhower's accomplishments, but when we think about it, when we speak of Eisenhower, we use the term Supreme Commander, General of the Army, and we associate with him men like Patton, MacArthur and Marshall. These men changed the world and for the better. We too often lose sight of the accomplishments of men like Dwight Eisenhower due to the press of our day-to-day responsibilities.

I support this bill and encourage my colleagues to support it as well.

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

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume. I rise in support of S. 1652, a bill to designate the Executive Office Building at 17th and Pennsylvania Avenue here in Washington, D.C. as the Dwight D. Eisenhower Executive Office Building.

President Eisenhower was born October 14, 1890 in Denison, Texas. He graduated from West Point in June 1915 and shortly after graduation married Marie Doud in Denver, Colorado, a marriage that lasted 52 years. After a series of assignments, including service in the Panama Canal Zone, Washington, D.C., and the Philippine Islands, in 1942 he was promoted to first chief of operations division, War Department general staff. On December 24, 1943, President Roosevelt designated him as Supreme Commander, Allied expeditionary forces, from which he led the D-Day invasion of Europe.

In 1950, President Truman appointed him as Supreme Commander of the NATO forces, thus making him the first man to command a large peacetime multinational force.

Eisenhower was elected President in November 1952 with the support of the moderate, eastern wing of the Republican Party and again in 1956. Eisenhower had a sharp, orderly mind, could analyze problems, develop alternatives, and choose from among them. He reflected mainstream beliefs and his personality was that of an outgoing, affable American. The American people loved him.

President Eisenhower served his country with great distinction, diligence, and devotion for over 60 years. Mr. Speaker, I support S. 1652 and posthumously may I extend my gratitude to Senator Chafee for introducing this bill.

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

Mr. FRANKS of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I rise today to encourage my colleagues to support S. 1652. This legislation, as we have heard, will designate the current facility at 17th Street and Pennsylvania Avenue, NW, in Washington, D.C., now known as the Old Executive Office Building, to be known as the Dwight D. Eisenhower Executive Office Building. The House version of this legislation was introduced earlier this year by me and the gentleman from Texas (Mr. HALL). In the Senate, S. 1652 was introduced by Senator Chafee and because of his untimely death became one of his last legislative accomplishments. I thank the Senator for his leadership on this matter and express my condolences to his family and to the citizens of Rhode Island. Kansans wish to claim Dwight D. Eisenhower as our own, but Senator Chafee has reminded us that no State has ownership of this great American.

It is my honor to recognize a fellow Kansan and this great American, Dwight David Eisenhower. The life of President Eisenhower serves as an inspiration to all Americans to work to make this country and this world a better place. Born in Denison, Texas, and raised in Abilene, Kansas, Ike came from humble beginnings and grew to be one of the most influential figures in our Nation's history. Ike is an American hero and few would disagree that his accomplishments warrant the numerous monuments that pay tribute to him across our great land. This is an appropriate time to bring the life of Dwight D. Eisenhower to the attention of Members of Congress and the American people. Last week we celebrated the anniversary of the President's birth. This week C-SPAN is highlighting the life that we honor here today.

Abilene, Kansas, which I have the privilege of representing in Congress, is the home of the Eisenhower Center, featuring the Dwight D. Eisenhower Museum, the presidential library, the Eisenhower family home and the Place of Meditation where the President and his wife Mamie Doud are buried. In the gentleman from Texas' district, visitors can view the Eisenhower Birthplace Historical State Park.

We all represent districts that contain schools or streets named for President Eisenhower. While many tributes have been paid to this great man, nothing of significance exists here in our Nation's capital to honor and remember President Eisenhower.

It is a fitting tribute to name a great building, the Old Executive Office Building, for this great American. The Old Executive Office Building is symbolic of Ike's career. Constructed in 1871, 19 years before Ike's birth, the Executive Building was first the home of the State, War and Navy Departments. Ike had a personal connection to the Old Executive Office Building. He was first assigned there in 1927 as aide to General John J. Pershing. Following his victories in Europe, Ike returned to the building as the Army Chief of Staff. General Eisenhower served in the State, War and Navy Building a total of 7 years and 2 months. On January 19, 1955, Ike made history by holding the first televised presidential press conference on the building's fourth floor.

Knowing of this connection, it is not surprising that as President, Eisenhower was fundamental to the building's survival. In 1957, according to the White House historian and scholar William Seale, the advisory committee on presidential office space recommended that the building be demolished and replaced with an expensive modern structure. Mr. Seale reports that the architect in charge of the project tried to persuade President Eisenhower, who recently had suffered a heart attack, that a new building would not have as many stairs to climb. ''Nonsense,'' said Ike. ''My doctors require I climb so many steps a day for the good of my heart.'' Following that conversation, efforts to replace the building lost steam and the building and history were saved.

Both as a soldier and a statesman, Ike's more than 50 years of service to his country have had a profound effect upon the course of mankind. Considering his work as soldier, staff member, chief executive, the dedication of the Old Executive Office Building is an especially fitting tribute to the memory of this great man. The naming of this building is supported by many, including those who know his historic life the best. The great historian of Eisenhower's life and the chronicler of World War II has indicated his support. Stephen Ambrose has written:

''Renaming the Old Executive Office Building for him would be appropriate as well as much deserved. He served in the building in the early 1930s as an aide to General Douglas MacArthur, then Chief of Staff, U.S. Army. In the late 1950s as President, Eisenhower saved the building from demolition. Eisenhower was a leader in war and in peace of the men and women who saved our country and democracy. Surely something can be done in Washington to pay at least a bit of our eternal respect and gratitude for this great man.''

Stewart R. Etherington, President of the Eisenhower Foundation, has lent support of the foundation to this effort of national significance. Dwight David Eisenhower's life achievements should encourage all of us as Americans to aspire to greatness, to respect those around us, and to take great pride in our country. His character teaches parents the importance of instilling values, such as hard work, determination and honesty in our children.

I still like Ike, and I urge my colleagues to join me in supporting this fitting tribute.

Mr. Speaker, I include the following for the RECORD:

THE EISENHOWER FOUNDATION,
Abliene, KS, October 22, 1999.

Re Executive Office Building, Washington, DC.

Congressman JERRY MORAN,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN MORAN: The Eisenhower Foundation has been watching the progress in the legislation to name the Executive Office Building for President Eisenhower. We fully support this effort as a way of honoring a man that worked in the building and helped save the building from destruction, but more importantly, a General and President that can still be looked at as a role model.

I thank you for the endeavors in this matter.

Sincerely,

STEWART R. ETHERINGTON,
President Eisenhower Foundation.

DWIGHT D. EISENHOWER LIBRARY,
Abilene, KS, October 26, 1999.

Hon. JERRY MORAN,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN MORAN: Our staff notice several instances of historical errors in news accounts concerning the renaming of

the Old Executive Office Building for General and President Eisenhower. As we are sure you would want accuracy in any wording prepared for any memorial inscriptions or official publicity about the renaming of the building, we offer the following chronology of Eisenhower's service in the Old Executive Office Building (previously the State, War & Navy Building), prepared from records in our archives;

January 21—August 15, 1927: Assigned to Headquarters, American Battle Monuments Commission (worked in the Office of the Chairman, General John J. Pershing), State, War & Navy Building.

July 1—July 30, 1928: Headquarters, American Battle Monuments Commission—after completing the course at the Army War College, Fort McNair (August 16, 1927—June 30, 1928)

September 24—November 8, 1929: Headquarters, American Battle Monuments Commission—after serving an assignment with the Paris, France, office of the ABMC (August 9, 1929—September 17, 1929)

November 8, 1929—February 20, 1933: Assistant Executive (General George Van Horn Mosley served as Executive), Office of the Assistant Secretary of War

February 20, 1933—September 24, 1935: Special Assistant to the Chief of Staff, War Department General Staff (General Douglas MacArthur)

December 14, 1941—February 15, 1942: Deputy Assistant Chief of Staff, (Pacific and Far East Section), War Plans Division, War Department

February 16—April 1, 1942: Assistant Chief of Staff, War Plans Division, War Department

April 2—June 22, 1942, Assistant Chief of Staff, Operations Division, War Department

By our calculations, General Eisenhower served in the State, War & Navy Building a total of seven years, two months.

President Eisenhower, of course, also used the E.O.B. In fact, all of his Washington press conferences were held in its press room. He did not, however have an office, per se, there.

If you have any questions about the above, or if we can be of assistance in other matters, please let us know.

Sincerely,

DANIEL D. HOLT,
Director.

THE EISENHOWER WORLD AFFAIRS INSTITUTE,
Washington, DC, October 26, 1999.

Hon. JERRY MORAN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN MORAN: I understand that final action is about to be taken on the proposal to name the Old Executive Office Building for President Dwight D. Eisenhower, and I write to express my very strong support for this initiative. I have two outstanding reasons.

First, I think it is especially appropriate that his name be given to this building in view of the fact that he served for many years in the building as the Principal Staff Assistant to General Douglas MacArthur when General MacArthur was the Chief of Staff of the Army and the building was known as the State-War-Navy Building. Also during his time as President, many of the key staff and supporting agencies on which he strongly relied and which made major contributions to his governance—including the Bureau of the Budget, as it was then named, and the National Security Council supporting staff and organization as well as the Council of Economic Advisers which played a major role during his Administration—were located there.

A second reason of key importance is that when a governmental commission studied the problem of an acute need for additional executive office space, and recommended demolition of this fine historic building in favor of a building of more modern design, he took steps to see that this recommendation was not carried into effect. In actuality, he saved the building.

For these reasons and many others—especially to memorialize his contribution to our country in a particular fitting way—I strongly endorse the proposal that you have under consideration.

Sincerely,

ANDREW J. GOODPASTER,
General, U.S. Army (Ret).

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the full committee, a gentleman of many talents, so those of us who saw him in full bike regalia this morning found.

□ 1515

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for those kind remarks and compliment her on her leadership on the Metropolitan Branch Trail that was dedicated this morning.

I, too, rise in support of the bill to designate the Executive Office Building as the Dwight D. Eisenhower Executive Office Building. Others have already detailed the long and illustrious career of President/General Eisenhower who was a towering figure. There are many other qualities and aspects of this great leader's career that I would like to underscore.

It was during President Eisenhower's tenure that the charter for the Federal Aviation Administration was crafted and that the first program of Federal grants to airports was initiated. It was on the result of a commission which he crafted, headed by General Lucius Clay to evaluate the status of airports in America and the future of aviation, and the Clay Commission reported in 1957 that within 10 years there would be a need to double, Mr. Speaker, double airport capacity in America and urged the establishment of a Federal grant and aid program to support and establish a national system of airports, and that resulted in the old Civil Aviation Administration being recrafted and created as we know it today as the Federal Aviation Administration, the first Federal grant program, a wise move and for once a prediction that fell far short of what really happened because airport capacity more than doubled in less than 10 years, but it was President Eisenhower's understanding of the power and the importance of aviation that moved him to support this initiative by the Federal Government.

It was also Captain Eisenhower taking a convoy across America in the 1920s who, seeing the condition of the roads, wondered to himself and to others what would happen in time of national emergency if we needed to move men and materiel rapidly in defense of the Nation. The road system would not support it. As President, he acted upon a recommendation of the Congress in 1944 to establish a national system of highways and refined the proposal to submit to the Congress the national system of interstate and defense highways and establishment of the highway trust fund, a dedicated revenue stream for the financing of the Nation's interstate highway program, the largest infrastructure program in the history of the world. $135 billion later this system represents 1 percent of the total highway mileage supported by Federal funds but carries 26 percent of all the traffic, which is well over a trillion miles traveled nationwide.

President Eisenhower clearly was a visionary and set the stage for our action in 1998 to restore the highway trust fund to its dedicated status as a guaranteed revenue stream protected by firewalls within the Federal budget under the leadership of our great chairman, the gentleman from Pennsylvania (Mr. SHUSTER).

It was also President Eisenhower who saw the need to serve the great heartland, the industrial and agricultural heartland, of America and supported the legislation introduced by my predecessor in Congress, John Blatnik and supported by George Don Darrow, then the chairman of the Public Works Committee from Michigan. In the 2 years at that point that the Republicans had the majority in the House to establish the St. Lawrence Seaway, which was opened by President Eisenhower and Queen Victoria in 1959 and has now carried well over 2½ billion tons of cargo, and of course, as with the interstate highway system, it is now known as the Dwight D. Eisenhower National System of Interstate and Defense Highways, and there is at the St. Lawrence Seaway on the U.S. side, the Eisenhower lock, which appropriately gives credit to the man who had the vision to support this great inland waterway system.

It was also President Eisenhower who gave the initial support for a national center for the performing arts that we today know as the John F. Kennedy Center for the Performing Arts and within which is the Eisenhower Theatre, appropriately named again for this President who had the sensitivity to understand that the arts are for all Americans.

There is more to a man of this stature than a legislative legacy or military leadership or accomplishments on the field of battle. There is a human dimension.

Last night, as I was driving home, I heard a segment of the LBJ tapes in which there was a conversation, a

phone call placed by then retired President Eisenhower to then President LBJ to disavow a story that he thought was going to appear from a report of a closed session in which, as President Eisenhower said, of course I was talking to Republicans, and we were advocating a strong campaign, but I did not say things that I understand may make their way into print and told President Johnson that he had called the publisher of the news organization to disavow the statement and to urge that it not be published, and it was a very touching and a very warm and a very personal conversation between two truly great leaders, and it took, I think, extraordinary character to make the phone call and to talk in such a warm and touching way as President Eisenhower did to President Johnson.

That is a dimension that we cannot write in stone, that we cannot affix on buildings, but when that touches us very deeply as a great humane and humanitarian leader of this country, this building is appropriately named for Dwight D. Eisenhower.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from New Jersey for yielding the time to me and congratulate him and the gentlewoman from the District of Columbia (Ms. NORTON) for leadership on this measure as well as to the gentleman from Kansas (Mr. MORAN), who spoke so well a moment ago about Dwight D. Eisenhower. I am delighted to support this bill and I urge my colleagues to support it overwhelmingly to rename the Old Executive Office Building after President Eisenhower.

As was stated, General Eisenhower served in the building at the time the building housed the War Department for our country under General George C. Marshall, and then certainly General Eisenhower went on to lead the forces of Americans to freedom in World War II, and it is remarkable that there are no memorials or buildings or monuments in Washington, D.C. remembering the life and the service of President Eisenhower. This is a great time to make sure that that condition no longer exists, that we do remember President Eisenhower with a fitting building as a memorial to his life and his service to our country.

Certainly this bill ensures that visitors to our Nation's capital will have a place to pay respects to our 34th President and our supreme commander in World War II which invaded France on D-Day and went on to wage a successful war effort so that those of us who succeeded that generation can now live in freedom.

It is fitting that this building be named for President Eisenhower because like the Old Executive Office Building, President Eisenhower was towering and unique in appearance. He was unmistakable in his style and his dignity and his military demeanor, and he also had a tough and lasting personality throughout the war, one that I think those of us who came later in the generations that followed his do not fully appreciate sometimes.

The gentleman from Kansas (Mr. MORAN) mentioned the author, Mr. Ambrose, Stephen Ambrose, who has written a number of books on World War II that are certainly worthy of our consideration because they chronicle the courage and the dignity and the bravery and the sacrifice and the hardship and the duty and the honor that so many of the World War II generation, men and women, provided so that we could be free, and these books by Mr. Ambrose chronicle those efforts so well and so beautifully, and we owe so much to the generation of President Eisenhower, the generation that produced him and the other heroes of the war who served in the infantry in the nursing core and the airmen and all those who served in the Armed Forces to preserve liberty and protect freedom.

So I am delighted certainly to join my colleagues in supporting this measure. It is about time that President Eisenhower is properly recognized in this city, and I am delighted that we can come together to do so today.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I am honored to be a cosponsor. Certainly Dwight David Eisenhower is a great man. I support Senate bill 1652.

As my colleagues know, one way to remember the legends of our country is to from time to time do like we are doing right here today, have a time to discuss their past and their service and to have a living or an existing memorial, as this bill will spawn, as an archive that will link us to some great days in this country, the time when we had the strongest financial position and the strongest geopolitical position of any country in the world that Dwight David Eisenhower was in leadership. I think this gives us a good feeling today, and it gives us confidence in tomorrow because of all the good things this great man did for us yesterday.

I recognize that he made a meteoric rise as a man in the military. I think in 1935 he was in the Philippines with General Eisenhower. In the early 1930s he attended college, of course, at the U.S. Military Academy, drenched in military tradition, and this may be my week to honor Texans because just earlier this week one of our United States Senators and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentleman from Texas (Mr. SAM JOHNSON) and others of us spoke in Dallas about Audie Murphy, Audie Murphy who was honored by having a stamp stamped with his name and his picture on it, his portrait there. It is a 33-cent stamp, and Audie Murphy was given 33 medals. I think that is coincidental, but many of those medals were given and presented to Audie Murphy by Dwight D. Eisenhower, and it is also kind of a Texas day because Dwight David Eisenhower was born in Texas, and we have a library, we have a boulevard named after him in Denison, Texas in Grayson County.

I also see a Texas connection to Dwight David Eisenhower, not that he was born there, but he gave his greatest service amid Texans. Sam Rayburn was Speaker of this House, Lyndon Johnson was majority leader, and they worked with this Republican, two staunch Democrats, to have good government and to render him a great and an acceptable President.

So I think as we today, as we rise in honor of Eisenhower, a man who received the greatest popular vote, over 62 million cast their votes in the polls in November of 1956, we honor a man not just for his victories in war, but for standing tall in peace at a time when we needed it.

□ 1530

It is an honor to cosponsor this resolution and to recognize one who answered the call, stood tall, gave to all of us, and I think will go down as one of the great generals in history, and certainly one of the fine Presidents. It is good that we recognize him by passing this act today.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from New Jersey for yielding me time.

Mr. Speaker, some wonder why we remember and why we honor men and women who have passed on before us, why we name buildings after them. We remember because in their lives, we see our better angels. We are reminded that we, too, can rise above the problems we face.

Dwight D. Eisenhower was a fellow Kansan, and I am proud of that. I am pleased to tell others that he represented Kansas values. He was a hero who lived the values we all strive to reflect.

Let me just focus on one of those values, courage. In the face of adversity, he made a conscious decision to do the right thing. His family tells me that of all his accomplishments, he was the most proud of being the Supreme Allied Commander of the European Forces during World War II. There is good reason for that.

In Stephen Ambrose's book, ''D-Day,'' there is an excellent description of the anguish that he went through to make that decision to send our young

men to the shores of France. He struggled with the decision. He paced back and forth, he inquired with his peers, he watched the weather reports, and then he came to the decision. I remember in the movie, ''The Longest Day,'' as the decision became so evident, he finally says, ''There it is.'' And it fell on his shoulders, and he accepted that, and he made the decision, because in the face of all that adversity, he knew in his heart it was the right thing to do.

So, Mr. Speaker, it is very appropriate that we recognize the Supreme Allied Commander, because in honoring his greatness, his courage, we tell ourselves and our children that character matters, that within all of us are better angels that can change our world for the better.

So, Mr. Speaker, there it is. I urge all my colleagues to support the designating of the Executive Office Building as the Dwight D. Eisenhower Executive Office Building.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I will include in the RECORD the list of the more than 127 items in this country, places, objects, monuments, that are named for President Eisenhower.

Lest there be any question whether former President Dwight D. Eisenhower has been appropriately recognized, I submit the following astonishing list on highways, Acts of Congress, buildings, golf courses, scholarships, and even an aircraft carrier named for this great American:

Dwight D. Eisenhower System of Interstate and Defense Highways Congressional Acts;

Dwight D. Eisenhower Mathematics and Science Education Act;

Eisenhower Exchange and Fellowship Act of 1990;

Dwight D. Eisenhower Memorial Bicentennial Civic Center Act; and the

Dwight David Eisenhower Commemorative Coin Act of 1988.

NAMED FOR DWIGHT D. EISENHOWER—

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1. Schools

Dwight D. Eisenhower Elementary School, 848 N. Mesa Drive, Mesa, Arizona.

Dwight D. Eisenhower School (elementary), Garden Grove, California.

Dwight D. Eisenhower Elementary School, Indio, California.

Dwight D. Eisenhower School (elementary), Cupertino, California.

Dwight D. Eisenhower High School, Rialto, California.

Eisenhower Elementary School, Santa Clara, California.

Eisenhower Elementary, Eisenhower Drive, Boulder, Colorado.

Colegio Eisenhower, Guayaquil, Ecuador.

Dwight D. Eisenhower Elementary School, Clearwater, Florida.

Dwight D. Eisenhower Elementary School, 3600 Southwest College Avenue, Fort Lauderdale, Florida 33314.

Dwight D. Eisenhower Elementary School, Jacksonville, Illinois 62650.

Dwight D. Eisenhower School, 206 S. School Lane, Prospect Heights, Illinois 60070.

Eisenhower Junior High School, Darien, Illinois.

Eisenhower School (elementary), Lansing, Illinois.

Eisenhower Schools (elementary), South Holland, Illinois.

Dwight D. Eisenhower High School, Decatur, Illinois.

Dwight D. Eisenhower High School, Blue Island, Illinois.

Dwight D. Eisenhower School, 153 South Ottawa Street, Joliet, Illinois.

Dwight D. Eisenhower Junior High School, DuPage County, Illinois.

Dwight D. Eisenhower Elementary School, 1450 South Main Street, Crown Point, Indiana.

Dwight D. Eisenhower Elementary School, Ottunwa, Iowa.

Dwight D. Eisenhower Elementary School, Cedar Rapids, Iowa.

Eisenhower Elementary School, Dubuque, Iowa.

Dwight D. Eisenhower Elementary School, Community School District, Davenport, Iowa.

General Dwight D. Eisenhower School, (elementary), Ft. Leavenworth, Kansas.

Eisenhower Elementary School, Wellington, Kansas.

Dwight D. Eisenhower Middle School, Topeka, Kansas.

Eisenhower School (elementary), Hoisington, Kansas.

Eisenhower School, (elementary), Junction City, Kansas.

Dwight D. Eisenhower Middle School, Kansas City, Kansas.

Eisenhower School, (elementary), Ottawa, Kansas.

Eisenhower School, (elementary), Great Bend, Kansas.

Eisenhower School, (elementary), Norton, Kansas.

Dwight D. Eisenhower Elementary School, Louisville, Kentucky.

Dwight D. Eisenhower School, Laurel, Maryland.

Dwight D. Eisenhower Middle School, Prince George's County, Maryland.

Eisenhower Elementary School, 8985 Newburgh Road, Livonia, Michigan 48150.

Dwight D. Eisenhower Elementary School, Fraser, Michigan.

Dwight D. Eisenhower Elementary School, Flint, Michigan.

Dwight D. Eisenhower High School, Saginaw, Michigan.

Dwight D. Eisenhower High School, Utica, Michigan.

Eisenhower Elementary School, Fergus Falls, Minnesota.

Dwight D. Eisenhower Junior High School, Township of Wyckoff, Wyckoff, New Jersey.

Dwight D. Eisenhower Elementary School, Piscataway Township, New Jersey.

The Dwight D. Eisenhower Memorial School, West Berlin, New Jersey.

Dwight D. Eisenhower Elementary School, Sayreville, New Jersey.

Eisenhower Junior High School, Carlsbad, New Mexico.

John Rosenkrans, President, Eisenhower College, Seneca Falls, New York 13148.

Dwight D. Eisenhower Junior High School, Oregon, Ohio.

Dwight D. Eisenhower School (elementary), Enid, Oklahoma.

Dwight D. Eisenhower Elementary School, Tulsa, Oklahoma.

Eisenhower Junior and Senior High Schools, Lawton, Oklahoma.

Eisenhower Junior High School, Oklahoma City, Oklahoma.

Dwight D. Eisenhower Elementary School, Indiana, Pennsylvania.

General Dwight D. Eisenhower High School, Akeley, Pennsylvania.

Eisenhower Elementary School, Gettysburg, Pennsylvania.

Dwight D. Eisenhower School (elementary), Pittsburgh, Pennsylvania.

Dwight D. Eisenhower Elementary School, Camp Hill, Pennsylvania.

Dwight D. Eisenhower High School, Warren, Pennsylvania.

Dwight D. Eisenhower Elementary School, Levittown, Pennsylvania.

Dwight D. Eisenhower Elementary School, Middletown Township, Bucks County, Pennsylvania.

Dwight D. Eisenhower Junior High School, San Antonio, Texas.

Dwight D. Eisenhower Elementary School, Grand Prairie, Texas.

Dwight D. Eisenhower Senior High School, Yakima, Washington.

Dwight D. Eisenhower School (elementary), Green Bay, Wisconsin.

Eisenhower High School, New Berlin, Wisconsin.

Eisenhower Elementary School, Wauwatosa, Wisconsin.

2. BUILDINGS, ROOMS, HALLS AUDITORIUMS, ETC.

Edifico ''Ike'' (Apartment Building), Rio de Janeiro, Brazil.

General Dwight D. Eisenhower Library, Sir Winston Churchill Cultural Institution, Guaxupe, Brazil.

The General Eisenhower Hall (dormitory), Brown Military Academy, Glendora, California.

Dwight D. Eisenhower Tower, California State College at Los Angeles, Los Angeles, California.

Eisenhower Chapel, Denver, Colorado.

The General Dwight D. Eisenhower Auditorium, The National War College, District of Columbia.

Eisenhower Room for Heads of State, Blair House, District of Columbia.

Eisenhower Corridor, The Pentagon, District of Columbia.

Eisenhower Theater, John F. Kennedy Center for the Performing Arts, District of Columbia.

Dwight D. Eisenhower Library, Workers' Liberal-Radical Society of Guayas, Ecuador.

Eisenhower Pavilion (New part of American hospital) Paris, France.

Eisenhower Hall (school hall), Glenbrook South High School, Glenview, Illinois.

Dwight D. Eisenhower Library District, Norridge-Harwood Heights, Illinois.

Eisenhower Hall, Command and General Staff College, Ft. Leavenworth, Kansas.

Dwight D. Eisenhower Gymnasium, Hyde School, Bath, Maine.

The Eisenhower Library, Yeshivath Shearith Hapletah (Rabbinical School), Brooklyn, New York.

Dwight D. Eisenhower Memorial Hall, Delmar, New York.

Eisenhower Hall, U.S. Military Academy, West Point, New York.

Dwight D. Eisenhower Memorial Center, Ohio State University, Columbus, Ohio 43210.

Dwight D. Eisenhower Hall (Officers Mess), Valley Forge Military Academy, Wayne, Pennsylvania.

Eisenhower Ballroom, Officers Open Mess, Carlisle Barracks, Pennsylvania.

Eisenhower House (a ''game house''), Que Que High School, Que Que Southern Rhodesia.

Eisenhower Auditorium, Dension, Texas.

Eisenhower National Bank, Stanley Road at Henry T. Allen, Fort Sam Houston, Texas 78286.

Eisenhower Church of Christ, Odessa, Texas.

Dwight D. Eisenhower Building, Spokane, Washington 99202.

3. AWARDS, FUNDS, FOUNDATIONS, ETC.

Eisenhower Scholarship Fund, Johns Hopkins University, (Established by The Capitol Hill Club), District of Columbia.

Dwight D. Eisenhower World Affairs Institute, 918 16th Street, NW., Suite 501, Washington, District of Columbia 20006.

E.M. Sears, Executive Director, Eisenhower Memorial Scholarship Foundation, P.O. Box 1324, Bloomington, Indiana 47401.

Col. Howard Pars, General Dwight D. Eisenhower Award, U.S. Army Command & General Staff College, Office of the Commandant, Fort Leavenworth, Kansas 66027.

Bill Reese, Eisenhower Golf Fellowship, Burning Tree Club, Burdette and River Roads, Bethesda, Maryland 20817.

Dwight D. Eisenhower Scholarship Fund, Harvard University Cambridge, Massachusetts.

William G. Bowen, President, Dwight D. Eisenhower Fund, (Foreign and International Affairs), Princeton University, Princeton, New Jersey 08544.

Debra Doame, Director, Dwight D. Eisenhower Scholarships and Fellowships Columbia College, New York City, New York 10028.

General Eisenhower Scholarship Fund, LaSalle Military Academy, Oakdale, Long Island, New York.

Rita Treacy, Awards Clerk. Eisenhower Award, United States Military Academy, West Point, New York, 10996.

Eisenhower Youth of the Year Award, (Given by the Youth Hall of Fame), Allentown, Pennsylvania 18105.

Col. Duey, Dwight D. Eisenhower Chair of Strategic Appraisal, US Army War College, Strategic Studies Institute, Carlisle Barracks, Pennsylvania 17013.

Eisenhower Exchange Fellowships Inc., Philadelphia, Pennsylvania.

Eisenhower Scholarship Fund, 120 S. Payne Street, Alexandria, Virginia 22314.

4. MEDICAL

Richard R. Augustine, Eisenhower Medical Center, 39000 Bob Hope Drive, Palm Desert, California 92260.

Eisenhower Hospital Osteopathic, Colorado Springs, Colorado.

Eisenhower Cardiac Unit, Spalding Rehabilitation Center, 1919 Ogden Street, Denver, Colorado.

Dwight D. Eisenhower Electronic Exercise Room, The Cardiac United of Spalding Rehabilitation Center, Denver, Colorado.

Major Foster, Dwight D. Eisenhower U.S. Army Hospital, Fort Gordon, Georgia 30905.

Dwight D. Eisenhower Department of Veterans, Affairs Medical Center, Leavenworth, Kansas.

The Dwight D. Eisenhower Institute for Stroke Research, 420 East 72nd Street, Suite 1–A, New York, New York.

The Eisenhower Cerebral Palsy Training Center, Cerebral Palsy of Greater Milwaukee, Inc., Milwaukee, Wisconsin.

Dwight D. Eisenhower Research Fund, (For United Cerebral Palsy Research and Education, Inc.)

Dwight D. Eisenhower Research Fund, (For American Heart Association).

5. STATUES

American Embassy, London, England.

City of Bayeux, Bayeux, France.

Eisenhower Center, Abilene, Kansas.

US Military Academy, West Point, New York.

Gettysburg College, Gettysburg, Pennsylvania.

Eisenhower Birthplace, Denison Texas.

6. VETERANS' AND POLITICAL ORGANIZATIONS

General Dwight D. Eisenhower Award, Arizona Young Republican League, Arizona.

The Dwight D. Eisenhower Memorial Post, Orange County, California.

Dwight D. Eisenhower Unit, Women's Political Study Club of California, Inc. California.

The Dwight D. Eisenhower Barracks, Veterans Home of California, California.

The Eisenhower Republican Center, District of Columbia.

Eisenhower Platz, (Plaza and adjacent Street, Holocaust Museum), Washington, District of Columbia.

Dwight D. Eisenhower Amvets Memorial Post No. 44, New Orleans, Louisiana.

Veterans Post Camp Ike, Albuquerque, New Mexico.

The Dwight D. Eisenhower Foundation for G.I. Joe, Inc., 82 Beaver Street, New York, New York.

The General Dwight D. Eisenhower Amvets Post No. 102, Spring Valley, New York.

The General Dwight D. Eisenhower Senior Village, (Disabled American Veterans), Farmingdale, New York.

The Eisenhower Federation of Republican Women, Gauley Bridge, West Virginia.

7. GEOGRAPHIC FEATURES

The Dwight D. Eisenhower System of Interstate and Defense Highways, [Entire 43,000-mile network of Interstate highways in the U.S.A].

Eisenhower Street, Los Angeles, California.

Eisenhower Street, San Mateo, California.

Mount Eisenhower, Canada.

Eisenhower Memorial Tree Forest, Lowry Air Force Base, Colorado.

Eisenhower Tunnel, Interstate Highway 70, Colorado.

Esplanade Eisenhower, Caen, France.

Eisenhower Parkway, Macon, Georgia.

Dwight D. Eisenhower Expressway,Chicago, Illinois.

Eisenhower Memorial Highway (K–15), Central Kansas.

Eisenhower Street, Wichita, Kansas.

Mount Eisenhower, New Hampshire.

Dwight D. Eisenhower Mall, (in Battery Park).

Castle Clinton—National Monument New York, New York.

Eisenhower Street, Dallas, Texas.

Eisenhower Avenue, Alexandria, Virginia.

Dwight D. Eisenhower Freeway, Washington, District of Columbia.

8. RECREATION

Dwight D. Eisenhower Park, Skagway, Alaska.

General Dwight D. Eisenhower Park, Orange County, California.

Eisenhower-Sunburst Tournament, Eldorado Country Club, Palm Desert, California.

Eisenhower Golf Course, Los Angeles County, Los Angeles, California.

Eisenhower Heart Fund Golf Tournament, Riverside County Heart Association, Inc., Riverside, California.

Eisenhower Golf Course, United States Air Force Academy, Colorado Springs, Colorado.

One hole on golf Course, Cherry Hills Country Club, Englewood Colorado.

Eisenhower National Memorial, District of Columbia.

1st Hole, Omaha Beach Golf Course. Colluvial sur Mar., France.

Eisenhower Pool, Springfield Park District, Springfield, Illinois.

Eisenhower Park. Abilene, Kansas.

Eisenhower League, (High school sports conference in north central Kansas), Kansas.

Dwight D. Eisenhower Park, Evesham Township, Burlington Co., New Jersey.

Dwight D. Eisenhower Park, Nassau County New York, Elmont, New York.

Eisenhower Braves, (Children's baseball team), Seminole, 1, Oklahoma.

General Dwight D. Eisenhower Trophy, Pennsylvania Horse Show, Harrisburg, Pennsylvania.

Dwight D. Eisenhower Campership, Penn Laurel Girl Scout Council, Inc., 1245 West Princess Street, York, Pennsylvania.

Eisenhower Park, Newport, Rhode Island.

Dwight D. Eisenhower Park, Houston, Texas.

Eisenhower State Park, Denison, Texas.

Eisenhower International Golf Classic, Eisenhower Tournament Office, P.O. Box 7363, Tyler, Texas 75711.

Eisenhower Trophy, (World Amateur Golf Championship).

Eisenhower Ski Trophy (Annual trophy awarded by United States Ski Educational Foundation, Inc.).

29th Annual ''Pike's Peak or Bust'' Rodeo Program (Dedicated to General Dwight D. Eisenhower).

9. MISCELLANEOUS

Dwight D. Eisenhower Room, Palm Desert Community Church, Palm Desert, California.

Larry Adams, Curator, Mamie Doud Eisenhower Birthplace Foundation, P.O. Box 55, Boone, Iowa 50036.

Ernest A. Morse, The Eisenhower Foundation, 1302 North Buckey, Abilene, Kansas 67410.

Eisenhower Chapter People-to-People, Abilene, Kansas.

Eisenhower Athletic Association, Inc., Until 7806, Saginaw, Michigan.

Eisenhower Patrol, Boy Scout Troop 56, Niagara Falls, New York

Ike Patrol, Girl Scout Troop, New Cumberland, Pennsylvania.

Eisenhower Class, Order of De Malay, San Antonio, Texas.

USS Dwight D. Eisenhower, Newport News, Virginia.

Dwight D. Eisenhower Engine, National Railroad Museum, Green Bay, Wisconsin.

IKE Livestock Brand, Wyoming.

Dwight D. Eisenhower Lock, St. Lawrence Seaway.

Eisenhower Alumnae Reunion, (Members of Eisenhower Administrations).

Dwight D. Eisenhower Memorial Bible Fund, American Bible Society.

Dwight D. Eisenhower Pledge Class, Kappa Omicron Chapter, Alpha Pi Omega (National organizations composed of former members of Boy Scouts of America).

Eisenhower Toile (drapery fabric).

Harry S. Truman, Dr. Howard A. Rusk, Irvin Geist Fund for the People-to-People Committee for the Handicapped RENAMED The Harry S. Truman, Dr. Howard A., Rusk, Dwight D. Eisenhower Fund for the People-to-People Committee for the Handicapped.

Towncouncil Rijswijk, Dep. Voorlichtung en p.r., Mr. J.C. deBeer Gen. Spoorlaan 2 2283 GM Rijswijk, Holland.

Dwight D. Eisenhower Nuclear Training Center, Wolf Creek Nuclear Operating Corporation, Burlington, Kansas.

10. PHILATELIC AND NUMISMATIC

Dwight D. Eisenhower Society, Gettysburg, Pennsylvania #17325.

Eisenhower Postal Society, Box 1176, Waco. Texas.

Eisenhower Dollar Coin, (U.S. Treasury Department 5–5–70).

Postmaster General—Commemorative stamp and a regular 6-cent stamp in General Eisenhower's honor.

Eisenhower Centennial Coin, U.S. Mint 2/90, Proof Silver Dollar; Uncirculated Silver Dollar.

Postmaster General—Eisenhower Centennial 29-cent stamp. Stamp issued in Abilene, Kansas only on 10/13/90, FDI stamped in Abilene, Kansas on 10/13/90. Pictorial cancellation in Abilene, Kansas only on 10/14/90.

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

Mr. FRANKS of New Jersey. Mr. Speaker, it is a pleasure to yield 2 minutes to the distinguished gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise today in support of S. 1652, a bill to designate the Old Executive Office Building the Dwight D. Eisenhower Executive Office Building.

Dwight D. Eisenhower was a man that garnered respect and admiration from all those he came in contact with. Eisenhower excelled in everything, from high school sports in Abilene, Kansas, to the Supreme Commander of the Normandy invasion in 1944, and as two-term President of the United States.

General Eisenhower's 4-decade, five-star military career included distinguished assignments as the chief military aid to the Chief of Staff of the Army, Commander-in-Chief of the Allied Forces in North Africa, Supreme Commander of the 1944 invasion of Normandy, Chief of Staff of the Army and Supreme Allied Commander of NATO forces.

Mr. Speaker, in his 8 years as President, Eisenhower's major achievements included sponsoring and signing the Federal Aid Highway Act of 1956 that established the current interstate highway system, ending the Korean War by persuading the Chinese to accept a mutual peace agreement, promoting peace during Cold War crises that may have broken the rational will of other Presidents, and something that this Congress is currently negotiating, he balanced the Federal budget three different times.

Dwight D. Eisenhower served this country with sacrifices in war and his triumphs as President. I urge my colleagues on both sides of the aisle to pass S. 1652 and name the Old Executive Office Building after a man that deserves to be honored and remembered for his bravery and commitment to the freedoms of the United States.

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the Senate bill, S. 1652.

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

A motion to reconsider was laid on the table.

LLOYD D. GEORGE UNITED STATES COURTHOUSE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 437) to designate the United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse.''

The Clerk read as follows:

S. 437

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

SECTION 1. DESIGNATION OF LLOYD D. GEORGE UNITED STATES COURTHOUSE.

The United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, shall be known and designated as the ''Lloyd D. George United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Lloyd D. George United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 437 designates the United States courthouse to be built in Las Vegas, Nevada, as the Lloyd D. George United States Courthouse.

Judge Lloyd D. George was born in Montpelier, Idaho, and later moved and attended schools in Las Vegas, Nevada. He earned his B.S. from Brigham Young University in 1955, and that same year entered the United States Air Force. He participated as a fighter pilot in the Strategic Air Command, concluding his military service in 1958, holding the rank of captain. He then returned to school where he earned his J.D. in 1961 from the University of California at Berkeley.

Judge George was admitted to the Nevada Bar in 1961 and began practice in Las Vegas. In 1974 he was appointed by the Ninth Circuit to preside over the United States Bankruptcy Court for the District of Nevada for a term of 14 years. In 1980 he became a member of the Ninth Circuit Bankruptcy Appellate Panels.

In 1984, President Ronald Reagan appointed Judge George to the United States District Court for the District of Nevada, where he was elevated in 1992 to Chief Judge of the Nevada District.

During his tenure on the bench, Chief Judge George held a variety of distinguished memberships. He was a board member on the Federal Judicial Center, a member of the National Bankruptcy Conference, the Chair of the Judicial Advisory for Bankruptcy Rules, the Chair of the Judicial Committee on Administration of Bankruptcy System, a Fellow at the American College of Bankruptcy, and a member of the Judicial Conference on International Judicial Relations.

I fully support the bill and urge my colleagues to support it as well.

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

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

Mr. Speaker, I rise today in strong support of designating the United States courthouse in Las Vegas, Nevada, as the Lloyd D. George United States Courthouse. It is my sincere pleasure to introduce this measure, and I have worked very hard to bring it to the House floor. I would like to thank all of those that helped in this endeavor, particularly the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Chairman SHUSTER), and my colleague in the United States Senate, Senator HARRY REID.

I cannot think of a more suitable honor to bestow on this beloved Las Vegan, who has served the citizens of his home State of Nevada with humility, humanity, compassion, and dignity. In fact, the new Federal courthouse which this bill names is located right across the street from where Judge George attended grade school and within one block of his high school alma mater.

I would like to highlight some of Judge George's tremendous accomplishments. From his early days, as both high school and college student body president, Judge George demonstrated outstanding leadership abilities. Judge George served our country as an Air Force pilot before receiving his juris doctorate in 1961 from the University of California at Berkeley.

Among his numerous achievements, Judge George has been the recipient of the Jurist of the Year Award, the Liberty Bell Award for public service, and the Brigham Young University Alumni Distinguished Service Award.

He has served as former chairman of the State Apprentice Council, former

president of the Clark County Association for Retarded Children, and a member of the National Advisory Council for the J. Willard and Alice S. Marriott School of Management.

From 1974 until 1984 Judge George served as the United States Bankruptcy judge. He also served as a National Bankruptcy Conference member and an American College of Bankruptcy fellow and a Judicial Conference member.

In May of 1984, Judge George was appointed U.S. District judge for the District of Nevada. He served as Chief District judge from 1992 to 1997 and assumed senior status in December of 1997.

Not only has Judge George served our Nation, he has also participated in numerous global committees, such as the International Judicial Relations Committee of the Judicial Conference, and has led seminars on legal topics in central and eastern Europe. What an extraordinary example he is for all of us.

When I think of Judge George, I see him administering the oath of allegiance to new citizens that are receiving their citizenship in the State of Nevada. I can tell you, when he administers this oath, there is not a dry eye in the house. This very sensitive, very compassionate man welcomes these people as new citizens to our country, and he does it with such charm and dignity that it makes us all very proud to be Americans. That is why it is most fitting and proper to honor the long, distinguished career of Judge George with this designation. I urge all of us to support this.

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

Mr. OBERSTAR. Mr. Speaker, I want to especially express my appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) for bringing this bill forward, and to the chairman of the subcommittee, the gentleman from New Jersey (Mr. FRANKS) for acting on the bill so quickly.

After a long gestation period, this bill has been awaiting action; but it is, as both the chairman of the full committee and chairman of the subcommittee have noted, a deserving recognition for a noted jurist.

I want to also commend my colleague, the gentlewoman from Nevada (Ms. BERKELEY), on her persistence in advocating for this legislation and to the Senator from Nevada, Mr. REID, for being such a strong champion of naming the building for Judge Lloyd D. George.

I did not have the pleasure, as the gentlewoman from Nevada has had, of knowing Judge George, but on a recent visit last month to Nevada, where I met with many of the gentlewoman's constituents, spontaneously and without prompting, each came forward to extol the virtues of this great jurist. He certainly is a living legend, loved and respected, admired and appreciated by all who know of him, and maybe have been adjudicated by him.

But certainly this naming by popular appeal is exceptional. He is a man of great judicial capacity, but also great compassion, as the gentlewoman has so appropriately noted; and I am delighted we at last have this opportunity to bring to conclusion the appropriate naming of the U.S. courthouse and Federal building in Las Vegas for Judge Lloyd D. George. I compliment the gentlewoman on her success in achieving this breakthrough.

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

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the Senate bill, S. 437.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1652 and S. 437.

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

There was no objection.

TRADEMARK CYBERPIRACY PREVENTION ACT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3028) to amend certain trademark laws to prevent the misappropriation of marks, as amended.

The Clerk read as follows:

H.R. 3028

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 ''Trademark Cyberpiracy Prevention Act''.

(b) REFERENCES TO THE TRADEMARK ACT OF 1946.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled ''An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. CYBERPIRACY PREVENTION.

(a) IN GENERAL.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by inserting at the end the following:

''(d)(1)(A) A person shall be liable in a civil action by the owner of a mark, including a famous personal name which is protected under this section, if, without regard to the goods or services of the parties, that person—

''(i) has a bad faith intent to profit from that mark, including a famous personal name which is protected under this section; and

''(ii) registers, traffics in, or uses a domain name that—

''(I) in the case of a mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to that mark;

''(II) in the case of a famous mark that is famous at the time of registration of the domain name, is dilutive of that mark; or

''(III) is a trademark, word, or name protected by reason of section 706 of title 18, United States Code, or section 220506 of title 36, United States Code.

''(B) In determining whether there is a bad-faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—

''(i) the trademark or other intellectual property rights of the person, if any, in the domain name;

''(ii) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;

''(iii) the person's prior lawful use, if any, of the domain name in connection with the bona fide offering of any goods or services;

''(iv) the person's lawful noncommercial or fair use of the mark in a site accessible under the domain name;

''(v) the person's intent to divert consumers from the mark owner's online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;

''(vi) the person's offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for financial gain without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services;

''(vii) the person's provision of material and misleading false contact information when applying for the registration of the domain name or the person's intentional failure to maintain accurate contact information;

''(viii) the person's registration or acquisition of multiple domain names which the person knows are identical or confusingly similar to marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous marks of others that are famous at the time of registration of such domain names, without regard to the goods or services of such persons;

''(ix) the person's history of offering to transfer, sell, or otherwise assign domain names incorporating marks of others to the mark owners or any third party for consideration without having used, or having an intent to use, the domain names in the bona fide offering of any goods and services;

''(x) the person's history of providing material and misleading false contact information when applying for the registration of other domain names which incorporate marks, or the person's history of using aliases in the registration of domain names which incorporate marks of others; and

''(xi) the extent to which the mark incorporated in the person's domain name registration is distinctive and famous within the meaning of subsection (c)(1) of section 43 of the Trademark Act of 1946 (15 U.S.C. 1125).

''(C) In any civil action involving the registration, trafficking, or use of a domain name under this paragraph, a court may order the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.

''(D) A person shall be liable for using a domain name under subparagraph (A)(ii) only if that person is the domain name registrant or that registrant's authorized licensee.

''(E) As used in this paragraph, the term 'traffics in' refers to transactions that include, but are not limited to, sales, purchases, loans, pledges, licenses, exchanges of currency, and any other transfer for consideration or receipt in exchange for consideration.

''(2)(A) In addition to any other jurisdiction that otherwise exists, whether in rem or in personam, the owner of a mark may file an in rem civil action against a domain name in the judicial district in which the domain name registrar, domain name registry, or other domain name authority that registered or assigned the domain name is located, if—

''(i) the domain name violates any right of the owner of the mark; and

''(ii) the owner—

''(I) has sent a copy of the summons and complaint to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar; and

''(II) has published notice of the action as the court may direct promptly after filing the action.

The actions under clause (ii) shall constitute service of process.

''(B) In an in rem action under this paragraph, a domain name shall be deemed to have its situs in the judicial district in which—

''(i) the domain name registrar, registry, or other domain name authority that registered or assigned the domain name is located; or

''(ii) documents sufficient to establish control and authority regarding the disposition of the registration and use of the domain name are deposited with the court.

''(C) The remedies of an in rem action under this paragraph shall be limited to a court order for the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark. Upon receipt of written notification of a filed, stamped copy of a complaint filed by the owner of a mark in a United States district court under this paragraph, the domain name registrar, domain name registry, or other domain name authority shall—

''(i) expeditiously deposit with the court documents sufficient to establish the court's control and authority regarding the disposition of the registration and use of the domain name to the court; and

''(ii) not transfer or otherwise modify the domain name during the pendency of the action, except upon order of the court.

The domain name registrar or registry or other domain name authority shall not be liable for injunctive or monetary relief under this paragraph except in the case of bad faith or reckless disregard, which includes a willful failure to comply with any such court order.

''(3) The civil action established under paragraph (1) and the in rem action established under paragraph (2), and any remedy available under either such action, shall be in addition to any other civil action or remedy otherwise applicable.''.

SEC. 3. DAMAGES AND REMEDIES.

(a) REMEDIES IN CASES OF DOMAIN NAME PIRACY.—

(1) INJUNCTIONS.—Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking ''(a) or (c)'' and inserting ''(a), (c), or (d)''.

(2) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by inserting '', (c), or (d)'' after ''section 43(a)''.

(b) STATUTORY DAMAGES.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

''(d) In a case involving a violation of section 43(d)(1), the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. The court may remit statutory damages in any case in which the court finds that an infringer believed and had reasonable grounds to believe that use of the domain name by the infringer was a fair or otherwise lawful use.''.

SEC. 4. LIMITATION ON LIABILITY.

Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114) is amended—

(1) in the matter preceding subparagraph (A) by striking ''under section 43(a)'' and inserting ''under section 43(a) or (d)''; and

(2) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D)(i) A domain name registrar, a domain name registry, or other domain name registration authority that takes any action described under clause (ii) affecting a domain name shall not be liable for monetary or injunctive relief to any person for such action, regardless of whether the domain name is finally determined to infringe or dilute the mark.

''(ii) An action referred to under clause (i) is any action of refusing to register, removing from registration, transferring, temporarily disabling, or permanently canceling a domain name—

''(I) in compliance with a court order under section 43(d); or

''(II) in the implementation of a reasonable policy by such registrar, registry, or authority prohibiting the registration of a domain name that is identical to, confusingly similar to, or dilutive of another's mark.

''(iii) A domain name registrar, a domain name registry, or other domain name registration authority shall not be liable for damages under this section for the registration or maintenance of a domain name for another absent a showing of bad faith intent to profit from such registration or maintenance of the domain name.

''(iv) If a registrar, registry, or other registration authority takes an action described under clause (ii) based on a knowing and material misrepresentation by any other person that a domain name is identical to, confusingly similar to, or dilutive of a mark, the person making the knowing and material misrepresentation shall be liable for any damages, including costs and attorney's fees, incurred by the domain name registrant as a result of such action. The court may also grant injunctive relief to the domain name registrant, including the reactivation of the domain name or the transfer of the domain name to the domain name registrant.''.

SEC. 5. DEFINITIONS.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the undesignated paragraph defining the term ''counterfeit'' the following:

''The term 'domain name' means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

''The term 'Internet' has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).''.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act shall affect any defense available to a defendant under the Trademark Act of 1946 (including any defense under section 43(c)(4) of such Act or relating to fair use) or a person's right of free speech or expression under the first amendment of the United States Constitution.

SEC. 7. EFFECTIVE DATE.

Sections 2 through 6 of this Act shall apply to all domain names registered before, on, or after the date of enactment of this Act, except that damages under subsection (a) or (d) of section 35 of the Trademark Act of 1946 (15 U.S.C. 1117), as amended by section 3 of this Act, shall not be available with respect to the registration, trafficking, or use of a domain name that occurs before the date of enactment of this Act.

SEC. 8. ADJUSTMENT OF CERTAIN TRADEMARK AND PATENT FEES.

(a) TRADEMARK FEES.—Notwithstanding the second sentence of section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)), the Commissioner of Patents and Trademarks is authorized in fiscal year 2000 to adjust trademark fees without regard to fluctuations in the Consumer Price Index during the preceding 12 months.

(b) PATENT FEES.—

(1) ORIGINAL FILING FEE.—Section 41(a)(1)(A) of title 35, United States Code, relating to the fee for filing an original patent application, is amended by striking ''$760'' and inserting ''$690''.

(2) REISSUE FEE.—Section 41(a)(4)(A) of title 35, United States Code, relating to the fee for filing for a reissue of a patent, is amended by striking ''$760'' and inserting ''$690''.

(3) NATIONAL FEE FOR CERTAIN INTERNATIONAL APPLICATIONS.—Section 41(a)(10) of title 35, United States Code, relating to the national fee for certain international applications, is amended by striking ''$760'' and inserting ''$690''.

(4) MAINTENANCE FEES.—Section 41(b)(1) of title 35, United States Code, relating to certain maintenance fees, is amended by striking ''$940'' and inserting ''$830''.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the enactment of this Act. The amendments made by subsection (b) shall take effect 30 days after the date of the enactment of this Act.

SEC. 9. DOMAIN NAME FOR PRESIDENT, MEMBERS OF CONGRESS, SNF POLITICAL OFFICE HOLDERS AND CANDIDATES.

(a) IN GENERAL.—The Secretary of Commerce shall require the registry administrator for the .us top level domain to establish a 2nd level domain name for the purpose of registering only domain names of the President, Members of Congress, United States Senators, and other current holders of, and official candidates and potential official candidates for, Federal, State, or local political office in the United States.

(b) GUIDELINES.—The Secretary of Commerce, in consultation with the Federal

Election Commission, shall establish guidelines and procedures under which individuals may register a domain name in the 2nd level domain name established pursuant to subsection (a).

(c) ELIGIBLE REGISTRANTS.—The Federal Election Commission shall establish and maintain a list of individuals eligible, under the guidelines established pursuant to subsection (b), to register a domain name in the 2nd level domain name established pursuant to subsection (a).

(d) FEES.—The registry administrator and registrars for the .us top level domain may charge individuals reasonable fees for registering domain names pursuant to subsection (a).

(e) DEFINITION.—As used in this section, the term ''Member of Congress'' means a Representative in, or a delegate or Resident Commissioner to, the Congress.

(f) EFFECTIVE DATE.—Registration of domain names in accordance with this section shall begin no later than December 31, 2000.

SEC. 10. HISTORIC PRESERVATION.

Section 101(a)(1)(A) of the National Historic Preservation Act (16 U.S.C. 470a(a)(1)(A)) is amended by adding at the end the following: ''Notwithstanding section 43(c) of the Act commonly known as the 'Trademark Act of 1946' (15 U.S.C. 1125(c)), buildings and structures meeting the criteria for the National Register of Historic Places under paragraph (2) may retain the name by which they are listed on the Register, if that name is the historical name associated with the building or structure.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3028, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 3028, the Trademark Cyberpiracy Prevention Act, is a very important and significant piece of legislation, and I rise in support of it as a cosponsor.

Over the past 2 years, the Subcommittee on Courts and Intellectual Property, through a series of oversight hearings, has become very aware of the problems faced by owners of famous marks when dealing with the issue of domain names.

Time and time again we heard stories of cyberpirates who registered numerous domain names containing the markings or trade names of American companies, only to hold them ransom in exchange for money. Sometimes these pirates will even put pornographic materials on these sites in an effort to increase the incentive for the trademark owner to protect the integrity of its mark.

The time has come, Mr. Speaker, for this practice to stop. Imagine, if you will, that you own a small company and have spent years investing and delivering the good will of your business, only to find out when you go to register for a domain name that someone else has misappropriated your trademark name.

To make matters worse, you are informed that your legal options are limited, even if the offending party has placed pornographic or hateful materials on the site with your name on it.

This is an unacceptable situation, and should not be allowed to continue. This is a measured and balanced response to a growing problem, and I would like to commend the gentleman from California (Mr. ROGAN) and the gentleman from Virginia (Mr. BOUCHER) for their leadership in this area, as well as the gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Courts and Intellectual Property.

The legal recourse provided for in this legislation, combined with the alternative dispute resolution procedures being adopted by the domain name registrars, will give trademark owners important tools to protect their intellectual property.

I am unaware of any opposition to the manager's amendment, and I urge a favorable vote on H.R. 3028.

Mr. Speaker, H.R. 3028, the ''Trademark Cyberpiracy Prevention Act,'' is a very important piece of legislation. Over the past two years, the Subcommittee on Courts and Intellectual Property, through a series of oversight hearings, has investigated the problems faced by owners of famous marks when dealing with the issue of domain names. There have been many evidenced accounts of cyberpirates who register numerous domain names containing the marks of tradenames of American owners only to hold those names ransom in exchange for money. In some accounts, these pirates have placed pornographic materials on these sites in an effort to increase the incentive for the trademark owner to protect the integrity of its mark. This legislation is intended to stop this practice.

H.R. 3028 is a measured and balanced response to a growing problem, and I would like to commend Mr. Rogan and Mr. Boucher for their leadership in drafting this bill. The legal recourse provided for in this legislation, combined with the alternative dispute resolution procedures being adopted by the domain name registers, in conjunction with recommendations by the World Intellectual Property Organization, will give trademark owners important tools to protect their intellectual property.

The following is a section-by-section analysis of H.R. 3028 which will serve as legislative history for the amendments adopted today.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; references.

This section provides that the act may be cited as the ''Trademark Cyberpiracy Prevention Act'' and that any references within the bill to the Trademark Act of 1946 shall be a reference to the act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes,'' approved July 5, 1946 (15 U.S.C. 1051 et seq.), also commonly referred to as the Lanham Act.

Section 2. Cyberpiracy prevention

Subsection (a). In General. This subsection amends the Trademark Act to provide an explicit trademark remedy for cyberpiracy under a new section 43(d). Under paragraph (1)(A) of the new section 43(d), actionable conduct would include the registration, trafficking in, or use of a domain name that is identical to, confusingly similar to, or dilutive of the trademark or service mark of another, provided that the mark was distinctive (i.e., enjoyed trademark status) at the time the domain name was registered. The bill is carefully and narrowly tailored, however, to extend only to cases where the plaintiff can demonstrate that the defendant registered, trafficked in, or used the offending domain name with bad-faith intent to profit from the goodwill of a mark belonging to someone else. Thus, the bill does not extend to innocent domain name registrations by those who are unaware of another's use of the name, or even to someone who is aware of the trademark status of the name but registers a domain name containing the mark for any reason other than with bad faith intent to profit from the goodwill associated with that mark.

The phrase ''including a famous personal name which is protected under this section'' addresses situations in which a famous personal is protected under Section 43 and is used as a domain name. The Lanham Act prohibits the use of false designations of origin and false or misleading representations. Protection under section 43 of the Lanham Act has been applied by the courts to famous personal names which function as marks, such as service marks, when such marks are infringed. Infringement may occur when the endorsement of products or services in interstate commerce is falsely implied through the use of a famous personal name, or otherwise. This protection also applies to domain names on the Internet, where falsely implied endorsements and other types of infringement can cause greater harm to the owner and confusion to a consumer in a shorter amount of time than is the case with traditional media. The protection offered by section 43 of a famous personal name which functions as a mark, as applied to domain names, is subject to the same fair use and first amendment protections as have been applied traditionally under trademark law, and is not intended to expand or limit any rights to publicity recognized by States under State law.

Paragraph (1)(B) of the new section 43(d) sets forth a number of nonexclusive, nonexhaustive factors to assist a court in determining whether the required bad-faith element exists in any given case. These factors are designed to balance the property interests of trademark owners with the legitimate interests of Internet users and others who seek to make lawful uses of others' marks, including for purposes such as comparative advertising, comment, criticism, parody, news reporting, fair use, etc. The bill suggests a total of eleven factors a court may wish to consider. The first four suggest circumstances that may tend to indicate an absence of bad-faith intent to profit from the goodwill of a mark, and the others suggest circumstances that may tend to indicate that such bad-faith intent exists.

First, under paragraph (1)(B)(i), a court may consider whether the domain name registrant has trademark or any other intellectual property rights in the name. This factor recognizes, as does trademark law in general, that there may be concurring uses of the same name that are noninfringing, such as the use of the ''Delta'' mark for both air travel and sink faucets. Similarly, the registration of the domain name ''deltaforce.com'' by a movie studio would not tend to indicate a bad faith intent on the part of the registrant to trade on Delta Airlines or Delta Faucets' trademarks.

Second, under paragraph (1)(B)(ii), a court may consider the extent to which the domain name is the same as the registrant's own legal name or a nickname by which that person is commonly identified. This factor recognizes, again as does the concept of fair use in trademark law, that a person should be able to be identified by their own name, whether in their business or on a web site. Similarly, a person may bear a legitimate nickname that is identical or similar to a well-known trademark and registration of a domain name using that nickname would not tend to indicate bad faith. This factor is not intended to suggest that domain name registrants may evade the application of this act by merely adopting Exxon, Ford, Bugs Bunny or other well-known marks as their nicknames. It merely provides a court with the appropriate discretion to determine whether or not the fact that a person bears a nickname similar to a mark at issue is an indication of an absence of bad-faith on the part of the registrant.

Third, under paragraph (1)(B)(iii), a court may consider the domain name registrant's prior lawful use, if any, of the domain name in correction with the bona fide offering of goods or services. Again, this factor recognizes that the legitimate use of the domain name in online commerce may be a good indicator of the intent of the person registering that name. Where the person has used the domain name in commerce without creating a likelihood of confusion as to the source or origin of the goods or services and has not otherwise attempted to use the name in order to profit from the goodwill of the trademark owner's name, a court may look to this as an indication of the absence of bad faith on the part of the registrant. A defendant should have the burden of introducing evidence of lawful use to assist the court in evaluating this factor.

Fourth, under paragraph (1)(B)(iv), a court may consider the person's legitimate noncommercial or fair use of the mark in a web site that is accessible under the domain name at issue. This factor is intended to balance the interests of trademark owners with the interests of those who would make lawful noncommercial or fair use of others' marks online, such as in comparative advertising, comment, criticism, parody, news reporting, etc. Under the bill, the use of a domain name for purposes of comparative advertising, comment, criticism, parody, news reporting, etc., even where done for profit, would not alone satisfy the bad-faith intent requirement. The fact that a person may use a mark in a site in such a lawful manner may be an appropriate indication that the person's registration or use of the domain name lacked the required element of bad-faith. This factor is not intended to create a loophole that otherwise might swallow the bill, however, by allowing a domain name registrant to evade application of the Act by merely putting up a noninfringing site under an infringing domain name. For example in the well known case of Panavision Int'l v. Toeppen, 141 F.3d 1316 (9th Cir. 1998), a well-known cyberpirate had registered a host of domain names mirroring famous trademarks, including names for Panavision, Delta Airlines, Neiman Marcus, Eddie Bauer, Lufthansa, and more than 100 other marks, and had attempted to sell them to the mark owners for amounts in the range of $10,000 to $15,000 each. His use of the ''panavision.com'' and ''panaflex.com'' domain names was seemingly more innocuous, however, as they served as addresses for sites that merely displayed pictures of Pana Illinois and the word ''Hello'' respectively. This act would not allow a person to evade the holding of that case—which found that Mr. Toeppen had made a commercial use of the Panavision marks and that such uses were, in fact, diluting under the Federal Trademark Dilution Act—merely by posting noninfringing uses of the trademark on a site accessible under the offending domain name, a Mr. Toeppen did. Similarly, the bill does not affect existing trademark law to the extent it has addressed the interplay between first amendment protections and the rights of trademark owners. Rather, the act gives courts the flexibility to weigh appropriate factors in determining whether the name was registered or used in bad faith, and it recognizes that one such factor may be the use the domain name registrant makes of the mark.

Fifth, under paragraph (1)(B)(v), a court may consider whether, in registering or using the domain name, the registrant intended to divert consumers away from the trademark owner's website to a website that could harm the goodwill of the mark, either for purposes of commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site. The factor recognizes that one of the main reasons cyberpirates use other people's trademarks is to divert Internet users to their own sites by creating confusion as to the source, sponsorship, affiliation, or endorsement of the site. This factor recognizes that one of the main reasons cyberpirates use other people's trademarks is to divert Internet users to their own sites by creating confusion as to the source, sponsorship, affiliation, or enforcement of the site. This is done for a number of reasons, including to pass off inferior goods under the name of a well-known mark holder, to defraud consumers into providing personally identifiable information, such as credit card numbers, to attract eyeballs to sites that price online advertising according to the number of ''hits'' the site receives, or even just to harm the value of the mark. Under this provision, a court may give appropriate weight to evidence that a domain name registrant intended to confuse or deceive the public in this manner when making a determination of bad-faith intent.

Sixth, under paragraph (1)(B)(vi), a court may consider a domain name registrant's offer to transfer sell, or otherwise assign the domain name to the mark owner or any third party for financial gain, where the registrant has not used, and did not have any intent to use, the domain name in the bona fide offering of any goods or services. This factor is consistent with the court cases, like the Panavision case mentioned above, where courts have found a defendant's offer to sell the domain name to the legitimate mark owner as being indicative of the defendant's intent to trade on the value of a trademark owner's marks by engaging in the business of registering those marks and selling them to the rightful trademark owners. It does not suggest that a court should consider the mere offer to sell a domain name to a mark owner or the failure to use a name in the bona fide offering of goods or services is sufficient to indicate bad faith. Indeed, there are cases in which a person registers a name in anticipation of a business venture that simply never pans out. And someone who has a legitimate registration of a domain name that mirrors someone else's domain name, such as a trademark owner that is a lawful concurrent user of that name with another trademark owner, may, in fact, wish to sell that name to the other trademark owner. This bill does not imply that these facts are an indication of bad-faith. It merely provides a court with the necessary discretion to recognize the evidence of bad-faith when it is present. In practice, the offer to sell domain names for exorbitant amounts to the rightful mark owner has been one of the most common threads in abusive domain name registrations. Finally, by using the financial gain standard, this allows a court to examine the motives of the seller.

Seventh, under paragraph (1)(B)(vii), a court may consider the registrant's provision of material and misleading false contact information in an application for the domain name registration. Falsification of contact information with the intent to evade identification and service of process by trademark owners is also a common thread in cases of cyberpiracy. This factor recognizes that fact, while still recognizing that there may be circumstances in which the provision of false information may be due to other factors, such as mistake or, as some have suggested in the case of political dissidents, for purposes of anonymity. This bill balances those factors by limiting consideration to the person's contact information, and even then requiring that the provision of false information be material and misleading. As with the other factors, this factor is nonexclusive and a court is called upon to make a determination based on the facts presented whether or not the provision of false information does, in fact, indicate bad-faith.

Eighth, under paragraph (1)(B)(viii), a court may consider the domain name registrant's acquisition of multiple domain names that are identical to, confusingly similar to, or dilutive of others' marks. This factor recognizes the increasingly common cyberpiracy practice known as ''warehousing,'' in which a cyberpirate registers multiple domain names—sometimes hundreds, even thousands—that mirror the trademarks of others. By sitting on these marks and not making the first move to offer to sell them to the mark owner, these cyberpirates have been largely successful in evading the case law developed under the Federal Trademark Dilution Act. This act does not suggest that the mere registration of multiple domain names is an indication of bad faith, but allows a court to weigh the fact that a person has registered multiple domain names that infringe or dilute the trademarks of others as part of its consideration of whether the requisite bad-faith intent exists.

Ninth, under paragraph (1)(B)(ix), a court may consider the person's history of offering to transfer, sell, or otherwise assign domain name incorporating marks of others to the mark owners or other third party for consideration without having used, or having intent to use, the domain name. This factor should assist a court in distinguishing those circumstance more akin to warehousing

versus those circumstances where the registrant has made a change is a business plan or course of action.

Tenth, under paragraph (1)(B)(x), a court may consider the person's history of providing material and misleading false contact information when applying for the registration of other domain names, or the person's history of using aliases in the registration of domain names which incorporate the marks of others. This factor recognizes that more often an applicant uses false or misleading contact information, the more likely it is that the applicant is engaging in speculative activity.

Lastly, under paragraph (1)(B)(xi), a court may consider the extent to which the mark incorporated in the person's domain name registration is distinctive and famous within the meaning of subsection (c)(1) of section 43 of the Trademark Act of 1946. The more distinctive or famous a mark has become, the more likely the owner of that mark is deserving of the relief available under this Act.

Paragraph (1)(C) makes clear that in any civil action brought under the new section 43(d), a court may order the forfeiture, cancellation, or transfer of a domain name to the owner of the mark. Paragraph (1)(D) further clarifies that a use of a domain name shall be limited to a use of the domain name by the registrant or his or her authorized licensee. This provision limits the right to use the domain name as a means to infringe on another's other bona fide trademark rights. Paragraph (1)(E) adopts a definition of ''traffics in'' which refers to a nonexhaustive list of activities, including sales, purchases, loans, pledges, licenses, exchanges of currency, and other transfer for consideration or receipt in exchange for consideration.

Paragraph (2)(A) provides for in rem jurisdiction, which allows a mark owner to seek the forfeiture, cancellation, or transfer of an infringing domain name by filing an in rem action against the name itself, if the domain name violates any right of the mark owner and where the mark owner has sent a copy of the summons and complaint to the registrant at the postal and e-mail address provided by the registrant to the registrar and has published notice of the action as the court may direct. As indicated above, a significant problem faced by trademark owners in the fight against cybersquatting is the fact that many cybersquatters register domain names under aliases or otherwise provide false information in their registration applications in order to avoid identification and service of process by the mark owner. The act alleviates this difficulty, while protecting the notions of fair play and substantial justice, by enabling a mark owner to seek an injunction against the infringing property in those cases where a mark owner is unable to proceed against the domain name registrant because the registrant has provided false contact information or is otherwise not to be found, provided that mark owner can show that the domain name itself violates substantive Federal trademark law (i.e., that the domain name violates the rights of the registrant of a mark registered in the Patent and Trademark Office, or section 43 (a) or (c) of the Trademark Act). Second, such in rem jurisdiction is also appropriate in instances where personal jurisdiction cannot be established over the domain name registrant. This situation occurs when a non-U.S. resident cybersquats on a domain name that infringes upon a U.S. trademark. This type of in rem jurisdiction still requires a nexus based upon a U.S. registry or registrar would not offend international comity. This jurisdiction would not extend to any domain name registries existing outside the United States. Nor would this jurisdiction preclude the movement of any registries to outside the United States. Instead, providing in rem jurisdiction based upon the lack of personal jurisdiction over the cybersquatter would provide protection both for the trademark owners and perhaps, more importantly, consumers. Finally, this jurisdiction does not offend due process, since the property and only the property is the subject of the jurisdiction, not other substantive personal rights of any individual defendant.

Paragraph (2)(B) states that in an in rem action, the domain name shall be deemed to have its situs in the judicial district in which the domain name registrar, or registry, or other domain name authority is located, or where documents sufficient to establish control and authority regarding the disposition of the registration and use of the domain name are deposited with the court.

Paragraph (2)(C) limits the relief available in such an in rem action to an injunction ordering the forfeiture, cancellation, or transfer of the domain name. When a court of appropriate jurisdiction receives a complaint filed pursuant to this section, the court will notify the registrar, registry, or other authority who shall expeditiously deposit with the court documents to establish control and authority regarding the disposition of the registration and use of the domain name. the registrar, registry, or other authority also may not transfer or otherwise modify the domain name in dispute during the pendency of the action except upon order of the court. The registrar, registry, or other authority shall not be liable for injunctive or monetary relief except in the case of bad faith or reckless disregard, which includes a willful failure to comply with a court order.

Paragraph (3) makes clear that the creation of a new section 43(d) in the Trademark Act does not in any way limit the application of current provisions of trademark, unfair competition and false advertising, or dilution law, or other remedies under counterfeiting or other statutes, to cyberpiracy cases.

Section 3. Damages and remedies

Section 3 applies traditional trademark remedies, including injunctive relief, recovery of defendant's profits, actual damages, and costs, to cyberpiracy cases under the new section 43(d) of the Trademark Act. The bill also amends section 35 of the Trademark Act to provide for statutory damages in cyberpiracy cases, in an amount of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. The act permits the court to remit statutory damages in any case where the infringer believed and had reasonable grounds to believe that the use of the domain name was a fair or otherwise lawful use.

Section 4. Limitation on liability

This section amends section 32(2) of the Trademark Act to extend the Trademark Act's existing limitations on liability to the cyberpiracy context. This section also creates a new subparagraph (D) in section 32(2) to encourage domain name registrars and registries to work with trademark owners to prevent cyberpiracy through a limited exemption from liability for domain name registrars and registries that suspend, cancel, or transfer domain names pursuant to a court order or in the implementation of a reasonable policy prohibiting cyberpiracy. The act anticipates a reasonable policy against cyberpiracy will apply only to marks registered on the Principal Register of the Patent and Trademark Office in order to promote objective criteria and predictability in the dispute resolution process.

This section also protects the rights of domain name registrants against overreaching trademark owners. Under a new section subparagraph (D)(iv) in section 32(2), a trademark owner who knowingly and materially misrepresents to the domain name registrar or registry that a domain name is infringing shall be liable to the domain name registrant for damages resulting from the suspension, cancellation, or transfer of the domain name. In addition, the court may grant injunctive relief to the domain name registrant by ordering the reactivation of the domain name or the transfer of the domain name back to the domain name registrant. Finally, in creating a new subparagraph (D)(iii) of section 32(2), this section codifies current case law limiting the secondary liability of domain name registrars and registries for the act of registration of a domain name, absent bad-faith on the part of the registrar and registry.

Section 5. Definitions

This section amends the Trademark Act's definitions section (section 45) to add definitions for key terms used in this act. First, the term ''Internet'' is defined consistent with the meaning given that term in the Communications Act (47 U.S.C. 230(f)(1)). Second, this section creates a narrow definition of ''domain name'' to target the specific bad-faith conduct sought to be addressed while excluding such things as screen names, file names, and other identifiers not assigned by a domain name registrar or registry.

Section 6. Savings clause

This section provides an explicit savings clause making clear that the bill does not affect traditional trademark defenses, such as fair use, or a person's first amendment rights.

Section 7. Effective date

This section provides that Sections 2 through 6 of this Act shall apply to all domain names, whether registered before, on, or after the date of enactment. However, damages as amended by section 3 of this act shall not be available to the registration, trafficking, or use of a domain name that occurs before the date of enactment.

Section 8. Adjustment of Certain Trademark and Patent Fees

The provisions of this section recalibrate the fee ratio between patents and trademarks to assure the independence for each respective operation within the United States Patent and Trademark Office (PTO). Historically, patent applicants pay a disproportionate ratio in application fees than trademark applicants, and this disparity leads to an inequity in the administration of the separate patent and trademark divisions of the PTO. These provisions will alter the fees paid by both applicants leading to an equaling of the administrative control within the PTO. The increased trademark fees will allow for greater autonomy of the Trademark Office which will promote better service to trademark applicants. The reduction in patent fees will directly correspond to the increase in trademark application fee, nullifying any detrimental affect on the overall budget of the PTO. The amendments made by this section take effect 30 days after the enactment of this legislation.

Section 9. Domain Name for President, Members of Congress, and Political Office Holders and Candidates

Section 9 directs the Secretary of Commerce to establish a second level domain

under the ''.us'' top level domain for the purposes of registering only the domain names of the President, Members of Congress, United States Senators, and other current holders and official candidates and potential official candidates for federal, state and local political office in the United States. This section responds to a number of concerns raised by the Members of the Committee who have heard from citizens complaining of entering a web site thought to be that of a representative office holder or candidate, only to find the site has no connection to the office holder or candidate. Members are particularly concerned with the great potential for misinformation to the public who may believe the web site to be managed by an official source. As one of the underlying goals of this legislation is to combat public confusion and misinformation, it is entirely appropriate to establish a second level domain which allows every citizen to receive and direct information to an office holder or candidate, regardless of position or party affiliation, and be assured of the authenticity of the site. This provision will not inhibit free speech nor prevent someone from using an office holder or candidate's name on any top-level domain. It merely establishes a second-level domain where citizens can be assured of the integrity of election information. The registration of domain names shall begin no later than December 31, 2000.

Section 10. Historic Preservation

Secton 10 amends section 101(a)(1)(A) of the National Historic Preservation Act to state that the Federal Trademark Dilution Statute does not affect the ability of a building or structure meeting the criteria for the National Register of Historic Places to retain the name by which they are listed on the Register, if such name is the historical name associated with the building or structure.

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

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

Mr. Speaker, I rise in support of H.R. 3028, the Trademark Cyberpiracy Prevention Act.

First, let me just congratulate the gentleman from California (Mr. ROGAN) and the gentleman from Virginia (Mr. BOUCHER) for introducing what I think is a very important and necessary piece of legislation, and also compliment my chairman, the gentleman from North Carolina (Mr. COBLE) for organizing the hearing, the markup, moving the bill through subcommittee and full committee, and now to the point where we, with some amendments that are being made, I think have made it an even better product.

Trade-, service-, and other marks that have come to represent the good will and identity of a business have an intrinsic value to a business. It is appropriate to protect that value from what amounts to embezzlement. This bill provides that protection in regard to the registration of domain names.

Domain names have become a key asset in the Internet environment. Most people looking around the Internet for a company will first type in the address, www.company.name.com. If we are looking for AT&T, all we have to do is enter the address, www.ATT.com, and we will get the official AT&T web site. Thus, use of a domain name, these plain English addresses, is very important to mark holders, similar to a shop owner being able to put a sign in front of their store letting people know where to find the store.

The problem is that under the current domain name registration process, anyone can register any name that has not yet been taken, so a single individual can register hundreds or thousands or domain names with no intent of using them on the Internet. Their only intent is to turn around and try to sell the domain name for thousands or tens of thousands of dollars to the rightful mark owner. Very simply put, under current law, someone can gather up thousands of domain names that represent marks and extort vast sums of money from the rightful owner.

This is even true as to famous personalities whose personal names qualify as a service mark. On the one hand ICANN, the private sector organization tasked by the Department of Commerce to manage domain names, is establishing a uniform dispute resolution mechanism for domain name registrars. That work is very important, and I hope the outcome of that process yields a mechanism that will be truly effective in protecting marks.

However, even with a private party dispute resolution process, there needs to be appropriate legal remedies where individuals seek to exploit through what amounts to extortion the registration of domain names. I think that this legislation sets out the appropriate legal framework and will certainly enhance the effectiveness of the protection of marks in this global electronic environment.

I have heard concerns expressed by celebrities about the misuse of their name in the same manner I have described. If we are going to do a bill on cyberpiracy, it makes perfect sense to me that we would want to address this finite problem.

So when the specific problem of cyberpirates exploiting personal names was brought to me, I asked, as did others here, the gentleman from California (Mr. ROGAN), the gentleman from North Carolina (Mr. COBLE), that the interested parties on this issue come together and work through a solution. This bill reflects the very specific language that addresses this problem.

A personal name that constitutes a mark under the Lanham Act is treated the same way as any other mark protected by the Lanham Act under this bill. This bill does not create or insinuate a Federal right of publicity.

Finally, this bill establishes a very important avenue for candidates for public office to communicate their message through the Internet. Candidates for State or local office will now have a specific domain under the control of the U.S. Government where they can post their official web site. This will give voters the assurance that when they go to a site in this domain, they will be getting the official web site of the candidate, and not a site authored by an opponent, critic, or even faithful supporter. This is a major step towards enhancing the value of the Internet to our democracy.

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

Mr. COBLE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ROGAN), the author of the bill.

Mr. ROGAN. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Courts and Intellectual Property for yielding time to me, and also for his incredible leadership on this particular measure.

Mr. Speaker, I am pleased to join with my distinguished colleague, the gentleman from Virginia (Mr. BOUCHER) and coauthor of the bill in bringing forward the Cyberpiracy Prevention Act.

America's trademark owners are facing a new form of piracy on the Internet today caused by acts of cybersquatting. Cybersquatting is the deceptive practice of registering a domain name or establishing a web site containing a trademark name or title registered and owned by another entity with the intent to gain commercial advantage.

Cybersquatting takes place for a number of reasons: first, to extract payment from the rightful owners of the trademark. These are among the most prevalent cases, since it only costs $70 to register a domain name, and the potential for financial gain is far greater.

For example, after a cybersquatter preregistered four domain names for $280, he tried to sell to Warner Brothers the domain names Warner_Records.com, Warner_Bro_records.com, and Warnerpictures.Com for $350,000.

Second, cybersquatters will publicly offer a domain name for sale or lease to third parties. Right now we can log on and find marypoppins.com and the godfather.com for sale from an individual that does not have the trademark rights to those two popular names.

Third, cybersquatters use famous names and well known trademarks for pornographic sites that attempt to capitalize on customer confusion. Children doing homework assignments on the presidency have logged onto whitehouse.com, to find that this is a pornographic site.

Fourth, it is done to engage in consumer fraud, including counterfeiting activities. AT&T reports that a cybersquatter registered the domain names AT&T phonecard.com and at&tcalling card.com, and then established a web site soliciting credit card information from consumers.

AT&T is concerned that its brand name was being used to lure consumers to a web site that might be used to fraudulently to obtain financial information.

Despite the many problems that cybersquatting presents, there are no laws in any jurisdiction, national or otherwise, that explicitly prohibit this practice. H.R. 3208 provides a legal remedy for American businesses and individuals where traditional trademark law has failed. It protects trademarks and service mark owners while promoting the growth of electronic commerce by punishing individuals who register domain names in an attempt to profit at the expense of businesses and individuals.

This legislation specifically prohibits registration, trafficking in, or use of a domain name that is identical to, confusingly similar to, or that dilutes a mark that is distinctive at the time the domain name is registered.

This bill presents a real opportunity to strengthen the Internet's ability to serve as a viable marketplace in the 21st century. It does so by shoring up consumer confidence in legitimate brand names, discouraging fraudulent electronic commerce, and protecting the rights of legitimate trademark and service mark holders. It is time for Congress to pass this necessary legislation.

Once again, Mr. Speaker, I want to thank my dear friend and colleague, the gentleman from Virginia (Mr. BOUCHER) for all his work and effort on this. I am especially grateful to my cosponsor, the chairman of the Subcommittee on Courts and Intellectual Property, for moving this bill so rapidly through the process, and to my distinguished friend, the gentleman from California (Mr. BERMAN), for all his help on this.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER), the cosponsor of the legislation.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from California for yielding this time to me.

Mr. Speaker, it is a pleasure for me to join with my friend and colleague, the gentleman from California (Mr. ROGAN) in offering this legislation. I want to join with him in expressing our mutual appreciation to the gentleman from North Carolina (Mr. COBLE), the subcommittee chairman, and the gentleman from California (Mr. BERMAN), the ranking member of the subcommittee, for their excellent assistance in processing the bill and bringing it to the floor today.

Under current law, it is hard for a trademark owner to obtain relief from someone who has obtained a domain registry of his trademarked name. The legal remedies are expensive and, at the end of the day, uncertain. Many trademark owners conclude that it is easier simply to pay the cybersquatter his ransom and in effect buy back his own trademark name than it is to enforce his legal rights in a court of law.

The gentleman from California (Mr. ROGAN) and I want to put cybersquatters out of business by providing a more certain and less expensive and more timely legal remedy to those who have trademarks and seek to enforce those trademarks. Our legislation sets forth a list of factors that can be applied in determining if a domain name registration is made in bad faith with the intent to profit from the good will that is associated with the trademark. These factors can be applied by a court. They can also be applied by the domain name registrar, who then would be given exemption from liability if, upon application of that list of factors, the determination was made that the registration was in bad faith, that the registration in fact was made by a cybersquatter, and that the registration should therefore be suspended or canceled.

Cancellation or suspension in that instance would be accompanied by the award of an exemption from liability, should the cybersquatter pursue the domain name registrar.

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That, in my opinion, is the best change this legislation makes. It provides a remedy that is accessible, one that is timely, one that is far less expensive and uncertain than the remedies provided today.

I am pleased, Mr. Speaker, to encourage the passage of this measure, and I again want to commend the gentleman from California (Mr. ROGAN), the chief sponsor of the bill, for his excellent work.

Mr. COBLE. Mr. Speaker, may I inquire of the remaining amount of time.

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) each have 13 minutes remaining.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from North Carolina (Mr. COBLE) for yielding me the time.

The gentleman from North Carolina (Mr. COBLE) has worked with the gentleman from Florida (Mr. SHAW) and I on this very important provision for a district that the gentleman from Florida (Mr. SHAW) and I share.

As the chairman of the House Subcommittee on Courts and Intellectual Property, the gentleman from North Carolina (Mr. COBLE) understands why we need this language in H.R. 3028, the Trademark Cyberpiracy Prevention Act. The gentleman from Florida (Mr. SHAW) and I have worked to include a change which will protect historic landmarks in our area in South Miami Beach and around the country from unnecessary litigation due to a provision in the Federal Anti-Dilution Act.

It will preserve the historic names of hotels in our district known as the Tiffany, the Fairmont, the Essex House, and the Carlyle. These landmarks will now be able to continue with their traditional names which they have been known for for over two generations.

By supporting this bill, our colleagues will be ensuring that historic places around our Nation will be able to keep their names without fear of unnecessary legal action. Remember that to lose one's name is to lose one's identity and, even more importantly, to lose one's history.

I would also like to thank Miami Beach City Commissioner Nancy Liebman who brought this issue to our attention. With the help of our colleagues here today, Mr. Speaker, in support of this legislation, we will be able to preserve the rich history of our Nation's historic preservation districts.

It was a pleasure for me to have worked with the gentleman from Florida (Mr. SHAW) and the gentleman from North Carolina (Mr. COBLE) on this needed part of this bill.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman from North Carolina (Chairman COBLE) for yielding me this time.

I want to compliment the gentleman from North Carolina (Chairman COBLE) and the gentleman from California (Mr. BERMAN), the ranking Democrat member, for the swift action that they have taken in bringing this matter and attaching it to this bill and bringing it to the floor.

For those of my colleagues who have not been to Miami Beach lately, there is a tremendous renaissance going on. The history of that area dates back to the early days of the 1920s when art deco was just getting started. The architecture that has evolved over the years in the 1920s, 1930s, and even into the 1940s is something really to behold and is unique in this country.

Part of that architecture is the wonderful names and the magical names that are attached to so many of the hotels in that area. Now we are seeing that the great renaissance is going on, that Miami Beach is turning back to its past and bringing out the best of the past and bringing it forward, which has become a tremendous tourist attraction.

The gentlewoman from Florida (Ms. ROS-LEHTINEN) represents the beautiful part of South Beach, which has become so famous. I wish my district went down quite that far, but I stop right at Lincoln Road.

I was born and raised right there on Miami Beach. I can remember as a

child the wonderful buildings that were down there, the lights that one would go see. When someone would come to town, one would drive them down into that area and show off Miami Beach.

All of this is back. The magic of that great city is back. Nancy Liebman, who the gentlewoman from Florida (Ms. ROS-LEHTINEN) mentioned in her statement, has been very active in bringing this matter back to our attention. She personally showed me and my wife Emily around Miami Beach. We were looking for the old theaters where we used to go on dates when we were both in high school together. It has really been quite good to see a city come back and bring back such a wonderful part of its past.

Due to an unexpected circumstance, unintended circumstance in the 1996 law, many of these hotels were robbed of their identity and were forced and were being made to change their name. This reverses an error that was made, and I want to compliment all of the members of the Committee on the Judiciary, and particularly the chairman and the ranking member, for bringing this back to our attention so we can correct this situation.

Mr. COBLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Utah (Mr. CANNON), a member of the Committee on the Judiciary.

Mr. CANNON. Mr. Speaker, I rise today in support of H.R. 3028, the Trademark Cyberpiracy Prevention Act. I commend the gentleman from North Carolina (Chairman COBLE) and the gentleman from California (Mr. ROGAN) for their work on this legislation, and also the gentleman from California (Mr. BERMAN).

The explosive trends of E-commerce, which some experts predict will reach $1.3 trillion in total sales by the year 2003, combined with the exponential growth of the Internet, has led to a problem: The increasing epidemic known as cybersquatting.

Recently, within my State of Utah, a local paper reported that the Salt Lake City Olympic Organizing Committee has had to file a cybersquatting lawsuit against a shadowy group of defendants which infringed on its trademark rights by registering Internet domain names that mimicked names owned by the SLOC.

A small group located in Delaware registered the names

saltlakecitygames.com,
saltlakecity2002.com, and
saltlake2002.com.

These names infringe on the trademark rights of the Salt Lake Olympic Organizing Committee's authorized website: www.slc2002.org and 12 other protected phrases.

This bill is part of an overall effort to preserve legally protected names and trademarks. These are valuable corporate assets. This is how people learn to identify and contact these organizations.

The SLOC and other companies and organizations like this spend money, time, and effort in advertising these phrases. Unscrupulous cybersquatters are trying to cash in on their hard work.

In the Salt Lake example, the Olympic Committee received a phone call from a person, known only as ''John L.'' who offered to sell three sites for $25,000.

Investigators went to the address listed on the company's registration and found an empty office with no signs on the door. The registered telephone number did not work. The company was suspended for failure to pay taxes.

Another company within my district, Novell, shared with me a current problem. Apparently someone from Brazil has registered the names of each of Novell's product lines and names; but because the person is located outside the United States, there is currently no way for the company to gain judicial relief. This bill resolves that problem by allowing in rem jurisdiction.

The Rogan bill will prohibit registration, trafficking in, or the use of a domain name that is identical to, confusingly similar, or dilutive of a trademark that is distinctive at the time the domain name is registered.

Mr. Speaker, this bill will allow the trademark owners to seek the forfeiture, cancellation, or transfer of an infringing domain name if the trademark owner can prove it has attempted to locate the owner but has been unable to do so. This will discourage cybersquatters who frequently use aliases or otherwise provide false registration on their registration.

Industry and academics agree that legislative action is necessary. The uninhibited access to the Internet and E-commerce markets is vital, and First Amendment rights must also be preserved, but we must also respect the integrity of existing trademark and patent law.

I urge my colleagues to support this legislation.

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

Mr. Speaker, I just rise in conclusion to again tell the gentleman from North Carolina (Chairman COBLE) how much I appreciate the speedy movement of this bill, the process which I think made it better. I want to particularly thank the staff that worked on this bill, Mitch Glazier and Vince Garlock, and Bari Schwartz and Stacy Baird from my staff. I think we are all indebted to their work and their thoughts about this.

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

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

Mr. Speaker, as usual, the gentleman from California (Mr. BERMAN) is a jump ahead of me. I was going to also acknowledge the good work done by the respective staffs. It has been a good effort by all concerned.

Mrs. BONO. Mr. Speaker, I rise in support of the worthy bill of my good friend and colleague, the gentleman from California (Mr. ROGAN), H.R. 3028—Trademark Cyberpiracy Prevention Act. This long overdue legislation is needed to address a novel practice which is essentially one of the most base forms of extortion, the cyberpiracy of famous marks for both wares and services. As the world of commerce evolves as with the growth of the Internet, we in Congress have the obligation to revisit the laws to preserve fairness for the regular order of business. The Lanham Act is an appropriate vehicle to address the concerns raised by consumers and small businesses alike regarding the cyberpiracy of famous marks in interstate, and often global, commerce. However, I am disappointed that this legislation could not go even further and my support is qualified on the ground that I intend to pursue the remaining relating issues in the future.

Unfortunately, in our effort to expedite this bill to the floor, we have failed to address another distressing form of cheap extortion, namely the registration of personal names as domain names. My support for today's bill rests on the fact that while we address this worthy commercial problem through trademark law, we are not foreclosing the future opportunity to address this other domain name problem concerning personal privacy and autonomy in one's personae in cyberspace. This protection in my opinion must not be limited to the famous or just celebrities, it must be universal.

Certainly, many of my colleagues are aware of this issue. The main sponsor of H.R. 3028 has explained that his good name was spoofed by a political website recently. Several prominent national candidates have fallen prey to this extortion. It is a welcome improvement that the manager's amendment partially addresses the political candidate website issue. Likewise, in all candor, I too was a target of cyberpiracay last year. This is an increasing and serious problem for the parties and the public. In fact, today, I received an e-mail from one of Mr. Rogan's consititutents about this need for Congress to address this visceral problem of innocent people being victimized. Our efforts today may in fact exacerbate this problem. Since these people, whether you call them cyber-prospectors, cyber-pirates or just Joe. Q. Hacker, no longer can register the domain names that correspond to marks used in commerce, they may find profit and create mischief by registering the names of ordinary people. We need to act to remedy this outrageous problem.

Unfortunately, the necessary final solution cannot be offered today. The mechanism to remedy the concerns raised by Mr. ROGAN's constituent and so many others is difficult to identify and design in a narrowly-tailored way. Members of certain industries have voiced strong opposition to any possible establishment of a federal right of publicity with this bill. The creation of that form of intellectual protection is something that Congress must carefully and fully explore before enactment.

Frist, I call upon the companies that provide the registration of domain names to act. They must institute responsible and effective polices to prevent the registrations of personal names in bad faith, as well as provide accessible procedures for dispute resolution.

However, I wish to inform my colleagues that it is my intent to revisit this subject in the new year by introducing my own legislation on this topic. This legislation will not create a national right of publicity, but specifically address the problem at hand. It is my hope that my colleagues will join me in the important task of resolving the second and final part of the cyberpiracy problem. I am confident that we can enact such legislation that balances the interests of all concerned, including those of civil libertarians who raise legitimate First Amendment issues, the copyright bar, the e-commerce community, as well as the average citizens whose names are now literally on the line.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3028, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 1255) to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1255

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 ''Anticybersquatting Consumer Protection Act.''.

(b) REFERENCES TO THE TRADEMARK ACT OF 1946.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled ''An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) The registration, trafficking in, or use of a domain name that is identical or confusingly similar to a trademark or service mark of another that is distinctive at the time of the registration of the domain name, or dilutive of a famous trademark or service mark of another that is famous at the time of the registration of the domain name, without regard to the goods or services of the parties, with the bad-faith intent to profit from the goodwill of another's mark (commonly referred to as ''cyberpiracy'' and ''cybersquatting'')—

(A) results in consumer fraud and public confusion as to the true source or sponsorship of goods and services;

(B) impairs electronic commerce, which is important to interstate commerce and the United States economy;

(C) deprives legitimate trademark owners of substantial revenues and consumer goodwill; and

(D) places unreasonable, intolerable, and overwhelming burdens on trademark owners in protecting their valuable trademarks.

(2) Amendments to the Trademark Act of 1946 would clarify the rights of a trademark owner to provide for adequate remedies and to deter cyberpiracy and cybersquatting.

SEC. 3. CYBERPIRACY PREVENTION.

(a) IN GENERAL.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by inserting at the end the following:

''(d)(1)(A) A person shall be liable in a civil action by the owner of a trademark or service mark if, without regard to the goods or services of the parties, that person—

''(i) has a bad faith intent to profit from that trademark or service mark; and

''(ii) registers, traffics in, or uses a domain name that—

''(I) in the case of a trademark or service mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to such mark; or

''(II) in the case of a famous trademark or service mark that is famous at the time of registration of the domain name, is dilutive of such mark.

''(B) In determining whether there is a bad-faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—

''(i) the trademark or other intellectual property rights of the person, if any, in the domain name;

''(ii) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;

''(iii) the person's prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;

''(iv) the person's legitimate noncommercial or fair use of the mark in a site accessible under the domain name;

''(v) the person's intent to divert consumers from the mark owner's online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;

''(vi) the person's offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for substantial consideration without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services;

''(vii) the person's intentional provision of material and misleading false contact information when applying for the registration of the domain name; and

''(viii) the person's registration or acquisition of multiple domain names which are identical or confusingly similar to trademarks or service marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous trademarks or service marks of others that are famous at the time of registration of such domain names, without regard to the goods or services of such persons.

''(C) In any civil action involving the registration, trafficking, or use of a domain name under this paragraph, a court may order the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.

''(D) A use of a domain name described under subparagraph (A) shall be limited to a use of the domain name by the domain name registrant or the domain name registrant's authorized licensee.

''(2)(A) The owner of a mark may file an in rem civil action against a domain name if—

''(i) the domain name violates any right of the registrant of a mark registered in the Patent and Trademark Office, or section 43 (a) or (c); and

''(ii) the court finds that the owner has demonstrated due diligence and was not able to find a person who would have been a defendant in a civil action under paragraph (1).

''(B) The remedies of an in rem action under this paragraph shall be limited to a court order for the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.''.

(b) ADDITIONAL CIVIL ACTION AND REMEDY.—The civil action established under section 43(d)(1) of the Trademark Act of 1946 (as added by this section) and any remedy available under such action shall be in addition to any other civil action or remedy otherwise applicable.

SEC. 4. DAMAGES AND REMEDIES.

(a) REMEDIES IN CASES OF DOMAIN NAME PIRACY.—

(1) INJUNCTIONS.—Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking ''section 43(a)'' and inserting ''section 43 (a), (c), or (d)''.

(2) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by inserting '', (c), or (d)'' after ''section 43 (a)''.

(b) STATUTORY DAMAGES.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

''(d) In a case involving a violation of section 43(d)(1), the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. The court shall remit statutory damages in any case in which an infringer believed and had reasonable grounds to believe that use of the domain name by the infringer was a fair or otherwise lawful use.''.

SEC. 5. LIMITATION ON LIABILITY.

Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114) is amended—

(1) in the matter preceding subparagraph (A) by striking ''under section 43(a)'' and inserting ''under section 43 (a) or (d)''; and

(2) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D)(i) A domain name registrar, a domain name registry, or other domain name registration authority that takes any action described under clause (ii) affecting a domain name shall not be liable for monetary relief to any person for such action, regardless of

whether the domain name is finally determined to infringe or dilute the mark.

''(ii) An action referred to under clause (i) is any action of refusing to register, removing from registration, transferring, temporarily disabling, or permanently canceling a domain name—

''(I) in compliance with a court order under section 43(d); or

''(II) in the implementation of a reasonable policy by such registrar, registry, or authority prohibiting the registration of a domain name that is identical to, confusingly similar to, or dilutive of another's mark registered on the Principal Register of the United States Patent and Trademark Office.

''(iii) A domain name registrar, a domain name registry, or other domain name registration authority shall not be liable for damages under this section for the registration or maintenance of a domain name for another absent a showing of bad faith intent to profit from such registration or maintenance of the domain name.

''(iv) If a registrar, registry, or other registration authority takes an action described under clause (ii) based on a knowing and material misrepresentation by any person that a domain name is identical to, confusingly similar to, or dilutive of a mark registered on the Principal Register of the United States Patent and Trademark Office, such person shall be liable for any damages, including costs and attorney's fees, incurred by the domain name registrant as a result of such action. The court may also grant injunctive relief to the domain name registrant, including the reactivation of the domain name or the transfer of the domain name to the domain name registrant.

''(v) A domain name registrant whose domain name has been suspended, disabled, or transferred under a policy described under clause (ii)(II) may, upon notice to the mark owner, file a civil action to establish that the registration or use of the domain name by such registrant is not unlawful under this Act. The court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant.''.

SEC. 6. DEFINITIONS.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the undesignated paragraph defining the term ''counterfeit'' the following:

''The term 'Internet' has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).

''The term 'domain name' means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.''.

SEC. 7. SAVINGS CLAUSE.

Nothing in this Act shall affect any defense available to a defendant under the Trademark Act of 1946 (including any defense under section 43(c)(4) of such Act or relating to fair use) or a person's right of free speech or expression under the first amendment of the United States Constitution.

SEC. 8. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstances is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 9. EFFECTIVE DATE.

This Act shall apply to all domain names registered before, on, or after the date of enactment of this Act, except that statutory damages under section 35(d) of the Trademark Act of 1946 (15 U.S.C. 1117), as added by section 4 of this Act, shall not be available with respect to the registration, trafficking, or use of a domain name that occurs before the date of enactment of this Act.

MOTION OFFERED BY MR. COBLE

Mr. COBLE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. COBLE moves to strike all after the enacting clause of the Senate bill, S. 1255, and to insert in lieu thereof the text of H.R. 3028 as it passed the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. 3028) was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Con. Res. 190, by the yeas and nays;

H. Con. Res. 208, by the yeas and nays;

H. Con. Res. 102, by the yeas and nays;

H. Con. Res. 188, by the yeas and nays; and

Concurring in Senate amendments to H.R. 1175, by yeas and nays.

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

URGING UNITED STATES TO SEEK GLOBAL CONSENSUS SUPPORTING MORATORIUM ON TARIFFS AND SPECIAL, MULTIPLE, AND DISCRIMINATORY TAXATION OF ELECTRONIC COMMERCE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 190, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 190, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 9, as follows:

[Roll No. 537]

YEAS—423

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
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
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
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
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
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
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
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)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Abercrombie

NOT VOTING—9

Granger
Hinojosa
Jackson-Lee (TX)
Latham
Mascara
McNulty
Menendez
Rush
Scarborough

□ 1636

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

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motions to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF CONGRESS THERE BE NO INCREASE IN FEDERAL TAXES TO FUND ADDITIONAL GOVERNMENT SPENDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 208.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 208, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 48, answered ''present'' 3, not voting 11, as follows:

[Roll No. 538]

YEAS—371

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
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
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Morella
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Sensenbrenner
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
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—48

Berman
Borski
Brady (PA)
Coyne
Davis (IL)
DeFazio
Delahunt
Dicks
Dixon
Fattah
Frank (MA)
Hastings (FL)
Hinchey
Hooley
Jackson (IL)
Kanjorski
Klink
Lee
Lofgren
Markey
McDermott
McGovern
Meehan
Meek (FL)
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Olver
Payne
Pelosi
Rahall
Sabo
Sanders
Schakowsky
Scott
Serrano
Stark
Tierney
Vento
Waters
Watt (NC)
Waxman
Weiner
Wynn

ANSWERED ''PRESENT''—3

Capuano
Johnson, E.B.
Owens

NOT VOTING—11

Ganske
Granger
Hinojosa
Jackson-Lee (TX)
Latham
Mascara
McNulty
Menendez
Obey
Rush
Scarborough

□ 1647

Messrs. BERMAN, DELAHUNT, DEFAZIO, Ms. PELOSI, Mr. MARKEY

and Mr. SERRANO changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HOEFFEL. Mr. Speaker, on rollcall No. 538, had I been present, I would have voted "yes."

CELEBRATING 50TH ANNIVERSARY OF GENEVA CONVENTIONS

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 102.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 102, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 539]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
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
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
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
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
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
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
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
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)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Granger
Hinojosa
Jackson-Lee (TX)
Latham
Mascara
McNulty
Menendez
Obey
Rush
Scarborough

□ 1656

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING GREECE AND TURKEY FOR PROVIDING EACH OTHER HUMANITARIAN ASSISTANCE AND RESCUE RELIEF AFTER RECENT EARTHQUAKES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 188.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 188, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 540]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich

Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
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
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
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
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
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
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
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)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Granger
Hinojosa
Jackson-Lee (TX)
Latham
Mascara
McNulty
Menendez
Rush
Scarborough

□ 1705

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING AN INVESTIGATION INTO THE DISAPPEARANCE OF ZACHARY BAUMEL

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is on the question of suspending the rules and concurring in the Senate amendments to H.R. 1175.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CAMPBELL) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1175, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 541]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
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
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
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
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
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
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
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
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
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	Weldon (FL)	Wise
Wamp	Weldon (PA)	Wolf
Waters	Weller	Woolsey
Watkins	Wexler	Wu
Watt (NC)	Weygand	Wynn
Watts (OK)	Whitfield	Young (AK)
Waxman	Wicker	Young (FL)
Weiner	Wilson	

NOT VOTING—12

Granger	Latham	Rush
Hinojosa	Mascara	Scarborough
Houghton	McNulty	Spence
Jackson-Lee (TX)	Menendez	
	Pickett	

□ 1716

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–148)

The SPEAKER pro tempore (Mr. TANCREDO) laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2670, the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000.''

This legislation should embody the continuing commitment of this Administration on a broad range of fundamental principles. First and foremost amongst these tenets is the notion that the United States of America should be the safest country in the world. Our families must feel secure in their neighborhoods. Since 1993, the progress realized toward that end has been impressive and must not be impeded.

Moreover, America must continue to lead the community of nations toward a safer, more prosperous and democratic world. This guidepost has for generations advanced the cause of peace and freedom internationally, and an erosion of this policy is untenable and unacceptable at this critical moment in history.

This great Nation serves as example to the world of a just and humane society. We must continue to lead by our example and maintain a system that vigorously protects and rigorously respects the civil rights of individuals, the dignity of every citizen, and the basic justice and fairness afforded to every American.

Unfortunately, this bill fails to uphold these principles.

Specifically, and most notably, the bill fails to adequately fund the proposed 21st Century Policing Initiative, which builds on the success of the Community Oriented Policing Services (COPS) program. I requested $1.275 billion in new appropriations, and this bill provides only $325 million. To date, the COPS program has funded more than 100,000 additional police officers for our streets. The 21st Century Policing initiative would place an additional 30,000 to 50,000 police officers on the street over the next 5 years and would expand the concept of community policing to include community prosecution, law enforcement technology assistance, and crime prevention. Funding the COPS program required a bipartisan commitment, and it paid off; recently released statistics show that we have the lowest murder rate in 31 years and the longest continuous decline in crime on record. I strongly believe we must forge a similar commitment to support the COPS program's logical successor.

The bill would also threaten America's ability to lead in the world by failing to meet our obligation to pay our dues and our debts to the United Nations. This is a problem I have been working with the Congress to resolve for several years, but this bill fails to provide a solution.

Though the bill does include adequate funds to support our annual contribution to the United Nations regular budget, it conditions the funding on separate authorizing legislation, continuing an unacceptable linkage to an unrelated issue. For this reason, because of additional provisions, and because the bill is inconsistent with provisions agreed to by the authorizing committees, the bill would still cause the United States to lose its vote in the United Nations. It would undercut efforts that matter to America in which the U.N. plays an important role, from our fight against terrorism and proliferation, to our efforts to promote human rights, the well-being of children, and the health of our environment. It would undermine our ability to shape the U.N.'s agenda in all these areas and to press for reforms that will make its work more effective. All this is unacceptable. Great nations meet their responsibilities, and I am determined that we will meet ours.

In addition, the bill includes only $200 million for International Peacekeeping Activities, a reduction of almost 60 percent from my request. The requested level of $485 million is necessary to meet anticipated peacekeeping requirements in East Timor, Sierra Leone, the Democratic Republic of the Congo, Ethiopia, and Eritrea. In each of these places, the United States has worked with allies and friends to end conflicts that have claimed countless innocent lives and thrown whole regions into turmoil. In each case, the U.N. either has been or may be asked to help implement fragile peace agreements, by performing essential tasks such as separating adversaries, maintaining cease-fires, enabling refugees to go home, training police forces, and overseeing civilian institutions. In each case, as in all U.N. peacekeeping missions, other countries will pay 75 percent of the cost and provide virtually all the military personnel.

It is clearly in America's national interest to support an institution through which other countries share the burden of making peace. Refusing to do our part would be dangerous and self-defeating. It could undermine fragile peace agreements that America helped forge, and spark new emergencies to which we could only respond later at far greater cost. It would leave America with an unacceptable choice in times of conflict and crisis abroad: a choice between acting alone and doing nothing.

The bill includes a number of provisions regarding the conduct of foreign affairs that raise serious constitutional concerns. Provisions concerning Jerusalem are objectionable on constitutional, foreign policy, and operational grounds. The actions called for by these provisions would prejudice the outcome of the Israeli-Palestinian permanent status negotiations, which have recently begun and which the parties are committed to concluding within a year. The bill also includes a provision that could be read to prevent the United States from engaging in diplomatic efforts regarding the Kyoto protocol. Applying restrictions to the President's authority to engage in international negotiations and activities raises serious constitutional concerns. Other provisions that should be deleted from the bill because they would unconstitutionally constrain the President's authority include provisions on Haiti, Vietnam, and command and control of United Nations Peacekeeping efforts. My Administration's objections to these and other language provisions have been made clear in previous statements of Administration policy regarding this bill.

This bill does not contain a needed hate crimes provision that was included in the Senate version of the bill. I urge the Congress to pass legislation in a timely manner that would strengthen the Federal Government's ability to combat hate crimes by relaxing jurisdictional obstacles and by giving Federal prosecutors the ability to prosecute hate crimes that are based on sexual orientation, gender, or disability, along with those based on race, color, religion, and national origin.

The bill freezes the funding level for the Legal Services Corporation. Adequate funding for legal services is essential to ensuring that all citizens have access to the Nation's justice system. I urge the Congress to fully fund my request, which provides an increase of $40 million over the FY 1999 enacted level. Also, funding for the Equal Employment Opportunity Commission

(EEOC) is frozen at the enacted level. This level would undermine EEOC's progress in reducing the backlog of employment discrimination cases.

Similarly, inadequate funding is provided for the United States Commission on Civil Rights and the Civil Rights Division of the Department of Justice. The bill does not fund my requested $13 million increase for the Civil Rights Division, including increases for law enforcement actions related to hate crimes, the Americans with Disabilities Act, and fair housing and lending. I ask the Congress to restore requested funds for these law enforcement enhancements.

The bill contains adequate funding for the decennial census, but I oppose language that could inhibit the Census Bureau's ability to actually conduct the census. The bill would require the Census Bureau to obtain approval from certain committees if it chooses to shift funds among eight functions or frameworks. This approval process would impose an unnecessary and potentially time-consuming constraint on the management of the decennial census. It is imperative that we move forward on the census; this legislation could impede it.

The United States has recently entered into the U.S.-Canada Pacific Salmon Agreement. The agreement ends years of contention between the U.S. and Canada regarding expired fishing harvest restrictions and provides for improved fisheries management. This bill includes extraneous legislative riders that would hinder the implementation of that important Agreement. These riders would prohibit the application of the Endangered Species Act to Alaskan salmon fisheries and would change the voting structure of the Pacific Salmon Commission, the decision-making body established by the Agreement. In essence, the voting structure rider would prevent the Federal Government from negotiating agreements that balance the interests of all States. In addition to the riders, the bill provides only $10 million of the $60 million requested to implement the Salmon Agreement. Similarly, funding for the Salmon Recovery Fund falls far short of that needed to work cooperatively with the States of Washington, Oregon, California, and Alaska and with Treaty Tribes to help them mount effective State-based plans to restore Pacific coastal salmon runs. These shortfalls together would severely inhibit our ability to recover this important species.

In addition, the enrolled bill does not provide my request for a number of other environmental programs, including my Lands Legacy Initiative, Endangered Species Act activities, the Clean Water action Plan, and the Global Learning and Observations to Benefit the Environment program. The additional funds required to bring these programs to my requested levels are small compared to the benefits they provide to our natural resources.

The bill does not include $100 million in new funding for the Drug Intervention Program, which would have provided critical assistance to State and local governments developing and implementing comprehensive systems for drug testing, drug treatment, and graduated sanctions for drug offenders. These resources are critical to reducing drug use in America.

The bill does not provide additional requested funding to the Justice Department for tobacco litigation. Smoking-related health expenses cost taxpayers billions of dollars each year through Medicare, veterans' and military health, and other Federal health programs. The Department of Justice needs the $20 million I requested to represent the interests of the taxpayers, who should not have to bear the responsibility for these staggering costs.

This bill would also hurt our Nation's small businesses. The level provided for the Small Business Administration's (SBA's) operating expenses would inhibit my Administration's ability to provide service to the Nation's 24 million small businesses. The bill also fails to provide sufficient funds for the Disaster Loan program within the SBA. Without additional funding, the SBA will not be able to respond adequately to the needs arising from Hurricane Floyd and other natural disasters. In addition, the bill does not include funds for my New Markets Initiative to invest in targeted rural and urban areas.

The bill fails to include a proposed provision to clarify current law and protect taxpayer interests in the telecommunications spectrum auction process. Currently, $5.6 billion of bid-for-spectrum is tied up in bankruptcy court, with a very real risk that spectrum licensees will be able to retain spectrum at a fraction of its real market value. The requested provision would maintain the integrity of the Federal Communications Commission (FCC) auction process while also ensuring speedy deployment of new telecommunications services. The bill would also deny funds needed by the FCC for investments in technology to better serve the communications industry. Also, the bill does not provide sufficient funds for the continued operations of the FCC. The Commission requires additional funds to invest in technology to serve the communications industry more effectively.

In conference action, the rider was added that would amend the recently-enacted Treasury and General Government Appropriations Act to expand the prohibition of discrimination against individuals who refuse to ''prescribe'' contraceptives to individuals who ''otherwise provide for'' contraceptives (all nonphysician providers) in the Federal Employees Health Benefits Program. As an example, this language could allow pharmacists to refuse to dispense contraceptive prescriptions. This action violated jurisdictional concerns and is also unacceptable policy.

The bill underfunds a number of high-priority programs within the Department of Commerce. My Administration sought an additional $9 million to help public broadcasters meet the Federal deadline to establish digital broadcasting capability by May 1, 2003. The bill would provide less than half of last year's funding level for the Critical Infrastructure Assurance Office. The bill also fails to fund the Department's other programs to protect critical information and communications infrastructures. The Congress must restore these funds if the Department is to continue performing its important and emerging role in coordinating activities that support our economic and national security.

The bill does not include any funds to reimburse Guam and other territories for the costs of detaining and repatriating smuggled Chinese aliens. These entities deserve our support for assisting in this interdiction effort.

I look forward to working with the Congress to craft an appropriations bill that I can support, and to passage of one that will facilitate our shared objectives.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 25, 1999*.

□ 1730

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

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the message, together with the accompanying bill, be referred to the Committee on Appropriations.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1475

Mr. TOWNS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 1475.

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

There was no objection.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, October 26, 1999.

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

DEAR MR. SPEAKER: Pursuant to section 1404 of Public Law 99–661 (20 U.S.C. 4703), I hereby appoint the following individual to the Barry Goldwater Scholarship and Excellence in Education Foundation: Mr. Owen B. Pickett, Virginia.

Yours Very Truly,
RICHARD A. GEPHARDT.

STRENGTHEN SOCIAL SECURITY AND MEDICARE ACT OF 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–149)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, the Committee on Rules, and the Committee on the Budget, and ordered to be printed:

To the Congress of the United States:

I transmit herewith for your immediate consideration a legislative proposal entitled the ''Strengthen Social Security and Medicare Act of 1999.''

The Social Security system is one of the cornerstones of American national policy and together with the additional protections afforded by the Medicare system, has helped provide retirement security for millions of Americans over the last 60 years. However, the long-term solvency of the Social Security and Medicare trust funds is not guaranteed. The Social Security trust fund is currently expected to become insolvent starting in 2034 as the number of retired workers doubles. The Medicare system also faces significant financial shortfalls, with the Hospital Insurance Trust Fund projected to become exhausted in 2015. We need to take additional steps to strengthen Social Security and Medicare for future generations of Americans.

In addition to preserving Social Security and Medicare, the Congress and the President have a responsibility to future generations to reduce the debt held by the public. Paying down the debt will produce substantial interest savings, and this legislation proposes to devote these entirely to Social Security after 2010. At the same time, by contributing to the growth of the overall economy debt reduction will improve the Government's ability to fulfill its responsibilities and to face future challenges, including preserving and strengthening Social Security and Medicare.

The enclosed bill would help achieve these goals by devoting the entire Social Security surpluses to debt reduction, extending the solvency of Social Security to 2050, protecting Social Security and Medicare funds in the budget process, reserving one-third of the non-Social Security surplus to strengthen and modernize Medicare, and paying down the debt by 2015. It is clear and straightforward legislation that would strengthen and preserve Social Security and Medicare for our children and grandchildren. The bill would:

—Extend the life of Social Security from 2034 to 2050 by reinvesting the interest savings from the debt reduction resulting from Social Security surpluses.

—Establish a Medicare surplus reserve equal to one-third of any on-budget surplus for the total of the period of fiscal years 2000 through 2009 to strengthen and modernize Medicare.

—Add a further protection for Social Security and Medicare by extending the budget enforcement rules that have provided the foundation for our fiscal discipline, including the discretionary caps and pay-as-you-go budget rules.

I urge the prompt and favorable consideration of this proposal.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 26, 1999.*

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.

CONGRESS IS TRYING TO STOP THE RAID ON SOCIAL SECURITY FOR THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kentucky (Mrs. NORTHUP) is recognized for 5 minutes.

Mrs. NORTHUP. Mr. Speaker, this Congress is committed to restoring the faith and opportunity into our government system.

For years, Congress after Congress has dipped into the social security trust fund to pay for new programs with little accountability of how funds were to be used and an empty promise to pay it back. The Congresses of yesteryear broke trust with the American people, and now all generations are suffering.

Mr. Speaker, it is enshrined forever in the three opening words of the living document that we swear our allegiance to, our Constitution. Our Founders had the great and good sense to use the words ''We, the people.'' The people is why Congress is fighting so hard to stop the raid on social security.

It is not about which party is in control, who kept their promises, and who broke theirs. It is about having a social security system for the people when they need it, our parents and grandparents who need it now and in the future. It is about maintaining the system so that our children may be protected, and it is about the price our children must pay to get the same benefits as their descendents did. It is about drawing the line on new Federal spending now, so that our children do not have to continue to fund this never-ending stream of new programs being requested by this administration.

Mr. Speaker, this Congress is very much about the people. We are listening to the conversations around dinner tables, in bingo halls, and in the grocery store parking lots. This is why this House has restored the faith by having every penny in the social security surplus to provide the retirement system for working Americans. It is the common sense of the American people which tells us to stop the raid on social security.

This Congress is using common sense, and will continue the commitment to social security and the people of this Nation. Our only hope is that this administration will stop calling for more spending and make this commitment, as well. We, the people, will prevail again.

ON THE PASSING OF JAMES ALEXANDER FORBES, SENIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, I rise today to talk about a man that really has made a difference in this Nation, James Alexander Forbes, Senior, a minister who passed away just recently. The funeral was yesterday.

He had eight children. Of course, he educated all of his eight children. They received at least a masters's degree, and four of the eight children have doctor's degrees. He did this at the same time he was in school himself. He went to school with his three children that were in college, and he was in college right along with them. Of course, it shows us his commitment to education. He was not able to start out early in life, so therefore he felt it was important to get an education and to encourage his children, as well. He was a man who truly pulled himself up by his bootstraps.

When we look at his family in terms of what the children were able to accomplish, we look at the pastor of Riverside Church, Dr. James Alexander Forbes, Junior, one of the children, of course, and then we have David Forbes, who is one of the outstanding ministers in the State of North Carolina, and then, of course, we have another daughter that is a lawyer here and working in HUD, and then we have several that are in education, and another son that is a psychiatrist practicing in Richmond, Virginia, it goes to show us in terms of the fact that if we are committed, the kind of things we can do.

The Forbes family has demonstrated that in a very eloquent fashion.

I also think about how he touched lives. When we talk to people who walk the street, they will tell us how Dr. James Alexander Forbes, Senior, was able to motivate people. Young people would just sort of come and spend time with him, because he had so much to offer.

I am certain that in his homegoing, that many people wanted to say things and wanted to be part of the ceremony, but were not able to be part of that ceremony because of the fact that he was such a special person.

I remember from my early years, in terms of dealing with him, how he always wanted you to have all the facts, wanted you to have all the information. If you decided to talk to him, if you were not prepared, he would tell you to go away and come back after you have collected all the data.

So I would say to the family and to all the friends of Dr. James Alexander Forbes, Senior, here is a man who has really made a difference in the lives of people. As much as he is gone now, think of the fact that he has touched so many lives, and the people that he has touched. I am certain that he will continue to live through those people that he trained, through those people that he was able to help, through those people that he counseled. I think that will make a difference in terms of their lives as well.

In closing, let me just say to the family that, sure, they are going to miss their dad, their granddad, their uncle, and of course, brother, all of that, and friend. But I think we need to just, at this moment in time, think about the contributions that he has made. I am certain that the angels in heaven are probably being told by God today, step aside, angels, let me handle Reverend Forbes myself, because that is the kind of life that he lived. I think that he would say to the angels, you are not prepared to handle this right now.

TRIBUTE TO DAN GABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, I rise today to invite my colleagues' attention to the career of Dan Gable, an Iowan who has made a unique contribution to amateur wrestling, and in the process, become a hero and role model for athletes in the United States and around the world.

Based on his personal record and that of his team's, Dan Gable may well be the greatest competitor and greatest coach in the history of sports. After winning a series of State championships for Waterloo West High School in Waterloo, Iowa, Dan attended Iowa State University, where he won two national collegiate championships.

Subsequently he won the prestigious Tblisi Tournament in Russia, captured championships in the Pan American games, and the world wrestling tournament. In the 1972 Olympic games, Dan not only won a Gold Medal, but in the six matches he had to win to do so, he did not give up a single point. It was the first time an American had ever gone through an entire Olympics unscored upon.

Dan concluded his career as a wrestler with an overall record of 307 wins and 7 losses, with no new worlds to conquer. He turned to coaching, beginning at the University of Iowa as an assistant, and soon taking over as head coach.

As head coach of the Iowa Hawkeyes, his teams won 15 NCAA team championships in 21 years, including nine straight between 1978 to 1986, and three in a row on two subsequent sessions.

In listing Iowa University wrestling alongside the New York Yankees and the Green Bay Packers as one of the greatest sports dynasties in the 20th century, Sports Illustrated said, in part:

> As terrifying as Dan Gable was to opposing wrestlers when he won the Olympic Gold Medal in 1972, he was just as discomfiting matside as he seemed to will his Hawkeyes to total dominance.

In the final analysis, Dan Gable's influence cannot be measured simply in wins and losses. By precept and example, he has both taught and embodied the values wrestling preeminently imparts: equality of opportunity, discipline, and respect for self and opponent.

There is no more egalitarian circle than a wrestling mat. While all sports involve God-given athleticism, wrestling eliminates the advantages of size and rewards hard work and conditioning. The talented, unschooled athlete simply cannot prevail over the dedicated plugger.

Wrestling teaches a healthy respect for the role of limits in life. All experienced wrestlers know the structure of all the moves. Unlike the professional entertainment that is its namesake, amateur wrestling is devoid of tricks. Yet, within the context of a limited number of moves, each wrestler develops his own style which best reflects his nature, physique, and ability.

Just as the successful wrestler must know his limits, he must understand his opponent, modifying his moves to adjust to his opponent's strengths and weaknesses. Wrestlers learn to live within limits imposed by the exacting discipline of the sport, a sport that is uniquely individualist, yet fosters team comraderie.

Wrestling teaches that, as in life, nothing serious can be accomplished without a work ethic. Above anything else, Dan Gable exemplifies the work ethic. In his career as a wrestler and coach, he stands as the apotheosis of American competitive values.

On Sunday, November 14, the cable television channel HBO Signature will air a documentary on the career of Dan Gable entitled ''Freestyle: The victories of Dan Gable.''

□ 1745

It will introduce millions to this exemplary American athlete. I highly recommend young people in particular to watch this program with the understanding that excellence is a worthy goal, but it does not come easily.

A.C. GREEN IS A TRUE ROLE MODEL FOR OUR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, one night last week, I watched Hannity & Colmes on the Fox News Channel. The show featured two professional athletes and a discussion on whether sports figures should be role models.

The men and women our children look to for guidance is an issue I have taken a great deal of interest in, especially in the last few years. In fact, I have come to the House floor a number of times to discuss the lack of morality within our society and its potential impact on our Nation's future.

Too many times the leaders and public figures our children look to for guidance fall short in their responsibility. Thank goodness for men and women at the local level who work to teach our youth the value that they need to succeed in life. They are the parents, the little league coaches, Boy Scout and Girl Scout leaders, and volunteers across this country. These individuals work directly with our children to encourage character and integrity in their lives and the lives of our children.

As Oliver Wendell Holmes once said, ''The noblest services come from the nameless hands, and the best servant does his work unseen.''

Mr. Speaker, I agree with this statement. In fact, I wish that more of our children could see their parents and community leaders as the heroes they truly are. Too often the athletes and actors our children look up to fail our children. They may have money or fame, but their own behavior often lacks the sense of responsibility our children must see in order to succeed in life.

Thank goodness there are exceptions. As I watch Hannity & Colmes, I was most impressed to see one fine athlete who takes his position as a role model very seriously. In fact, he uses his success and popularity to help children gain the skills they need to succeed.

A.C. Green is a forward with the Los Angeles Lakers. He began his professional basketball career in 1985 after

graduating from college. He has a record-setting career, playing for such teams as the Phoenix Suns, the Dallas Mavericks, and the L.A. Lakers, that has earned him recognition among sports fans and respect among his colleagues.

While A.C. Green is best known for his talents on the court, it is his dedication to our Nation's children that makes him a role model we can all respect.

In 1989, A.C. Green created a youth foundation in his name to help our children realize their potential and work to achieve their goals. In fact, the foundation's mission statement reads, ''Our goal is to serve both the youth and the communities in which they live by providing information about sexual abstinence and social issues that concern our young people and educating them to make responsible choices to prepare them for their future.''

The A.C. Green Youth Foundation believes that young people must develop morally, ethically, educationally, physically, and mentally to fulfill their dreams and goals in life.

Mr. Speaker, as part of his program for youth, A.C. Green created a leadership camp that over 100 boys and girls take part in each year. The summer basketball camp focuses on academics, career discovery, and offers self-esteem counseling. It reaches out to those children who have been abused or maybe economically disadvantaged and encourages leadership and teamwork. Perhaps most important, A.C. Green takes the time to personally supervise the camp and interact with the children.

In addition, his foundation has also created abstinence curriculum for today's youth called ''I've Got the Power.'' The program teaches students to recognize their self worth, realize boundaries, and learn to make responsible decisions. These are the values we must work to encourage in the lives of our children.

Mr. Speaker, A.C. Green's commitment to his community is deserving of our recognition. As a basketball player and as a community servant, A.C. Green is a true role model.

Having found success at a young age, he is now working to help those less fortunate realize their own dreams and work to their fullest potential. His efforts and those like his should be honored and encouraged.

Mr. Speaker, I want to thank A.C. Green and every one of our Nation's role models who make a difference in the lives of our Nation's children, for the children are America's future.

I thank A.C. Green for helping to ensure a strong America tomorrow and in the future.

BAN TOY GUNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, as I think a majority of the members of this House know, it is imperative for the safety of the citizens of this country and for the security of our children that we do something to crack down on the trafficking of guns.

To discuss this further, I yield to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Speaker, I thank the gentleman from New York for yielding to me.

Mr. Speaker, let me point out that the gun that I have in my hand is a toy gun. It looks like a real gun, but it is a toy gun. This is the thing that I am hoping we will be able to come to grips with, that we need to ban toy guns. Too many of these guns look like real guns. Not only that, we have young people in this country who are being killed because of toy guns.

In my own district, I have had youngsters killed because they had a toy gun in their hand, and the police officer did not know it was a toy and ended up shooting the person, and the person ended up dying.

Not only that, we have people that are wounded and end up in the hospital and have hospital costs as a result of toy guns.

Then someone said, well, put a red sticker on them, and then that way the person will know that it is a toy. Well, two things are happening with that. The criminals are now putting red around the front of their guns, and then the other thing is that one can take and pull this right off in no time flat. Then it looks like a real gun again. So we need to sort of make a decision to do something about toy guns.

I have a display here. All these guns here look like real guns. We brought it into the airport, and all the people in the airport started ducking because they thought they were real. So if we have young people getting killed with these toys as a result of having these toy guns, it seems to me we should do something.

Let me just give my colleagues some statistics that might be alarming to them, that every day in the United States of America, we lose a classroom full of children from guns. A classroom full of children die every day in the United States of America because of guns.

Then we have toy guns, which I think that only wets a child's appetite to go get a real gun, and so, therefore, why should we not ban them? Because if it wets their appetite to go get a real gun, then I think that we need to do something.

But the other part, which I do find this extremely alarming, that we have the criminals now robbing with toy guns. In New York, we have the Sullivan law. Of course, if they rob with a toy gun, then they are not violating the Sullivan law, so, therefore, the charges are less. But the point is that the crime still took place.

Nobody is going to interview one to find out whether the gun is real or not. When one sticks it into a teller's face, the teller is going to give up the money. That is the problem, because they look like they are real.

So I think the time has come when we must do something about it. I have been working on this in my own district. I had what we call a toy gun turn-in, that one turns in one's toy gun, and I would give one an educational toy. Let me tell my colleagues that children were coming and bringing these toy guns and getting these educational toys, which points out that once we begin to remind them, remind the parents and the grandparents about the danger of these toy guns, then people will get the message.

So I am hoping that the Congress will go along with the bill that I have put forth and hope that I will be able to get the kind of support, to be able to get a hearing, and to be able to do the kind of things that need to be done to be able to protect our children.

I think that, in a civilized country, to allow this kind of thing to happen and not to address the issue, to me, just is very alarming. So I am hoping that we will be able to save the lives of our children by making certain that these kind of guns are banned.

I think that anybody could understand, in terms of police officers, a police officer is not going to interview a child. If a child is standing there with a gun like this in his hand or her hand, the police officer is not going to ask, is that gun real or is that gun a toy? The police officer is not going to do any interviewing. The police officer is going to shoot; and then after that, then we have got a problem.

So I think that the time has come when we, as a Nation, should begin to address this issue and address it in a very serious fashion. I think that the best way to address it is to say that toy guns have no place in our society. We should move to eliminate them and to eliminate them now.

So I ask my colleagues to join me in the gun turn-in, the toy gun turn-in, so that our children will be much safer in this Nation.

TRIBUTE TO PAYNE STEWART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, yesterday our Nation and world lost a great golfer in Payne Stewart. He died in a very tragic accident that most of the Nation followed in a plane crash that occurred many miles away from his home in Florida.

He was a great golfer for many reasons, obviously 20 years in the professionals, 3 majors wins, 8 PGA tours, and 7 victories worldwide. Who could forget that famous 15-foot birdie putt in the U.S. Open this year and give him the great victory that he had just a few months ago at Pinehurst, a victory that came as the longest putt in the tournament in the history of the country in the U.S. Open.

But Payne Stewart was much more than a great golfer. He was a very, very deeply religious man. He held great convictions. He was a humanitarian. He was a father and a husband, a dedicated father and husband.

Orlando became his home in 1983 in my congressional district. I can tell my colleagues that the people of central Florida benefited greatly from Payne Stewart's generosity and his warmth and compassion for other people.

Perhaps his most well-known charitable contribution came back in 1987 when he donated $108,000, his winnings from the Bay Hill Classic tournament to Florida Hospital. Those funds went to the Florida Hospital Circle of Care home in Altamonte Springs for the out-of-town parents of cancer patients.

But he sponsored many other charitable events and, as recently as this year, just a few days ago, gave a $500,000 bequest to the First Baptist Church in Orlando, to their foundation.

I know that many Floridians will miss him deeply. Many in central Florida will miss him, not alone because of his golf career and because of his wit, but because of these charitable contributions. But a lot will miss him personally.

I know that Jack Nicklaus was quoted in the paper this morning, in my hometown paper of the Orlando Sentinel, saying, ''Payne always had a sharp wit, a tongue-in-cheek that came with a little bit of a needle, which is something everyone always enjoyed.''

But I think the people who are obviously going to miss him most will be his wife Tracy and his two wonderful children. Our heart tonight goes out to them, to Payne's family. He is a great man, a great golfer. His life ended in tragedy, but he gave so much to so many. He will be long remembered and long cherished.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it is going to be sort of like a lesson plan. It is about Social Security. Next Wednesday at 11 a.m., a week from tomorrow, I will have a press conference on a Social Security bill that I am introducing that will keep Social Security solvent forever. I have been working on Social Security for the last 5 years, developing what I think is a reasonable proposal to keep Social Security solvent and protected. We are going to hear later tonight about the importance of not spending the Social Security surplus.

A year ago last April, I was asked to chair a bipartisan task force on Social Security. At that time, most everybody thought that the Democrats and Republicans would not come to any agreement on what we should do about Social Security. But after 15 hearings with two or three or four witnesses per hearing, we became so convinced and, therefore, unified about how serious the problem of keeping Social Security solvent was and how important Social Security was to so many Americans that Republicans and Democrats came together and agreed on 18 findings.

I just want to quickly go through these finding. I know it is sort of like a lesson plan, but if my colleagues have a mental attitude that this is going to tremendously affect their future retirement, the retirement of their kids, and the retirement of their parents, then bear with me on these 18 findings, because this is what I have patterned my new Social Security program after.

□ 1800

I am going to start. ''Background Social Security is a universal program that has provided a safety net for Americans.'' One-third of seniors today depend on Social Security for 90 percent or more of their total retirement income.

''Time is the enemy of Social Security reform and we should move without delay.'' Time is the minimum because we are running out of money. It is expected that by 2012 to 2014 there is going to be less FICA tax coming in than is able to accommodate existing benefits at that time. The longer we put off not utilizing the surplus that is coming in for the next several years, the more drastic that solution is going to have to be.

''Change should be gradual to allow workers to adjust their retirement plans, and any change for current or near-term retirees should be minimal.'' And that is what we have been working on the last several weeks in my bill, and it will be a bipartisan bill with Democrats and Republicans sponsoring that bill. It will keep Social Security solvent not just for 75 years but forever.

The next item we agreed on is, ''Social Security under the current structure is projected to become insolvent during the next 75 years.'' And that is the problem. That is why it is important not spending the surplus now, because it is going to be that much more difficult to pay that back to Social Security when the time comes.

''Any reform must consider the effects on all generations, genders and those currently receiving Social Security benefits.''

''Solvency and reform are not necessarily tied together.''

''No payroll tax increase.'' And again I remind my colleagues that this is Democrats and Republicans on this task force agreeing.

''Social Security surpluses should only be spent on Social Security.'' That is what we are fighting about here in Congress now.

''Social Security reform should encourage savings and overall economic growth.'' And that is why investing some of that money in the capital markets and how that might be best utilized is so important in how we develop a final plan.

''The Social Security Trust Fund is a secure, legal entity comprised of U.S. Treasury bonds backed by the full faith and credit of the U.S. Government.'' Listen to this, though. ''While the U.S. has never defaulted on any of its obligations, these bonds represent a claim on future Federal revenue. Such securities will have to be redeemed from funds outside of the Trust Fund.'' That means we either cut other spending, we increase taxes, or we reduce benefits.

''The current demographic projections may very well underestimate the future of life expectancy.'' We had testimony that within 25 years anybody that wanted to live to be 100 years old would have that option; within 40 years anybody that wanted to live to be 120 years old would have that option. Tremendous implications not only on Social Security but on everybody's retirement plans. And that is why we, in the bill we will be introducing, encourage additional savings.

I am going through the rest of these very quickly. ''Guaranteed return securities and annuities can be used with personal accounts as part of an investment safety net.'' We have financial managers now that will guarantee investments in the stock market and guarantee that investors will not have a loss.

''A universal Social Security survivor and disability benefit program needs to be maintained.'' No changes in that part.

''Congress should consider paying for a portion of the disability benefits for certain workers that have only been working a short time.''

Again, our press conference will be next Wednesday at 11 a.m., a week from tomorrow. We hope all our colleagues will attend, Mr. Speaker. I think it is important that we look at the long-range solutions for Social Security.

COMPUTERS ARE NOT NECESSARILY THE ANSWER TO EDUCATION CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, usually when I rise to speak in the period of special orders it is to talk about some specific bill or specific legislation. Tonight I am doing something a little different and discussing something that I think has the potential of becoming a problem in some ways, and I would just like to call some attention to it and get some people, hopefully, to start thinking about it.

In doing so, I will start by reading a quote that I read, I think sometime last year in, I believe, an Associated Press story, and it was a quote from David Geleanter, who is a professor of computer science at Yale University. He said this. ''Computers themselves are fine. But we are in the middle of an education catastrophe. Children are not being taught to read, write, know arithmetic or history. In those circumstances, to bring a glitzy toy into the classroom seems to me to be a disaster. It reinforces our worst tendencies. The idea that children are in educational trouble because they do not have access to enough glitz and what they really need is a bigger database is staggeringly ludicrous. They need practice in the basics.'' That is a quote by a professor of computer science at Yale.

What I am saying tonight is let us do not forget the basics in education. Sure, it is important to learn about computers, but we seem to be worse off with the computer today in thinking that it is the end-all of education and we are neglecting the basics in many, many ways. Children still need to learn to read and write and know arithmetic and know history and the basics.

Secondly, along this same line, I heard Tony Kornheiser, one of the sports columnists for the Washington Post and on ESPN and so forth, and he mentioned in a column, and also I heard him on the radio talking about this one time, about three young men who had called him at different times during the time of the last World Series, and he said they each asked for Tony Kornheiser's e-mail address. He said when he told them that this was Tony Kornheiser to whom they were speaking, he said they got so flustered that a couple of them hung up, and one got so nervous that he could hardly speak. He asked the question, are we raising a generation of young people who are spending so much time in front of the television set and so much time in front of the computer screens that they are not developing the social skills that they really need or that people have developed in past years.

We became concerned as a society because children were spending so many thousands and thousands of hours in front of the television set. So we took them from in one of one screen and placed them in front of another screen called a computer, and I am just wondering if they are not isolating themselves. It is getting where people can shop at home, work at home, and we can all become Unibomber hermits if we want to, I suppose, but I do not think it will be good for society.

I tell young people at home to watch a little television. I have no objection to that. Learn the computer. We all have to do that today. It is an important and valuable thing. But every once in a while get out and get involved with a real life human being. Life will mean more if you do. Unfortunately, we are having fewer and fewer people who are joining the American Legion and the Kiwanis and the Shrine and all the various civic and charitable organizations that have been so very important to this country for so many years.

Thirdly, Madam Speaker, I heard a few months ago Barbara Walters on 20/20 one night saying she was going to present the most important hour she had ever presented on television. That got my curiosity up because she has been on television for so long. And what it was, it was a program devoted to warning parents about the sick, evil things that are on the Internet. There again, that is another facet of this same problem.

I am not against computers. I am all in favor of computers. But what I am saying is we still need to make sure our young people learn the basics in school, like reading, writing, and history. We still need to make sure that our young people develop the social skills that they need to survive.

My father told me many years ago, half jokingly and half seriously, that the problems of this country grew worse when they stopped putting front porches on the houses. People stopped visiting with each other. They tell us many people do not know their next door neighbors. All I am saying is we need to make sure we do not get isolated unto ourselves to where we do not really know people and get involved helping other people in their lives.

During this program by Barbara Walters, she told the story of a little boy who had actually become involved with such terrible things over the Internet that he ended up with such rage built up in him that he killed another child. Barbara Walters thought it was so very important to warn parents about some of these horrible things that are on the Internet and that children are exposed to that they were not exposed to so many years ago.

So all I am saying tonight is we need to be aware of those three things, those three concerns, because it is very, very important to this country and to its future that we make sure that young people get the benefits of all this new technology but are not harmed by it.

TRIBUTE TO THE LATE SENATOR CHAFEE

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

Mr. MORAN of Virginia. Madam Speaker, I rise in great sadness to offer my sincere thanks to a man known as an outstanding example of a true leader among his colleagues in the Senate and indeed in life.

Senator Chafee was known as an old-fashioned legislator. He took his job very seriously but he eschewed politics. He cared about public policy and doing his best for the people of this Nation, never cowing to the partisanship in which we so often becoming entangled.

I knew him best as a modern man in the Senate, as the co-chair of the Congressional Prevention Coalition. As its co-chair, Senator Chafee worked to spread crucial health information to Members of the House and Senate so that they could spread the word to their constituents throughout the United States.

That was just one of the many ways Senator Chafee reached across the aisle to make America a better place to live. We are all better people for his efforts. As the Washington Post said this morning, the Senate will be a lesser place without him. He will be sorely missed by us all.

THE BUDGET PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. PETERSON of Pennsylvania. Madam Speaker, I and a group of colleagues come here tonight to discuss the approaching conclusion of the budget process. A lot of people do not get too excited about budgets, but that is really what it is all about. Whether it is our family, our business, or the government, the budget is the working document of how we are going to spend our money, how we are going to use our resources, and what our priorities are.

I find it pretty exciting this year, as we come down to this budget conclusion, that we really have the mechanism in place to balance the budget and not use any Social Security. That is going to be historic, because for decades the Social Security fund has been used routinely to fund general government.

Now, this process has been going on for a while. It started back in February when the President came and addressed us and he gave us his State of the Union message and presented us with his budget proposal. That proposal is a lot different than I think what we are going to end up with, I hope, because he had $42 billion of new spending. He

had $19 billion of tax increases. Not tax cuts, increases. And those were soundly rejected here a short time ago by this body, and should have been.

The budget framework was created by the Committee on the Budget, and this process started right after the President's message. And, actually, they held hearings and worked on it for many weeks. On March 25, both the House and Senate Committees on the Budget presented their budgets to this House, and the House and Senate both approved a budget proposal on March 25. Now, there were differences between the House and the Senate, which there always is, but they brought their programs together and, on April 15, we passed a conference report that was sent to the President that was our budget outline for this year.

The Committee on Appropriations then started their work. And as a member of the Committee on Appropriations, I can tell my colleagues that hearings are held. I do not think a lot of people realize the work that goes into it, to outline where the cuts should be, where the increases should be, what the changes are, what are the changes in priorities. There are 13 working subcommittees in the Committee on Appropriations that work on each of their part of this process.

So we are close to completing that process today without spending Social Security. Unfortunately, most Congresses have not completed this process of sending 13 bills to the President for him to veto or sign. They usually do four, five, or six, and then when it gets tough and short on time, they go to the proposal of having an omnibus bill. This is where the majority leader and minority leader of the Senate, and the Speaker and the minority leader of the House would go up to the White House and sit down with the President and negotiate this omnibus spending plan.

□ 1815

Now, I guess the problem that I have had with that since have I been here is that that throws away all the work that the appropriators did, that throws away all the information that came in the hearing process.

Four or five people write our spending plan. And, of course, using Social Security to balance the budget, it was easy to do. But it has been tougher this year because the Social Security lockbox that we passed earlier took a hundred-some billion dollars away from this process.

So it is, again, why I am excited about this year's process that we are not allowing the President and four or five leaders of Congress to just sit down and decide how we are going to spend the people's money.

This year, I believe, and this week we will complete our work of having all 13 bills in front of the President. He has had 12, he signed 8, and he has vetoed four, if my information is correct. And, hopefully, tomorrow or Thursday he will get that 13th bill up to him.

Now, that is pretty good. We have had two signed for every one he has vetoed. So the President has agreed with Congress on two-thirds of what work we have sent him. And from what I read, the differences are not real big. I think they are not insurmountable. So I think we are chugging down that rail to again having this budget process completed without spending Social Security. Bill by bill, we will negotiate and finalize this process.

Now, to make this work there has not been a lot of cash sticking around, there has not been a lot of money to spend. In fact, we have had to say, how can we look for 1.4 percent savings?

Now, my colleagues, is there any House budget, is there any business budget, or is there any government budget that cannot find 1.4 percent that is in fraud, abuse, or just plain waste or just plain lack of management? I believe there is the ability to save 1.4 percent without cutting programs that affect people out in the hinterland.

Because we all know here in Washington, and I am a product of State government and local government and business, I want to tell my colleagues, I have been surprised at the growth and the size of the Federal bureaucracy. There are a lot of good people there, and I am not here to bad-mouth them. But there are huge bureaucracies. There are huge costs. The Federal Government spends a whole lot more money in managing Government percentage-wise than State and local governments do, in my opinion. Because, historically, Congress has never had any limits on what they spend.

So I think it is exciting when the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget, came up with a concept of a 1.4 percent savings for each department to look within themselves, within their own operating budgets, and look for ways to save 1.4.

I think that is pretty doable. I think the American public would find that pretty doable in their own household budgets, in their own community budgets, in their State budgets. There just has to be waste, fraud, and abuse of 1.4 percent in every budget.

I am pleased to be joined tonight, and I will call on one of them now, from people from Texas and California and South Dakota and my colleague from Pennsylvania. So we are from all over the country agreeing on what we must accomplish in this budget conclusion process.

Madam Speaker, I yield to the gentleman from Texas (Mr. SESSIONS) who is from the Fifth District of Texas. He is in the Results Caucus, and he is also a member of the powerful Committee on Rules. So I thank him for joining us.

Mr. SESSIONS. Madam Speaker, I thank my colleague very much for bringing this information to the American public tonight.

Obviously, what we are talking about here is the budget process where we are attempting to make tough decisions in Washington, D.C., to ensure that we balance the budget, that we do not spend Social Security, and that we ensure that the Government is fully funded, as we say in the Results Caucus, every single dollar that the Government needs but not a penny more.

Tonight what I would like to do is run through with the American public what we are trying to do now that we have gotten to the very end of this process. And we recognize that we are probably going to perhaps end up being slightly over when we aggregate all the bills together what we would spend. So we are trying to make sure that there will be provisions by which the President and the Congress will act.

What we are talking about here is, if we exceed with all of our 13 budgets, if we go over that amount of money, which we really do not want to do, but if we end up at that, that we will have a provision that says any amount that is over this budget amount, so that we do not spend Social Security, will then come as an across-the-board budget cut. We are estimating tonight that it will be anywhere from 1 to 1.4 percent.

Where does this come from and how much money does that equal? Well, it is about $3.5 billion in outlays. All the money will come directly from discretionary funds, with the knowledge that here in Washington we work off a mandatory budget.

A mandatory budget is those things that are Social Security, Medicare, and Medicaid. They will be exempted from this 1- to 1.4-percent budget cut, which means we will not deal with any mandatory spending on that side that we will cut but, rather, it will be in discretionary. It will equal about one penny of a dollar that the Government gets. One penny we are asking the Government to give back across-the-board.

Now, what is interesting about this is that when we look at this we are saying that this budget savings will be done to ensure that Social Security is taken care of.

What I would like to now get into a debate and a discussion about with the American public is to talk about those things that today and have been happening in Government that we think fall under the auspices of waste, fraud, abuse, or waste fraud and error; and that is the large Government programs that we know could be run better, that we know that if we will say to the bureaucrats, that if we will say to the people in the agencies, we want you and expect you to prioritize in a better sense the opportunity to manage your budget, that you would then have a 1-percent savings across the board.

That is what we want to spend the remaining part of this hour to talk about, those opportunities that the Government Accounting Office, GAO, has documented for year after year, good ideas for people to know why this can be done without harming anyone or the essential services of Government.

Mr. PETERSON of Pennsylvania. Madam Speaker, I thank the gentleman from Texas for his comments.

Madam Speaker, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Madam Speaker, I thank the gentleman from Pennsylvania for yielding and my friends from Texas and California and the gentleman from Pennsylvania (Mr. SHERWOOD) also for joining us here this evening and for the leadership that each has taken the respective ways to address this issue and to help us drive home the message about what we are attempting to accomplish here in this Congress.

I would like to share, if I might, just a statement that the gentleman from Illinois (Mr. HASTERT), Speaker of the House, made today regarding this whole issue of the Social Security Trust Fund and what we are talking about doing in terms of reducing Federal Government spending, doing away with waste, fraud, and abuse, but also as this applies to individual Members of Congress.

Because there have been some questions: If you guys are so serious about taking care of waste, fraud, and abuse of the Federal Government, how about yourselves, how about your own salaries? This is what the gentleman from Illinois (Speaker HASTERT) had to say:

> Protecting the Social Security Trust Fund has been the number-one priority of the Republican Congress. In order to further that goal, the Congress will consider legislation that will shave back Government spending in all discretionary budget programs. It will also shave back the pay of Members of Congress by one percent. The pay of all other Government employees in all other branches of Government should not be affected by this legislation.
>
> Republican Members of Congress believe that the Government can find a penny on the dollar in waste, fraud, and abuse in order to protect the Social Security Trust Fund. We also believe that they can set an example by shaving back their own pay by that same percentage.
>
> I hope the President and the Democrats in Congress will drop their opposition to our common-sense plan to protect Social Security.

I would say, Madam Speaker, that this whole debate over the budget reminds me a little bit of when I was growing up a conversation I had with my father. My dad told me once, because I had a dog that would not obey, I could not get this dog to do what I wanted it to do, and he said, well, it is the nature of the beast and that in order to tame the beast you have to apply discipline.

Well, it is the nature of the Federal beast to spend money, not because it needs to but because it is there. And it is our job to help tame the Federal beast and to apply the discipline that is necessary to see that we find the waste, fraud, and abuse that exists in Government programs and to root it out so that we can spend our tax dollars on those most important Federal programs and priorities, like Social Security.

It is pretty simple. It is Social Security or it is defense contractors charging the Government $714 for an electronic bell that you can get at your local hardware store for $46.

Responsible Government bodies live within their means. Responsible Government bodies know where tax dollars should be spent and where they should not be spent. Tax dollars should be spent on Social Security.

Now let me tell my colleagues a little bit about where their tax dollars should not be spent. They should not be spent on $850,000 to Ben and Jerry's Ice Cream to help them develop and distribute ice cream in Russia. This comes from an Agency for International Development Inspector General record that $850,000, Federal dollars, went to Ben and Jerry's Ice Cream to help them develop and distribute ice cream in Russia.

Tax dollars should not be spent on deceased people receiving food stamps. Again, according to the Committee on the Budget report, approximately 26,000 deceased people, people no longer living in this country, received $8½ million in food stamps. That comes from the Committee on the Budget report.

Tax dollars should not be spent on convicted murderers receiving SSI Disability payments. Again, according to an AP Wire Service story, there is a convicted murderer who received more than $75,000 in SSI Disability payments during his 14 years on Death Row.

Furthermore, the SSI fraud exceeds $1 billion annually.

Those are things that we should not be spending taxpayer dollars on. The taxpayer dollars should not be spent on $1 million outhouses at Glacier National Park.

Now, this may come as a surprise to some people around this country, but there actually was an outhouse built in Glacier National Park at a cost of $1 million to the taxpayers. I have to tell my colleagues something, that to get there you have to climb 7,000 feet and walk 6½ miles. In fact, the reason this thing cost so much money is because it took 800 helicopter trips to get up there to build the outhouse.

Now, I dare say that if anyone in this country, with the exception of those who might be an Olympic class athlete, who has walked 6½ miles and climbed 7,000 feet, the last thing they are probably going to need is an outhouse. But, nevertheless, an outhouse was built at a million dollars in taxpayer expense.

Now, I would have to tell my colleagues that some people probably think that a million dollars is chump change in a big Federal budget, but where I come from, in the State of South Dakota, a million dollars is real money, folks. It is real money.

I cannot help but think how one retired person could use a million dollars or, furthermore, how far $1 million would go if it was left where it belongs, in the Social Security Trust Fund, helping secure retirement for our retirees and for those who are paying into that system.

What we are talking about here, very simply, is million-dollar outhouses or a secure retirement for every person in America who is retiring now or hopes to retire in the future.

I think the choice is very, very clear. Saving one percent in waste, fraud, and abuse allows us to save Social Security. It is that simple. I would also add again in response to some of the suggestions that have been made that the Speaker has announced earlier today that, as an expression of the good faith of this Congress, that that one percent that will be applied to the agencies of the Government will also apply to the salaries of Members of Congress. We believe that we need to lead by example.

Now just let me say, in closing, that I had the opportunity a week ago Saturday to hunt out on a farm near Kimball, South Dakota, hunt pheasants, which is one of my favorite pastimes; and I was hunting with a gentleman who has been farming for 37 years and who is 60 years old and hopes in the very near future to retire. And as I was discussing that with him, I said, what will you do when you retire? He said, well, you know, I hope to take my farm and cash rent it out and use the income off the cash rent for my retirement along with Social Security and that will provide the basis for my retirement.

If he knew that his tax dollars were being used for $714 electronic bells and $1-million outhouses at the expense of his retirement by taking away Social Security, I think he would be outraged, like most Americans would.

□ 1830

Are we or are we not going to protect this man's retirement? That is the question before this House and that is the question before this Nation. We here today say yes. We will protect America's retirement security. Today we are waiting for the President's answer to that very same question. And so are the rest of American taxpayers. Can we find one penny, one copper penny out of every dollar in government spending to figure out a way to root out waste, fraud and abuse out of the Federal Government? One penny out of every dollar of Federal spending is all it takes to allow us to keep our

promise and our pledge to the retirees in this country and to everybody who faithfully year in and year out pays into the Social Security trust fund. That is what this debate is about. I hope the American people will tune in because it is your future that we are talking about.

I thank the gentleman from Pennsylvania for the opportunity to speak to this issue this evening.

Mr. PETERSON of Pennsylvania. I thank the gentleman from South Dakota for his comments.

Madam Speaker, now we go to the West Coast to hear the West Coast message. Out there it is a little early in the evening but we are glad the gentleman from California (Mr. HERGER) representative from the Second District of California, a member of the powerful Committee on Ways and Means and the Committee on the Budget, is here to share with us his thoughts on balancing the budget.

Mr. HERGER. I thank my good friend from Pennsylvania for taking this time on this incredibly important issue. I would like just to say what an exciting time this is for me. I am now in my seventh term, my 13th year in the House of Representatives, representing the Second District of northern California. I am also in my seventh year on the Committee on the Budget and also seventh year on the Committee on Ways and Means which is over Social Security.

A number of years ago in the Committee on the Budget I became aware that not only prior to 1995 when the new Republican Congress came in, in 1994 and prior to that time that we were running 200 to $300 billion a year budget deficits, spending more than what we were bringing in. But really it was worse than that, because for some 30 years we had actually been spending Social Security and we had been borrowing that and spending it on the budget, on government spending on Federal programs. I began back then to fight, at least on the Committee on the Budget to at least, at minimum, at the first step be honest with the American public. If we are spending this Social Security money dedicated for Social Security out of the trust fund for ongoing Federal programs, then at least let us let the American public be aware of it and let us show them really what our budget deficit really would be.

I am so very pleased that at the beginning of this year, 1999, that the Republican Conference, members of the Republican Party within the House of Representatives and the Committee on the Budget made a commitment that beginning this year we were not going to spend Social Security money as we had been for about 30 years. I authored legislation, the Social Security lockbox legislation, that came before this House back in May, and that legislation passed overwhelmingly, 417–12, putting this Congress on record that for the first time in more than 30 years we were not going to spend Social Security. We had another bill that came up.

Well, with that let me mention now that in order to have a balanced budget, in order not to spend Social Security, we basically have two choices: Those choices, number one, is that we raise taxes which comes from hard-working Americans, to raise the extra money so as not to spend Social Security. That is choice number one. But there is also another choice. That choice is a tough one. That choice is what Americans do every day in their families, what small businesses do, what every company that stays in the black does, and, that is, there are times when you make difficult decisions, you tighten your belt, you set your spending priorities. If you do not have enough money coming in and you set those priorities and you determine what are some dollars we are not going to spend. Well, that is what this Congress has decided that we are going to do, this Republican Congress that was voted in, took office in 1995.

We had a vote here just about a week ago which put out the tax increases that President Clinton had proposed in his budget. Those tax increases were defeated virtually unanimously in this House. I believe there was only one vote in favor of those tax increases. So, therefore, we know what we have to do. We have to tighten our belts. What does that mean? As the gentleman from South Dakota mentioned, we are talking about one penny basically, one penny out of a dollar that we are somehow going to find in fraud or abuse or in priorities that can be set somewhere else in our government programs, that do not include, by the way, Social Security or Medicare but other spending programs that we are going to trim back. One penny out of a dollar. We are not talking about 10 cents out of a dollar or 20 cents out of a dollar. We are talking about basically somewhere between one penny and 1.4 cents out of every dollar. Can we do that? Of course we can do it.

I would like to continue, as my good friend from South Dakota was mentioning, some examples. These are some examples that have been pointed out to us in our budget this year. Here is the first one. ''That's a Big Lost and Found.'' The most recent government audit found that Federal agencies were unable to account for over $800 billion in government assets. That is a GAO, General Accounting Office, audit.

Another one, erroneous Medicare payments waste over $20 billion annually. $20 billion. We are talking about trimming back about $3.5 billion. There is 20 right there.

Another one. One out of every $18 spent in the section 8 housing program is wasted, according to HUD's own Inspector General. Another GAO audit.

Another area we can save, delays in disposing of more than 41,000 HUD properties cost taxpayers more than $1 million per day. Let us just get on the ball and do what we are supposed to be doing. $1 million a day.

Another one, FAA employees are using a program designed to familiarize air traffic controllers with cockpit operations for personal travel, including extended vacations. One employee took 12 weekend trips in a 15-month period to visit his family in Tampa, Florida. Another DOT IG report.

Another one, ''Palaces for Park Rangers?'' The Park Service spent an average of $584,000 per home at Yosemite when comparable houses near the park were being built for between $102,000 and $250,000. A report from the Department of the Interior IG report.

And then last but not least, ''Degrees for Deadbeats?'' The government lost over $3.3 billion on students who never paid back their student loans.

Madam Speaker, in closing, we are all in this together. If every government agency can find just one penny out of a dollar in waste, fraud or abuse, seniors and future beneficiaries can be assured that the raid will end and their Social Security will be protected. We can do it. And despite the moaning and groaning of some who are supporters of big government, we will do it.

Mr. PETERSON of Pennsylvania. I thank the gentleman from California. Recently the General Accounting Office talked about Medicare. It is administered by HCFA, one of the largest agencies in this country and a very important one. But the GAO report estimates that $20 billion is paid out annually for inappropriate claims. If they could just cut that by 10 percent, they could save $2 billion.

Madam Speaker, I am pleased to yield to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. I thank the gentleman from Pennsylvania for yielding. I would like to follow up on what the gentleman from California has talked about, when he talked about one penny savings out of every dollar that is being spent, which I think is very reasonable. What I would like to do is to take just a few minutes to give some real live examples of how the government has not figured out what the right hand is doing and the left hand is doing.

The Results Caucus has spent a great deal of time working with the Committee on Government Reform and Oversight on a lot of legislation which is critical to the success of this government. I would like to go back and point out some of the areas and the statutes, the laws that we operate under and the reason why we have these. One is called results orientation. It is the Government Performance and Results Act of 1993, known as the Results Act. It was

implemented so that we would have agencies' missions and strategic priorities that would be established, where we would require government agencies to be able to implement within their core mission statement. We would have results-oriented goals, we would talk with them about goals that they were expected to achieve; and they would produce performance data, once again so that the right hand would know what the left hand is doing.

We have been engaged in financial management, the Chief Financial Officers Act of 1990, the Government Management Reform Act of 1994, the Federal Financial Management Improvement Act of 1996. These were done so that we would have annual financial statements. They were done so we would have timely and reliable information and data that would help the managers of the government to manage those assets that they have. And it would help us to look at the cost achievement results.

Lastly, we have information technology as a priority area. There was the Paperwork Reduction Act of 1995 and the Clinger-Cohen Act of 1996. This was done to help provide more information for the relationship of investments to the achievement of performance.

What has happened since we have had these laws in place? A lot. The government has improved upon its performance. But even today, we as Members of Congress believe that there is so much more to be done. The GAO in a report that was released on March 31, 1998, cited some examples of those things where the government cannot find from its right hand to its left hand those assets and resources and cited as ''missing and unaccounted for'' include the following: I will show you a great picture because we have got a reward that we will offer when you can find these. It is the return of two tugboats valued at $850,000 each to the Federal Government. These cannot be found. The Federal Government cannot tell us where this is.

The next one, once again, we will offer a reward. Have you seen me? This is one missile launcher. This missile launcher comes at a cost of over $1 million. Once again, we do not know where it is.

The next item. Lost jet engines, two $4 million aircraft engines. If you happen to find these, the government cannot find it. We need it back. You paid for it. The taxpayer paid for it and we want it back.

We also have a floating crane worth $500,000. Nobody knows where it is.

Ladies and gentlemen, what I am suggesting to you is that this government as broad and big as it is, it should be better at accounting for those assets and resources that it has been given. We are as Members of Congress trying to provide the correct legislation, the right oversight and enough information to where the government can work properly. But I believe that when we insist upon a 1 percent across-the-board savings that must be given to the taxpayers so that we do not get into Social Security, now what we have done is we have required government to do the same things that is done not only in our own homes, around our own tables but in small businesses and boardrooms all across this country. It is called prioritize. I am hoping that we will have a government that in the future will look at their assets and resources in a better way that will help us all.

Mr. PETERSON of Pennsylvania. It is a pleasure to welcome my colleague, my neighbor in the northern tier of Pennsylvania. We collectively guard against New York coming down. We cover the northern tier of Pennsylvania. The gentleman from Pennsylvania (Mr. SHERWOOD) of the 10th District has been a great new Member of Congress. He brings strong community leadership credentials with him, a strong businessman, good sense. I have found him a person who is not afraid to speak up. He is very effective. It is just great to have the gentleman from Pennsylvania (Mr. SHERWOOD) here with us tonight.

Mr. SHERWOOD. Madam Speaker, my colleague from Pennsylvania, let us summarize.

□ 1845

This is a very simple solution to a problem that only government could make so complex. We have had 435 people working for 10 months in a bipartisan manner to get 13 spending bills, 13 appropriations bills, put together and live within a budget. We are down to the end of the time, and we have a hole. It is not a very big hole. It is 3, 4, $5 billion. In the general scheme of things around here that is not a lot of money. In other years we just spend it and take it out of the Social Security money. But we have pledged to the American people that we will not raise taxes and that we will not spend their Social Security money.

Madam Speaker, we all know that Americans pay too many taxes, and we all know that that Social Security fund should be sacrosanct. It is a contract with the American people, and we, as their representatives, must protect it.

So those are our criteria. We will not raise taxes, we will not spend the Social Security money.

How do we come up with this $4 billion?

Madam Speaker, business solves this problem every day. Family budgets solve it every day.

Several years ago, when one of our great American corporations, Chrysler Corporation, was about to go bankrupt, Lee Iacocca said, ''We will share the pain equally.'' Everybody took a cut or a saving, everybody. It worked. Today Chrysler has repaid their government loans, and they are a very successful, sound American company.

So let us do the same. Let us apply common sense, take an across-the-board budget cut. Only in politics would people argue against an across-the-board budget cut because it is the right thing to do. It is so simple that in the world of politics where everybody is fighting for their region or their issue we have people that are fighting this very simple proposition.

So we only have to find 1.3 or 1.4 percent savings. What budget could not find a 1.3 percent saving?

You have been given examples tonight that HUD properties, because we are not managing quite well enough, costs us a million dollars a day. That is $365 million. There is a good one. Does that mean HUD is poorly run? No. It means that there is one thing in HUD that we need to pay better attention to. We need harder work and better management, and in my 30 years in business and two-thirds of that on the school board we always needed to work harder and manage better, and the Federal Government is no exception.

As my colleagues know, 26,000 diseased persons received 8.5 million in food stamps. Does that mean the food stamp program is bad? It is a wonderful program, but we need that $8.5 million to go to the right people. We do not need it to go to people that are dead, that somebody is cashing their check. Hard work and better management.

Madam Speaker, I could go down through this and talk about $714 bells that should be $46. There are many, many examples in this huge Federal Government where we can save money.

Now this is a very, very simple solution. You ask every department to save 1.3 percent, and I agree that we should start with our own salary. Only when the impetus comes from the top can you expect every soldier and every worker to do the same, and we are asking our defense people to do more with less. We need to set the example here in our own salary.

So, Madam Speaker, I think that while we have worked very hard, the appropriators on defense and interior and education, health and human services, agriculture, that work has been done. We just need to get together and take our savings and make this budget come together.

It will be a historic thing. It has not happened in almost 30 years that we have paid down the national debt, lived within the budget and not spent the Social Security money. I think we should come together in a bipartisan manner, find these savings and pass a budget. It is for the American people, and they deserve it.

Mr. PETERSON of Pennsylvania. Madam Speaker, I thank my friend from Pennsylvania, my neighbor who

helps me guard the New York State border.

It is interesting this morning when we started the day with our conference many Members said, ''Well, does this cut include our salaries?'' Well, the announcement was made this afternoon that decision was made, and I agree with it. Decided that across-the-board cut in discretionary spending will also apply to salaries for Members of Congress. Now I think that proves we are serious, we are serious that we are going to live within our means.

He went on, the Majority Leader went on to say:

''Since January House Republicans have stated our commitment to stopping the 30-year raid on Social Security. No one said this would be easy. We've done the heavy lifting. This week we will complete our spending bills and prove that we can fund the government without dipping into the Social Security fund.''

''The President said he shares our commitment to stopping the raid on Social Security, and he has vetoed four spending bills, and of course we're going to send him probably another one tomorrow. But we intend to work with him to get the job done, make our commitment real. As the sign of how serious we are we will ask more of ourselves than we are asking of any government employees. While we ask every government agency to root out waste from its budget. Members of Congress will not only root out an equal percentage of waste from Congress' budget, but will also cut their on pay.''

Now I think we are sending the President a message also: Mr. President, manage a little better.

As my colleagues know, I have always been frustrated both at the State level with Governors and at this level of Washington with the President. We do not talk much in campaigns about how they are going to manage government. That is not as exciting. It is about what new programs we are going to fund and how these new initiatives are going to make the world better and safer and how everything, all the problems that we know of, will go away if there is one more government program, if the Federal government will build one more bureaucracy and funnel money out to our communities, it will solve all.

Now, we know that does not work. There are thousands of federal programs that funnel money out.

Now one of the differences I noticed, a whole lot more of it gets chewed up in bureaucracy in Washington than it does in most States and local governments because we never challenge our Presidents to manage government. As my colleagues know, we really should be rating the President on how well he has managed each and every bureaucracy.

I have heard Presidents talk recently and in the past as if some agency was something they were concerned about. That agency just must do better, but whoever is President, Mr. President, that is your agency, that is your management that is needed. It is your direction that is needed to say, ''Stop the waste, stop the fraud, stop the abuse of taxpayers' money.''

We all know that one of our disagreements currently is foreign aid. Now, as my colleagues know, foreign aid is always a controversy. We have Americans who do not think we should have any foreign aid, we should keep all our resources. But we always come to a compromise. But I think the President who wants 4 billion more in foreign aid is not supported by the majority of taxpayers. I have not had a clamoring to increase the foreign aid budget since I have been here. In fact, I have a lot of opposition to much that we do in the foreign aid budget from my rural conservative district.

But, Mr. President, do we really need 4 more billion in foreign aid? Can we not make do with what is there?

Now the education department. I had the privilege last session of serving on the Committee on Education and the Workforce and found it an exciting challenge. But if you talk about a department that chews up a lot of money that never gets out to our school districts, look at the Department of Education. I mean I believe the figure is maybe 30 percent that is chewed up in bureaucracy. There is a state bureaucracy in every state government that is strictly paid for by the Federal government to manage the Federal programs, 50 of them. Then you have the Washington bureaucracy who we all know that I have found them to be one of the lease sensitive departments about what Congress thinks, and when they are insensitive to Congress, I think they are insensitive to the American taxpayers because that is who sent us here, a department that could very easily find more than 1.4 percent in savings in my view.

EPA, 15 or 16,000 employees in a centralized bureaucracy in Washington. Could they squeeze 1½, 1.4 percent? No problem. Now we would have a few less bureaucrats, but we still have all the programs that they run, should have little or no impact out in the districts.

And also I guess the administration. Maybe we are asking. Recently there was a foreign trip, and 1700 people went on that trip. Now I am sure it is necessary to take guests on trips, but could 1,200 have got the job done? Could 1500 have got the job done and saved a few taxpayer dollars? I think so.

So all we are saying is to this part of government that is important to us, that is vital to us, pull in the belt a little bit, cut a few of the excesses, cut a little of the waste like the American taxpayers historically do. They trim their budgets all the time, that is how they balance them. Local governments do. States who are allowed to build deficits have to pay as you go. But here in Washington we have gotten so used to not really worrying about how much money we spend because we just raise taxes enough to pay whatever the bill was when the end of the year comes.

Well, Madam Speaker, that day is over. The day of using Social Security is over, it is done, and it is time for Congress, this administration to sit down and have a good healthy discussion about our spending priorities and balance this budget, conclude it in the next few days with not one penny of Social Security. It is doable, it is workable, and it is just time to bite the bullet.

At this time I again welcome my friend from Texas (Mr. SESSIONS).

Mr. SESSIONS. Madam Speaker, as my colleagues know, what is interesting is that I have heard speakers, four or five of us tonight who have gotten up to talk about why this is important that we do not spend Social Security, why this is important that we find the savings from a trillion $700 billion plus budget and we are not yelling and screaming. We are here speaking to the American public in a regular voice, a regular tone because I believe we are optimistic. We are optimistic about the positive things that are occurring in Washington, D.C. that we, as a Republican-led Congress, are finding ways to get our work done. We need to give credit to our colleagues on the other side of the aisle because they, too, have done some responsible things. The White House, the President signing these bills as he should. What we are trying to do is to make sure that the American public understands that we will not and must not spend Social Security. This year for the first time in 39 years Social Security was not used to fund the government operations. What we want to make sure is that we make that streak continue so that we do not do it next year, and that is why this 1 percent across-the-board savings to protect Social Security that will save $3.5 billion must come internally as a result of a challenge, a challenge to the entire government, a challenge that the House of Representatives and the Senate are engaged in, and that is why I welcome the news that we have from the Majority Leader, the gentleman from Texas (Mr. ARMEY) and our Speaker, the gentleman from Illinois (Mr. HASTERT), to say that the Congress should be included in that 1 percent budget.

What it will do is I believe it will mean to a manager of the government that they will now focus more clearly and carefully on their own mission statement, their core and basic functions that they must provide. It will require them with the impetus, the knowledge, the direction, the authority and the responsibility to make sure

that they look across their areas and cut 1 percent of their budget.

Why do we need to do this? We need to do it because there is lots of money that can be cut.

□ 1900

Another example that I had not heard one of my colleagues state earlier, but that I found very interesting, it is that the government spends $1 billion on the Job Corps program, but a survey of the initial employers of former Job Corps students show that 76 percent of students had been laid off, quit or been fired from their first employers after 100 days of starting their new jobs.

Well, you see, if I were in the Department of Labor I would have known about this because it came from my own inspector general. I would be willing to look at my $1 billion program and ascertain what is indigenous to our program that is not working? And, if the program does not work properly, if the return to the taxpayer is not there, if the benefit to the beneficiaries, the people who were expected to gain something from this $1 billion, if it is not working, then they need to do something different. They need to look at the money and the resources and the way they are spent.

So I think that this is going to be yet another opportunity for government bureaucrats, for agency heads, to look inward within themselves, to have the optimism that they can be in control of their own future, to provide services, which is what this government is all about, to people who do need those outreaches of government, and to do the right thing.

So I am very excited about the opportunity to challenge government. Instead of just throwing more money at them every year and more and more and more, we are now going to challenge them in a way and say we know you can find the 1 percent. We have talked about these savings all across government tonight. They exist in every single agency, and I think it is going to be a wonderful day for every single government administrator and the heads of these agencies to know that with the challenge, that they can accept it and excel, because of the mission that we have of not spending the future retirement of each and every American today, but rather to keep it into a fund that is ready for them in the future, is what will help and benefit all Americans.

I thank you for allowing me the opportunity to be with you tonight. I know the people of Pennsylvania are well served. You have enthusiasm and integrity, coupled with the background and experience, and I want to thank you for allowing me to be here.

Mr. PETERSON of Pennsylvania. We thank the gentleman from Texas.

Tonight we have heard about tugboats that cost $875,000 apiece that were lost; a surface-to-air missile launcher that cost $1 million that was lost; 5 aircraft engines, including two that cost $4 million that were lost; a floating crane worth $500,000 that was lost. We heard about Medicare spending $20 billion annually, or paying $20 billion annually for fraudulent payments, or what they believe to be fraudulent payments.

You know, it is kind of hard to think that you could not save a penny when you look at all those examples. We have one here of a nice courthouse in Brooklyn, New York, that cost $152 million. The New York Attorney General's office has arrested 16 individuals suspected of kickback and bribery schemes in the construction of this courthouse, that is from the Citizens Against Government Waste, and $4.3 million used to tear down 19 naval radio towers. Again, that is another one pointed out by Citizens Against Government Waste. It seems pretty incredible to think that you just cannot save a penny, a little more than a penny, out of every dollar.

Now, my experience in state government, this was sort of a routine thing. We often passed budgets that cut general government 2 to 3 percent, and what that was is we said department managers, you have to cut the fat out of your general government line item. You cannot go out there and cut the hand that serves the people, because the same 2 percent, to save 2 percent or 3 percent, you do not need to do that.

If state governments can cut 2 to 3 percent of savings out of general government, Mr. President, you can too. Instead of talking about new programs, let us talk about managing the ones you have.

I vividly remember the gentleman who served us so well as Attorney General, Richard Thornburg, who was Governor of Pennsylvania and who was a real good fiscal manager. I served the whole time he was Governor of Pennsylvania in the state legislature.

He was a tough fiscal manager. Every department was asked to become more efficient. Every bureau was asked to reorganize and provide their services, do away with unneeded paperwork and become more efficient.

The state historically had, I am going on memory here, but think I am accurate, about 103,000 employees historically. When he left office after 8 years of governing I believe they had 88,000 or 89,000 employees.

I had a district office in my district, and I want to tell you, the service improved, because not only did we have less employees, paperwork and waste and redundant things were done away with, departments were asked and forced to manage themselves, bureaus were asked to provide the services more cost effectively, and they did.

Government can become more efficient if it has leadership to take it there. Now, I think we have just begun maybe a new cycle. I think this is something we ought to be looking at with some routine. Mr. President, this year trim another percentage out of general government. That is not where people are served; that is where bureaucrats are served.

In my view, this is a very appropriate way to look for savings that could, as happened in Pennsylvania, improve the quality of government, improve the services, because they are managed better.

Mr. President, it is time to manage each and every department a little bit better. It is time to look for waste and incompetency and root it out. It is time to reorganize the structure of government so it can be more efficient and better serve the needs of the people.

Let us save a penny out of every dollar by finding the waste, the fraud and the abuse, and make sure that we never again balance the budget by using Social Security; that we look to live within our needs; that we save a penny or two pennies, whatever it takes, whenever it is, and pay down the debt.

It is time for the American taxpayers to be assured that their Federal Government is going to live within its means, it is never going to look to the Social Security trust fund again to be used for general government purposes, and we are going to concentrate on making the programs we have work better, or do away with them.

We have had a hard time doing that. But the President should be leading us. His administrators know as well as anyone that there are programs that have lost their usefulness, and it seems ironic that Congress and the President in the past have had a hard time, because times change, priorities change, needs change, and the needs of 1984 may not have a whole lot to do with it. But the programs that were started in 1984 are still running. It is time to squeeze that penny until we have our fingerprint in it, that we save that penny and a little bit more out of every dollar of the taxpayers' money, and that we, once and for all, balance the budget, make Social Security safe and just make government more efficient.

POLITICAL HYPOCRISY ON THE SOCIAL SECURITY TRUST FUND ISSUE

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, I am pleased to know that my Republican colleagues who spoke before me this evening basically showed, if you will, their hypocrisy on the Social Security issue.

The bottom line is we all know that Republicans have always disliked Social Security, and now they are trying to have the American people believe they are suddenly the steadfast defenders of the Social Security program by essentially distorting their record on the issue of Social Security.

Let there be no question about it: The Republicans have already spent at least $13 billion of the Social Security surplus. They are trying to give you the impression that somehow that is not the case, that they are going to balance the budget without using the Social Security surplus. The reality is they have already spent at least $13 billion of it with the appropriations bills that have already passed the House of Representatives.

TOM DELAY, the Republican Whip, said at one time, this was October 1st in the Washington Times, ''I will not vote for any bill that spends any of the Social Security surplus.'' But his own Congressional Budget Office has repeatedly said, and we have said it over and over again, we need to say it as Democrats because of what the Republicans are trying to do to distort the record, TOM DELAY's own Congressional Budget Office has repeatedly said that Republicans have already spent $13 billion of the Social Security surplus on the Republican spending bills, on the appropriations bills.

According to the CBO, their own Congressional Budget Office, Republicans are on their way to spending $24 billion of the Social Security surplus with the bills that they keep cranking out and sending to the President. I think the ultimate irony of it all is when the President vetoes these bills and basically sends them back, which means the money is not spent, they criticize the President and say he wants to spend the Social Security surplus.

Well, how can he do that if he vetoes the bill? The bills that they send to him are the spending bills. When he takes his pen and crosses it out and says I will not spend that money and he sends it back, the money is not spent. So it is the President in vetoing these bills and saying look, I want to look at this entire budget. You show me how you are going to put together these 13 appropriation bills and what that is going to add up to in the end, because he is concerned that he does not want to spend any of the Social Security surplus, and in fact it is the Republicans by passing these spending bills and sending them to him that are in fact doing just that.

Let me go beyond the immediate question of the issue of spending Social Security surplus, because I do not think there is any doubt that the Republican leadership has already done that. But they have always opposed the concept of Social Security. The members of this Republican leadership have repeatedly been on record as saying that they are opposed to or wanted to phase out or somehow suggest they do not like Social Security as a concept, as a system.

The fact is that DICK ARMEY, TOM DELAY and the rest of the Republican leadership have a long track record, from either indifference to outright hostility, toward Social Security.

Republicans wanted to eliminate guaranteed benefits for Social Security through various privatization schemes. We have not heard about that, but many, many in the Republican leadership have talked about the need to privatize Social Security, which, in my opinion, is the same thing as not having the system as a guaranteed government system. They have no plan to extend the life of the Social Security trust fund. They basically want to let it wither on the vine.

We all know that if something is not done soon, at some point into the next 10 or 20 years the Social Security trust fund is going to start to run out of money. And where is their plan? Where is the Republican plan to extend the life of that program? The only person who has put forward a plan, or I should say the only prominent person who has put forward a plan to try to shore up Social Security over the long term, is the President of the United States, Bill Clinton, who they basically distort what he says every night here.

Once again, over the weekend he put forward and said that he wanted his long-term plan to shore up Social Security to be part of this budget agreement that he wants to work on with the Republicans, with the Congress, over the next few weeks. They just ignore that. They ignore the fact that Social Security needs to be fixed on a long term basis.

You know, the amazing thing is the President's plan, if it were adopted, would basically extend the life of the Social Security trust fund by 15 years. The Republicans do not extend the life of that fund a single day.

The other thing that I wanted to point out is very conveniently my colleagues on the other side forgot what they did for the last 6 months when they put together this $1 trillion tax cut bill that primarily benefited the wealthy Americans and the corporations and would have just obliterated any effort to try to provide the surplus for Social Security. In fact, the Republican tax plan, which the President wisely vetoed, would have sucked the surplus dry, leaving nothing for strengthening the Social Security trust fund or extending the life of the Medicare Trust Fund or modernizing Medicare with prescription drug coverage.

When I go out and talk to my seniors, they are worried about the long-term impact, whether or not Social Security is going to be there. They are worried about whether Medicare is going to be there. They want to make sure that Medicare includes the prescription drug fund.

If this Republican tax plan, passed by the Republicans in both houses with few if any Democratic votes, had not been vetoed by President Clinton, there would not be anything to discuss here, because any effort to modernize Medicare, provide for prescription drugs, to make sure that we could shore up and save Social Security over the next 30 years, all that would have been out the window. They spent 6 months on that, and finally the President vetoed it. But they have forgotten. We do not hear about that anymore, because obviously it did not work and they are not getting any mileage out of it, so they do not talk about it anymore. Republicans voted for $1 trillion for tax cuts for the wealthy and the corporate special interests. Not one penny of that for Social Security.

Let me just talk a little bit, because over the weekend the president reiterated once again the need to look at Social Security over the long term, to shore it up for the future.

□ 1915

He is the one that is out there talking about this. Basically what the President is saying is that any surplus that is generated, I am not talking about the Social Security Trust Fund and the surplus that is in there, but I am talking about the general revenue, the money that comes from one's income taxes and other fees that one pays the Federal Government, the general revenue surplus, which, because of the Balanced Budget Act, is going to continue to grow over the next 10 years, he is saying that that surplus, if any, because we are not sure if there is going to be any, but if there is some, he wants to take that general revenue money, that income tax money, and he wants to apply that or a good percentage of that to Social Security so that we have enough money over the long-term.

Because my colleagues have to understand that, under the current system, if we continue the way we do, there will not be enough money for Social Security in another 20 or 30 years.

Well, the President basically said in his weekly radio address over the weekend that he would send Congress legislation next week based on a proposal he first floated earlier this year, this is almost a year ago in the State of the Union address, to shore up Social Security with projected Federal budget surpluses.

I quote, ''The American people deserve more than confusion, double-talk, and delay on this issue'', Mr. Clinton said. ''It is time to have a clear straightforward bill on the table; and next week, I plan to present one, legislation that ensures that all Social Security payroll tax will go to savings

and debt reduction for Social Security.''

Now, what could be more clear. Here is the Democratic President who, in a long series of Democratic Presidents going back now to Franklin Roosevelt, is saying it is very important for us to look at Social Security over the long-term. My Republican colleagues do not even deal with the issue at all. It is not on the radar screen.

The White House said over the weekend that its plan would extend Social Security solvency from 2034 when, under current projections, it would be able to pay only 75 percent of promised benefits, to the year 2050, beyond the life-span of most of the 76 million Americans born in the 18 years after World War II.

So what the President is saying is that, at some point, I guess it is about 30 years from now, we will not have enough money in this trust fund to pay but 75 percent of the Social Security benefits. So we have to do something. He is putting forth the plan that says what we can do to extend the trust fund to at least the year 2050.

That may seem like a long time away, but for young people who are born now or who are in their twenties, that is when they will be reaching retirement age.

Here, again, is a quote from Gene Sperling, who is the director of the White House's National Economic Council. He says, ''What we have tried to do is present what we feel is the most solid bipartisan, hopefully noncontroversial proposal to lock away the Social Security surplus for debt reduction and use those interest savings to extend the solvency of Social Security.''

Now, let me explain that a little more. What the President's proposal basically does is to pay down the debt so that the money is available for Social Security. The President has been talking for some time about the need to reduce the national debt and basically saying that, if we save money, and we do not spend money, we will be able to apply that to the national debt.

The Clinton plan, again I am reading from the New York Times, this is Sunday, October 24, ''Mr. Clinton's plan is based on the idea that, by using the Social Security surplus to pay down the national debt, the government's interest bill will decline substantially. By the White House estimate, the government's interest expense will be $107 billion lower in 2011 than it would be if the Social Security surplus were not used starting this year to reduce the debt.

''Mr. Clinton's proposal would take the money saved, because of the lower amount of debt starting in 2011, and earmark it to shore up Social Security. From the years 2011 through 2015, the total savings and interest dedicated to Social Security would be $544 billion,'' Mr. Sperling said.

''And savings would continue accruing beyond 2015 at around $189 billion a year. The savings would at first go to further reductions in the national debt.

''After the debt was paid off, around 2015, under the White House's scenario, this savings would continue to be transferred to the Social Security in the form of a government IOU that would later be redeemed to pay benefits.''

The point of the matter is the beauty part of the President's proposal is that we are actually paying down the national debt, something that the Republicans claim they care about, but I do not see any action on it here. I do not see any efforts here to talk about the national debt. That is what the President is proposing to do. That is what his Social Security proposal would do, deal with this problem on a long-term basis.

Instead, the Republicans, what do they do, they do not talk about the long-term needs of the Social Security program. They just keep spending and spending so that now the appropriations bills actually dip into the trust fund and use the Social Security Trust Fund again to finance regular operating funds for the next fiscal year.

Now, I want to talk a little bit about this tax cut again that the Republican leadership and my colleagues on the other side sort of conveniently ignored in the last few days, in the last few weeks as we are talking about this budget. President Clinton vetoed this trillion dollar tax cut, which primarily benefited the wealthy corporations, for one simple reason; and that is, it wastes the surplus on special interest tax cuts instead of investing in the future of all Americans.

What the President is trying to say is that, if we give back this huge tax cut primarily to the wealthy and to the corporations, what are we doing for the future of the country? Nothing.

On the other hand, if we take his Social Security proposal and basically pay down the national debt, we are investing in the future. That is the point. What do we want to do? Do we want to give a quick giveaway to a few people, a few corporations, a few special interests, or do we want to invest money in the future so the money is there for Social Security in the future and so that, basically, the economy prospers.

The Republican tax plan basically meant $46,000 per year for the wealthiest taxpayers, but only $160 per year for the average middle class people. Republicans lavish nearly $21 billion on special interest tax breaks for big business. Let us not forget how much of that was just tax breaks for big corporations.

The Republican tax plan eats the surplus hold, preventing us from paying down a significant chunk of the $5.6 trillion national debt. Debt reduction, of course, is the best way to ensure that we continue our record economic expansion by keeping interest rates low. This was the President's economic plan, something that the GOP has basically rejected.

The Republican plan also siphoned money away from other critical areas, especially for strengthening Medicare and for providing prescription drug plans to help seniors pay for the costs of life-saving medication.

Let me talk about that briefly again, because then we do not hear anything about the long-term plans that the Republicans have for Medicare, unless they want that to also wither on the vine like Social Security.

Again, this week, I think it was Monday, the President at the White House had a press conference, talked about the need to push for a prescription drug benefit in the context of Medicare. His long-term proposal which was going to shore up Social Security also provided for revamping Medicare to provide for a prescription drug plan.

This is very important to senior citizens. When I talked to the seniors in my district and even the people who are younger who know that eventually they are going to be senior citizens, they worry about how they are going to pay for prescription drugs. Most seniors do not have a prescription drug plan, or, if they do have a plan, they have huge co-payments. It does not pay for a lot of their expenses. We find a lot of seniors that just go without prescription drugs or take half of a prescription when it is prescribed by the doctor.

What the President has basically said is that he wants to establish a new Part D benefit, very similar to Medicare Part B, where one pays a certain amount per month, and one gets half of all the costs of all of one's prescription drugs paid for.

There may be a lot of different ways to pay for prescription drugs and provide a benefit under Medicare for it, but at least he is trying. He is talking about this. He has folded this into his long-term economic plan that includes shoring up Social Security.

I do not hear anybody on the other side talking about it. I do not hear anybody on the other side suggesting that somehow they are going to deal with this problem on a long-term basis.

So, again, it is the Democratic President, it is the Democratic Party that are talking about these issues that will in the long term benefit the average senior citizen. All we see on the other side is a Republican effort to spend money and take it out of Social Security.

There is no question that there is a GOP strategy here that is a subterfuge and that is an effort to try to mask what is really going on.

In an enlightened moment back in August, this is on Friday, August 6, in the New York Times, the Republican

Whip, the gentleman from Texas (Mr. DELAY), who is basically running the show around here from what I can see, basically exposed what his real strategy was with spending the Social Security surplus. Basically what it is is to force the President to his knees, that is actually a quote, and spend the Social Security surplus. That is what the gentleman from Texas (Mr. DELAY) is all about.

He admitted publicly that he is misleading the public with his spend-and-deceive budget strategy. That is what we are hearing is this deceitful strategy that is being played up here on the House floor day after day the last few days, the last week.

What the gentleman from Texas (Mr. DELAY) basically confessed was that the Republican promise to join the Democrats in saving the budget surplus for Social Security was a blatant lie. He recounted in detail the Republican strategy.

If I could, I will just go through this from the New York Times. '' 'The plan', Mr. DELAY said, 'was for Republicans to drain the surplus out of next year's budget and force the President to pay for my additional spending requests out of the Social Security surplus,' which both parties have pledged to protect.

'''We are going to spend it and then some. From the get-go, the strategy has always been we are going to spend what is left', admitted Republican Whip TOM DELAY.

'' 'The Republican strategy', Mr. DELAY said, 'will also force the President to sign the Republican parties spending bills for next year.' ''

He has not agreed to do so. He has been vetoing them. But they want him to sign because they want to spend the money and spend the Social Security surplus.

Again, I go back to the New York Times from August 6: ''He'', the gentleman from Texas (Mr. DELAY) ''said that even if the spending swallowed up the budget surplus, the Republicans had a plan to use various budgetary mechanisms that would allow them to say they had stuck to the strict spending caps they imposed in 1997, the Balanced Budget Act. We will negotiate with the President after he vetoes the bills on his 'knees', Mr. DELAY said.''

Well, I am going to go into some of those gimmicks that the Republicans are using, the gentleman from Texas (Mr. DELAY) is using to try to mask what they are really doing here by spending the Social Security surplus. But before I get into that, I wanted to give my colleagues some quotes from these Republican leaders where they talked about their long-term plans to get rid of Social Security.

This is in 1984 when the gentleman from Texas (Mr. ARMEY), the Majority Leader, in the Fort Worth Star-Telegram, October 21, 1984, said that ''Social Security was a bad retirement and a rotten trick on the American people.'' He continues, ''I think we are going to have to bite the bullet on Social Security and phase it out over a period of time.'' That was the gentleman from Texas (Mr. ARMEY), the Majority Leader, in 1984.

This is from CNN's Crossfire on September 27 of 1994, Michael Kinsley asked the gentleman from Texas, (Mr. ARMEY) the question: ''Are you going to take the pledge? Are you going to promise not to cut people's Social Security to meet these promises?'' The gentleman from Texas (Mr. ARMEY) said, ''No, I am not going to make such a promise.''

Lastly, this was in the same year, September 28 of 1994, the gentleman from Texas (Mr. ARMEY) said on a C–SPAN call show, ''I would never have created Social Security.''

So do not believe these guys when they say that they are trying to make sure they do not spend the Social Security surplus. The gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY) have a long history of not being in favor of Social Security. That is what we are seeing. That is what ultimately will manifest itself here, because they do not have a long-term plan to deal with it other than to get rid of it.

I talked a little bit before about these creative gimmicks that are being used by the Republican leadership to try to mask that they are really spending the Social Security surplus. I do not want to spend a lot of time on them, but I do want to talk a little bit about them this evening if I could.

It is difficult when I talk to my constituents about these creative accounting gimmicks, because it sounds like a lot of bureaucracy and is very hard to explain the technicalities of what they are trying to do. But there are many ways creatively in this Congress that one can really mask what one is doing with the budget and how one is spending money and where it is coming from. We would have to probably spend hours to explain all the details about how they do it.

But there was a very good article, if I could mention it this evening, Madam Speaker, on Saturday, October 16 in the Washington Post by Eric Pianan and George Hager where they talked about Congress making greater use of creative accounting. I think they kind of distilled some of these gimmicks and put them in some common-sense terms. So I just wanted to take a few minutes if I could to highlight some of those gimmicks in this article by these two gentlemen that was in the Washington Post again on Saturday, October 16.

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They say the Nation's defense contractors will have to wait an extra week to get paid this year. Routine maintenance of Pentagon facilities will be considered emergency spending. To keep from cutting education and health programs, lawmakers plan to borrow $15 billion from next year's budget.

So one of the ways that we can mask what we are doing with the budget is by declaring items emergency spending. We can say, oh, it is emergency spending so it does not count. That may sound crazy to my constituents and to the American public, but it is a fact. And what the Republicans have done is to declare a lot of things emergencies that really are not.

The best example probably, as has been mentioned several times on the floor of the House of Representatives, is when they decided to declare the funding for the census that occurs every 10 years as an emergency. Well, how can something that is required by the Constitution, the Constitution says every 10 years we have to do a census, how can that be an emergency when we know 10 years in advance that we have to do it? Well, that is an example.

I will go back to this article from the Washington Post. It says, ''As a Republican controlled Congress struggles to complete work on the budget, it is relying to an unprecedented degree on creative accounting to boost spending beyond what its rules allow. All told, congressional budgeteers have manufactured an additional $46 billion to spend this year on defense, farms, education and other programs. The situation underscores the immense difficulty of writing budget discipline into law and how easy it is for Congress and the President to circumvent what are supposed to be ironclad limits designed to keep spending in check. Under the 1997 balanced budget agreement, the Federal Government was supposed to spend only $592 billion in the 13 bills funding government's daily operations this year. But Congress is on target to spend roughly $640 billion.''

So the problem that the Republican leadership faces is that under the Balanced Budget Act, which we all adopted a couple of years ago, the spending for this year is supposed to be only $592 billion. In reality, they are spending about $640 billion, if we look at their budget. Well, we can see the discrepancies there and why it is necessary to come up with these accounting gimmicks.

Again, I am reading from this Washington Post article. ''Independent budget experts on the right and the left say Congress is masking the true size of its spending binge and could create serious budget problems when the obligations for the delayed spending come due. The actions also call into question whether the government will realize soaring surplus projections, which depend heavily on Congress ratcheting down on spending.''

So if we delay the spending and essentially go into next year's budget, ultimately this will come home to roost and we will have a bigger problem next year. What of course we do is, we do not have the surplus and we will not be able to generate the surplus that supposedly is going to be generated by this Balanced Budget Act we passed 2 years ago if we keep spending into it. That is exactly what they are doing, spending into the Social Security surplus to pay for these ongoing programs that they claim are not really being spent as part of the surplus. In reality, that is what they are doing.

Going back to The Washington Post article again. ''To the extent this approach is effective, it creates a bigger hole that has to be filled the following year, said The Brookings Institution's Robert Reischauer, a former director of the Congressional Budget Office.'' And it is very shortsighted, is what he says. Obviously, it is shortsighted to keep delaying spending into next year.

Just an idea of how they go about these sort of advanced appropriations. In recent years, and this is back to The Washington Post, for instance, ''Congress and the administration has balanced out their numbers by borrowing funds from future appropriations. Last year, Congress agreed to $11.6 billion of such advanced appropriations. This year congressional Republicans plan to borrow twice that amount, including funds for education, job training programs, and rental housing subsidies. That will make it even more difficult to keep spending down when they consider the same programs a year from now.

''With the approval of an $8.7 billion farm bill out this week,'' which was the week of October 16, ''Congress has declared a total of $22 billion in spending emergencies that also do not count against the budget limitations. Other such emergencies include spending for the 2000 census, fuel assistance for the poor, and maintenance of Pentagon barracks and facilities.'' Again, these are these declared emergencies which basically make it so that we do not have to count it but the money is really spent.

Finally, the article concludes that, ''Even with this more aggressive use of budget tactics, the Congressional Budget Office has estimated that lawmakers would still tap the Social Security surplus by anywhere from $13 billion to $20 billion. Republicans may have to resort to an across-the-board spending cut of 1 to 2 percent to keep from doing that.''

Now, let me get into that, if I could a little bit, Madam Speaker, because that is basically what we were hearing from the other side of the aisle tonight. They know they have spent this $13 to $20 billion of the Social Security surplus. They will not admit it, but it is a fact. It is in the Congressional Budget Office analysis. Everyone knows it. So now they are talking about this 1 percent. I think it was 1.4 percent, but now they are talking 1 percent, so I guess they revised it, that they are trying to say they are going to implement as a way of getting around spending the Social Security surplus.

Well, this is really just an admission of the fact that they have been caught red-handed dipping into the Social Security surplus. They are looking scrambling around to make up the difference with gimmicks and these across-the-board spending cuts. This plan to require a 1 percent automatic budget cut, if the Office of Management and Budget certifies that spending would dip into Social Security, is really an admission by the chairman of the House Committee on the Budget, the gentleman from Ohio (Mr. KASICH), that Republicans have stuck their hands deep into the Social Security cookie jar. It is basically asking the Administration to save House Republicans from themselves.

One of the other things that they did, which I thought was particularly interesting, was this idea to raid the tax refunds of the working poor. Every day we get a different gimmick. It is either emergencies, delayed spending, 1 percent across-the-board, and the one a couple of weeks ago was this idea of taking the earned income tax from the working poor and using that. Actually, their proposal would have delayed $7 billion worth of earned income tax payments to the working poor in order to fill the gaps in the budget.

I do not know what they were thinking with that. Maybe that somehow the working poor, because they figured they do not have time to vote or do not have time to read the newspaper or something, that they were not going to notice that they did not receive their tax refund up front. I do not even know if they have dropped that. That may still be out there as another way or another gimmick of trying to somehow hoodwink the American people as to what they are really up to.

Let me just say, though, because I have heard this 1 percent plan mentioned several times this evening by my Republican colleagues who spoke before me, that even that does not add up. They are pretending a 1 percent across-the-board cut will do the trick and erase their $12 or $13 billion spending where they have dipped into the Social Security surplus. But even with that, they are still nearly $4 billion in the hole based on their own phony accounting. In reality, I say they are way on their way of dipping into even more and more of the Social Security surplus.

As we see what develops over the next few days or the next few weeks here, I am sure we will all find that, in fact, they are spending even more, and they are going to go way beyond that $12 or $13 billion that has already been spent from the Social Security surplus and even spend more before they finally wrap up this budget process.

Madam Speaker, I do not intend to spend a lot more time this evening, but I feel it is my obligation and that of my colleagues on the Democratic side to come here every night and basically present the truth and expose this GOP hypocrisy on Social Security. I have never seen an effort by my Republican colleagues to basically come to the floor every night and somehow think that if they are going to keep saying this over and over again, that the President is dipping into Social Security or the Democrats want to dip into Social Security, that somehow it is going to be believed.

They are even running these ads, very expensive ads, I should say, in a lot of the districts of my Democratic colleagues, accusing my Democratic colleagues of dipping into Social Security. I think the theory is if they tell the lie often enough that people will believe it; or if they spend enough money getting the message out, even though it is not true, people will believe it. I hope the people do not believe it. And certainly we will continue on this side of the aisle to expose the truth about what is really going on here and how much money is already being spent by the Republicans with their spending bills.

The ultimate irony is that they keep coming and talking about how the President wants to keep spending money. Well, the President does not appropriate the funds. They are in the majority. The Republicans are in the majority in both the House of Representatives and in the Senate. They are in the majority. They send him the bills. If he vetoes the bills, the money is not spent. That is the constitutional process.

So for the life of me I do not understand how any of them can suggest that by the President vetoing a bill that somehow he is spending the Social Security surplus, when all he is saying is that the money cannot be spent. If he vetoes the bill, the money is not spent. The only way the money is spent is if they appropriate the money and he signs the bill.

So the whole process, the whole way they go about describing the process, is basically not true. And I think it is incumbent upon myself and others to come here every night and to explain what is really going on here in this Republican effort and their inability to adopt a budget that does anything but spend the Social Security surplus.

ILLEGAL NARCOTICS AND ITS EFFECTS ON THE YOUTH OF OUR NATION

The SPEAKER pro tempore (Mrs. NORTHUP). Under the Speaker's announced policy of January 6, 1999, the

gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Madam Speaker, I am pleased to come to the floor of the House again on a Tuesday night to talk about an issue that I talk about as often as possible, and that is the problem that we have in our country and also in dealing in Congress with the issue of illegal narcotics and the tremendous impact that illegal narcotics are having on our young people.

Tonight I am going to focus a little bit on some of the issues that relate to the question of the District of Columbia's appropriation and some specific measures that are in the appropriations bill that deal with the District of Columbia.

I also intend to talk a bit about the general war on drugs and review a little bit how we got ourselves into that situation.

Time permitting, Madam Speaker, I also hope to talk some about Colombia and the administration's potential request, which certainly will dramatically affect our spending as soon as we finish with the problems we have now in funding the fiscal year 1999–2000 requirements. We are expecting a rather substantial request to come in by the administration, and we will talk about that and Colombia and how we got ourselves into that particular dilemma.

And I will also talk a bit about the situation in Panama, that whole region that has been such an active area as far as illegal narcotics trafficking and disruption in general for the entire hemisphere.

So those are a few subjects, and then, time permitting, I will get into some of the updates that I usually try to do on problems relating to illegal narcotics and how they affect all our communities across the land.

The first thing that I want to talk about tonight is something that I hear repeatedly over and over; that the war on drugs has failed; that, indeed, we have lost the war on drugs. I have some very good friends, even on the conservative side, and I noticed one of the columnists, who is very conservative in his opinion, this past week came out and said why not legalize narcotics; that the war on drugs is a failure. I always try to relate my topic of discussion to the facts and deal with the facts and statistics, information that we have had presented to us in the subcommittee which I chair, which is the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform.

We have had many, many hearings since I have taken that subcommittee over the beginning of the year dealing with illegal narcotics, and we have looked at the question of whether or not the war on drugs is indeed a failure. We have looked at the question of legalization. In fact, we probably conducted the first hearing, the only hearing to date, on the question of legalization and decriminalization of drug penalties. We have talked in our subcommittee and held hearings on the problems with Mexico, with Colombia, with some of our treatment programs and, most recently, the education program that this Congress has funded to the tune of a billion dollars over the next 5 years getting an update on that first year's progress in that program.

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Additionally, the southwest border and the billions of dollars we spent in Federal resources at that border in trying to contain not only illegal narcotics but illegal immigration and trafficking, illegal commerce across our borders.

So we have covered the gamut of this topic. We have heard from GAO, DEA, Department of Justice, Department of Defense, Department of State, many, many agencies of Federal Government and rely on their facts and support and statistics in our reports.

Basically, I came to the conclusion, and I think my colleagues would too if they spent time in those hearings as we have done, we came to the conclusion that, in fact, the war on drugs did not fail.

What happened was we had an end of the war on drugs in 1993 with the Clinton administration, which took over not only the executive branch of Government, which executes the law, but also had very substantial majorities in both the House of Representatives and also the other body, the United States Senate. They controlled and dominated the agenda, the legislative agenda, and the executive and administrative operations of this Government for over 2 years, from 1993 through 1995.

I have had these charts out before, and I will refer to them once again. Foremost in our responsibility as a Federal Government are our programs to stop illegal narcotics at their source, outside the country. Now, State and local governments law enforcement folks cannot do that, but it certainly must be done. And whether we legalize what are now illegal narcotics or not, we would still have a fundamental responsibility in keeping what would be an illegal commodity coming into the United States. In this case, it happens to be primarily heroin, cocaine, and methamphetamines.

The first thing that the Clinton administration did after completely decimating the drug czar's office, and that was the beginning of the ending of the war on drugs, they took the drug czar's office down from a staffing level of over 120 to some less than 2 dozen personnel. That was the first cut, slash, burn that ended the war on drugs.

The next thing they did, and again Federal responsibility is to stop drugs at their source, that is, outside the boundaries of the country, clearly a Federal responsibility, if you look at the chart, Federal spending and international programs, these are source country programs we see this dramatic decline in 1993 right in this period here through 1995, up to 1996 it bottomed out. This is where the Republicans took control of the House and the other body.

Then you see a dramatic reversal in that spending. And these are really not very big dollars, this is $633 million, in the scheme of our entire war on drugs. And you have to understand that illegal narcotics and drug abuse and crime and operating our justice system and everything, all the costs run us about a quarter of a trillion dollars a year.

So this is $633 million back in 1991. And in 1999 we are up to about that level. If you look at 1990 dollars, you see that we have gotten us back into the war on drugs in the source country programs. And that has been particularly effective in cocaine, where we have had two programs that the gentleman from Illinois (Mr. HASTERT) help start them, Mr. Zeliff, formerly a member, the gentleman from Illinois (Mr. HASTERT) now the Speaker, when they took over this responsibility which I now chair, they began very effective international programs in both Peru and Bolivia.

I am pleased to say that, in Peru, almost 60 percent of the cocaine production has been eliminated and in Bolivia over 50 percent. President Fujimori of Peru has done an outstanding job. And the President of Bolivia has done an excellent job, too. Mr. Banzer, the President there, has, as I said, eliminated over almost half the production and has a program that in the next 2 years, 24 months, to eliminate the balance.

So we have seen cocaine production figures drop most cost effectively, small amounts of money, in those countries.

The one disaster in all of this is Colombia, and I will talk about that later, where specific administration policy closed down not only the war on drugs internationally but, more specifically, in Colombia. And that has done the most damage and where we are getting now most the cocaine and heroin entering the United States is now produced there.

But we see, in fact, our primary responsibility as a Federal Government would be in the international arena spending cost effectively these dollars, and in 2 to 3 years they did an incredible amount of damage.

The next responsibility as far as the Federal Government and working with our agencies to stop illegal narcotics would be to stop them from the source to the border coming into the United States. Again, the war on drugs basically closed down.

If we took these figures back to when Ronald Reagan was President and

George Bush, we would see a dramatic drop and they made tremendous progress in stopping illegal narcotics coming in, stopping the production and also interdicting and using the resources of our various agencies.

Basically, again, the Clinton administration and the Democrat controlled Congress stopped the military from being involved in the war on drugs. And some way, well, the military should be involved in this effort. But, in fact, they do patrol outside our borders. In fact, their planes do go up every day. In fact, we have servicemen and women serving around the world.

If we looked at the impact of any type of damage to our country, I said a quarter of a trillion dollars in expenditures and lost lives and production in this effort, our military are there, they are on duty. And they were brought into this war by President Reagan and also there with the blessing of President Bush, and they did a tremendous job and we saw a decline in illegal narcotics coming into the country. And it was most cost effective since we are paying the tab for the military in these arenas anyway.

Additionally, if you took at the casualties, and I have cited the most casualties we had released just a few months ago, it was over 15,200 Americans died from drug-induced deaths, if you take from the time President Clinton was elected to today, we are probably looking at close to 80,000 Americans have died as a result of drug induced deaths. And that is as many as any of the conflicts, the Vietnam conflict, the Korean conflict. And that does not address the other social problems, the human tragedy cost to so many who are not mentioned in just the death figures but the destruction again of families.

Again, the second most important responsibility, stopping drugs before they come into our country, very cost effective again. We were up to $2 billion totally. And again this is money that would have been spent by the military in any event, almost all of this money. Because we have the planes, we have the ships, we have the personnel which are the bulk of the costs. But, again, their disdain for the military, their disdain for a real war on drugs, they took them out of this effort.

We also used the Coast Guard to protect our borders, particularly around the coastal areas. Puerto Rico is a great example. And my area has been very hard hit. I represent central Florida, Orlando, where our heroin overdoses and drug overdoses now exceed homicide as a cause of death, more deadly than any gun or knife or weapon that is used in the destruction of human life.

Drugs have decimated my area. Most of those drugs came in from a very simple action of the Clinton administration in cutting the Coast Guard budget. This House of Representatives and the Senate, dominated by the Democrats in 1993, 1994 up to 1995, slashed those budgets. Talk to anyone who is in the Coast Guard. They cut the shield that protected Puerto Rico. And drugs float in there. Once they are in Puerto Rico, they are in the United States. And the next thing we knew, they were flooding our area and Central Florida, and other areas have been hit by the same type of heroin epidemic.

But there are consequences to our policy. The policy adopted by this Congress is very clear. They killed the war on drugs, dead as a doornail. So we had again no leadership as far as the national level. In fact, we had contra-leadership with the appointment of Joslyn Elders, who was our Nation's number one health advocate, and she said ''just say maybe.''

They slashed the drug czar's office from 120 positions down to some 20 positions. They cut the spending in the Federal areas of most critical importance. Again, source country, very cost effectively. Just a few dollars took the military of the Coast Guard and others out of this war.

So, my colleagues, that is how we got ourselves into this situation, with incredible quantities of heroin coming into the United States, incredible quantities of cocaine, methamphetamines, and other drugs coming into the United States, cheap and on our streets in large quantities.

Now, those policies had some very direct results. I wish I could take a transparency and put what they did as far as their policy over these next charts. These charts, and I showed them, one other time we have used them, but they show the long-term trend and lifetime prevalence of drug use.

If we look again, this puts it in perspective. I hope we can focus on this. If we look at the Reagan years and we see the prevalence of drug use in the Reagan years starting to decline, the Bush years declining dramatically, the Clinton years almost like a rocket it is launched from the time that Bill Clinton, with the help, assistance and aided and abetted by the House of Representatives, did what I cited in these two charts and gave us this result.

And it is dramatic, if you look at just in the short time the Republicans took control of the House and the Senate, how we have already begun to turn that tide. And that is through restoring interdiction, through bringing the military back into this effort. By a full court press, so to speak, we have restored the drug czar's office.

In fact, I checked today and we funded over 150 positions. If you are going to fight a war on drugs, you have to have the ammunition, you have to have the equipment. You cannot cut the staff out of the leadership from 120 to 20.

Barry McCaffrey, our drug czar, I will say has done an admirable job in taking up this responsibility. And he not only has to have the responsibility, but he has to have the support of the Congress; and the support was not there. We see the results again in the lifetime drug use. And it is just not coincidence. These are facts.

If we look at the long-term trend in lifetime of prevalence of cocaine, we see the same thing. We see during the Reagan administration, and I was a staffer in the United States Senate in those early days, I remember helping work with Senator Hawkins and others of the Reagan administration, the Republicans at that period of time controlled the administration and also the U.S. Senate, and we were able and we had support, I remember even the gentleman from New York (Mr. RANGEL) and some of the Democrats on the other side help, and we turned around this situation with cocaine.

If you look, it goes back down to President Bush. Incredible declines in the prevalence of cocaine use through the Bush administration. And then, with ''just say maybe,'' with lack of Federal leadership, with lack of executive direction, the cocaine use takes off again under President Clinton.

These are very dramatic charts showing exactly what happened. The information is not something the Republicans have just developed or our staff just put together. These are all from solid reports. This chart should be quite startling to everyone because it shows the latest drug of choice, and it is doing so much destruction not only in my community but also the land.

□ 2000

This shows again during the Reagan administration it sort of leveled out and the Bush administration, the prevalence of heroin use. We do see some decline in the Bush years, and then we see in the Clinton years it taking off like a rocket. And then when the Republicans took over again and we reinstituted a multifaceted, as I said, a full-court press against illegal narcotics, we have seen the beginning of a turnaround.

You cannot take the critical elements out of a war on drugs, just like any war that you fight. You cannot just be treating those wounded in battle. Interestingly enough, and we have the statistics on this, but from 1993 when the other side took control of the Congress and they controlled the White House, since then we have about doubled the amount of money on treatment. There is nothing wrong with spending money on treatment so long as those treatment programs are effective. But they must be effective and they must work. They must not be a revolving door. But we have doubled the money. In fact, with the Republican leadership just since we have

taken over, there has been a 26 percent increase in funding from this Congress, Republican-controlled Congress, in treatment funding.

Tonight, I want to talk again about the budget battle. We are engaged in the House and the Senate with the administration in a very serious and difficult budget battle. We must pass 13 appropriations measures to fund all the operations of government. We have passed some seven or eight of those and some of those have been vetoed by the President. The President I believe yesterday signed into law the Defense bill. That is sort of a no-brainer. It had pay raises for our military that is long overdue. Depletion of the military, we have restored funds. It has really one of the few increases, but again we have to remember that this administration that detests the military has used the military in more deployments than ever in the history of any administration that has existed. There is great cost and to that cost we must have responsibility. It is also a big agency and there is an opportunity for improving payment patterns and expenditures and cutting waste and inefficiency out of it. We are trying to do that. In fact, we are trying to do that in all of these bills. But again Defense is sort of a no-brainer.

One of the other bills that the President has vetoed is the District of Columbia appropriations bill. One of the 13 bills that we pass to fund our Federal Government, we also pass to support the District of Columbia, and that is a constitutional responsibility set out from the very beginning when we created the District in 1790, we have had that responsibility, but I think that bill is sort of a microcosm of what we are facing in the larger picture, how the Republicans inherited sort of a mess, an incredible mess, trust funds that were robbed, Social Security funds that were depleted, unfunded pensions, pension accounts; just numerous inefficiencies, programs that had been expanded. We had 760 Federal education programs, 200 job training programs, hundreds and hundreds of programs and built incredible bureaucracies in Washington. In fact, as chairman of the Subcommittee on Civil Service, I think there are somewhere in the neighborhood of a quarter of a million Federal civil servants just within 50 miles of where I am speaking around Washington. They had built this huge bureaucracy that had sort of spun out of control and in the process to fund this and also to keep power, in order to keep power you have to keep getting more people hooked on the Federal take, so to speak, and I am not speaking about just Federal employees. There are thousands of them that do a great job. I was chairman of Civil Service for 4 years. There are some great Federal employees out there. Many of them are hampered by the laws and regulations which the majority put into place and they could do a better job if we let them more effectively operate.

The District of Columbia is a great example of government gone wrong. What the folks on the other side who had 40 years to straighten out the District of Columbia, 40 years to make changes in programs, 40 years to bring the government of the District under control and the government of the United States, what they did and now what the President is threatening to do, the President is threatening to veto again, and we have already had one veto on the District appropriations bill, but part of the discussion is, one, we are not spending enough money, the other is that we have not adopted liberal enough policies.

How do I get into this mix? I am chairman of the drug policy subcommittee but also an observer of the District and of what has gone on here, both before we came into power and after we came into power. But the same liberal policies that they are trying to adopt now, spend more and then adopt a more liberal drug policy, are exactly what got the District into difficulty. We have been able to bring the District out of some of that difficulty.

We have done the same thing with the District we have done for the country at large. Now, stop and think about this. Think about the District of Columbia in 1995 when we inherited the District of Columbia. The other side ruled it for 40 years, again very tight rule, specific rule, giving them everything they want. There was a $722 million deficit just in 1995 in running the District of Columbia. It was just like the Federal Government. We were running 200 and $300 billion deficits annually in addition to taking all the money out of the Social Security trust fund. They were taking all that money, then spending beyond that a couple of hundred billion more. They had run the District into indebtedness and reliance on the Federal taxpayers' largesse to the tune of three-quarters of a billion dollars a year. They had 40 years. In just over 4 years we have gotten their finances straightened out.

The first thing we had to do was basically take over the District, put in a control board and get some personnel who could do something. I want to cite again what we inherited here and talk about the policy that they are trying now to foster and the President is trying to impose with these vetoes.

The District of Columbia had, in 1995, 48,000 people employed in the District. It was the third in size as far as municipal employees, exceeded only by New York and Los Angeles. The revenue from all sources in 1995 was over $7,200 per capita. They had plenty of money coming in. In fact, it was the highest in the United States. When we took over, they were charging more. The expenditures per capita, $7,150, you guessed it, was the highest rate of expenditures in the country. So they had more employees than anyplace except for the two largest cities and on a per capita basis probably exceeded only by the former Soviet Union. The debt was the third highest in the United States at $6,354 per person. That is what we inherited. Again, three-quarters of a billion dollars running annual deficit.

Let me tell you what else we inherited, and this is from the folks who are now saying they are going to straighten out Social Security and the District of Columbia. Let me talk about a few of the programs that are important to people, and they always give you this baloney that the Democrats or the liberals are more interested in people than the Republicans or the conservative side of the aisle. This is what they did to the people that they are supposed to care about.

According to, and these are all articles except for one of these, it is from the Washington Post, not exactly a conservative publication but we will use the Post as a source. According to the Post in 1995, the Department of Housing and Urban Development rating system, the District's subsidized housing program achieved the lowest ranking of any urban public housing agency in the Nation. Now, that is an accomplishment. They had control of this place, control of the District and the housing program basically failed.

The prison. This is from 1995, again, the same story. ''Authorities have uncovered a multimillion-dollar heroin ring that was run out of the Lorton correctional complex. That is the D.C. prison. Prosecutors have obtained convictions on more than 30 corrections employees in the past 3 years for smuggling drugs, accepting bribes and corruption. A jail suicide expert recently described the D.C. jail situation as catastrophic.'' This is what we inherited in 1995, the new majority. We have had to basically take the Federal prison, take the housing authority and revamp all of these programs, practically eliminate the prison here because the prisoners had basically taken over control.

Now, again these are supposed to be the most compassionate people, they tell you how they are saving Social Security and children and they always line up the children in the photo ops and all of that. This is what they were doing with the children, again their liberal, failed policies. This is from the Washington Post. The article is right here. I will read right from it:

''Some mentally ill children at the District's St. Elizabeth Hospital have been fed little more than rice, jello and chicken for the last month after some suppliers refused to make deliveries because they hadn't been paid.''

Here those that are probably the least well off, least able to help themselves, the mentally ill children in the

District, they were the recipients of their policy, and again this is something that we have had to straighten out in the last little more than 4 years. They had 40 years to create this mess. And now they want to go back to that.

This is a great story from the Washington Post, October 7, 1994:

A city funded program aimed at spurring economic development has made few loans, created few jobs and after 6 years is still sitting on millions of dollars, according to the D.C. auditor Russell Smith. Smith said the Economic Development Finance Corporation, which began operating in 1988, again under these folks, has failed in its mission. He contended that it has improperly invested $6 million in a private for-profit group and furthermore that again their programs were a failure. Finally, the report criticized this group, the economic development group, for improper expenses, including food, flowers and political contributions made. This is what the other side did when they controlled the District of Columbia.

One of the other areas I spoke a little bit about and I think is important to all of those who do not have housing, is public housing. The other side claims to be able to do more for folks. But again in February 1993, the Washington Post reported about the housing project, again under their watch:

''Fraught with contracting delays, staffing problems and an endless crush of maintenance requests, the city's housing department still has 1,895 units boarded up and unfit for anyone, not the record number of families in shelters for the homeless, not the 11,000 people waiting on average of 5 years for public housing.''

And then in their drug and alcohol treatment programs, trying to help those who we want to help and who we are now trying to help with our programs and policies that are incorporated in the legislation that the President has vetoed for the District.

This is 1993 again. ''Its drug and alcohol treatment programs, however, were denounced as inadequate last month by Federal officials. However, the city has also gone without a permanent mental health commissioner for the past year. Its public housing department is being sued for failing to fix apartments and its Department of Human Services, responsible for tackling most of the social problems affecting the city, is still bound by 16 court orders to improve its work.''

Now, this is what they did in 40 years and we inherited, and in a little over 4 years we have begun to straighten out this mess, but the President does not want to see that continued. He wants more spending, more liberal programs.

□ 2015

Public housing, the situation was horrible. I remember seeing a television report with rats and infestations you would not put, as I said on the floor of the House in a previous speech, your dog in one of these units, public housing units, that were under the control and supervision of these folks here.

Again, a question of a liberal policy, a conservative policy.

Then the question of pensions, and the previous speaker to me was talking about the Republicans and how they are not good custodians of Social Security.

Now my colleagues have to remember that in 1993, 1994, 1995 and before that, they were spending 200 to $300 billion a year in excess of the revenues coming in and then all the money in the Social Security Trust Fund.

This particular chart tells it all. It shows Democrat control, spending from the Social Security Trust Fund. Democrat control, 1984, 1985, right in this period when they took over the House and the Senate, and the Congress controls the spending, folks. The President can recommend it or veto some, but basically the authority under the Constitution is with the House of Representatives and the Senate.

This is the most graphic and telling chart that I have ever seen. Every American should look at this.

And how they can come to the floor with a face and tell us that we are not doing a good job, we are not good stewards of this, or we are proposing plans to spend from the trust fund. When you see what they did when they controlled this, they spent all the money that came in, all of that into indebtedness, and then all of the trust fund money. It is absolutely astounding that they could come with straight faces, come to the floor and accuse us of this.

They also distorted, and I heard, again, previous speakers talking about this, about Republicans wanted to do away with Social Security. Well, I do not know of any Republican who has advocated doing away with Social Security. Most of us are concerned because of their years and years of spending out of the trust fund. It is very difficult to put it back put the money back in there, and we are doing that for the first time. Without a doubt we are doing it.

But it is beyond belief that, again, they could come to the floor with a straight face and say that we have a plan to do this.

Now I cite this because they did the same thing with the District of Columbia when Marion Berry in 1994 was here, and this is from the Washington Times, the only one I have from the Washington Times. But I think the facts are correct in it. It says Marion Berry has proposed little beyond the $140 million mandate to shore up the city's sagging finances. With a $40 million deficit remaining from fiscal 1994, an $18 million shortage in payments to Metro, 5 billion in unfunded police and firefighters' pension liability; not only did they do it to the Social Security Trust Fund, they did it to the District's pension funds.

And again I just do not know how you can dispute the facts. This chart has not been doctored in any way. This tells it like it is. In fact, the other side had their chance some 40 years and a little more than 4 years. It is absolutely incredible what we have been able to do in fighting and kicking and screaming with the President vetoing our legislation, even the District bill.

Again, if you take what the Democrats did with education, and you hear them talk about how they have done so much with education. In fact, my wife was a former educator. Myself, I graduated from the University of Florida with a degree from the College of Education. Though I never professionally taught, Mr. Speaker, I am an observer of what has taken place in education, both again living with a teacher and closely monitoring what has happened.

What they have adopted as their policy for public education is what I call RAD. It is called regulate, administer and dictate, RAD; R-A-D, regulate, administer and dictate. And that is what they have done over 40 years, bringing more control and power.

Now what is interesting, only between 4 and 5 cents of every dollar that goes into education in fact comes from the Federal level; 95–96 cents comes from State and local sources. But year after year they have created more federal programs; I told you some 760; I think we have it down to a little below 700 now kicking and screaming, but consolidating some of the administration, the A in that, the regulations. They want to regulate and control. As long as they regulate and control, administer programs, decide who gets the grant, who gets this, we have said that we want 90 percent of the money in the classroom and for basic education. They, in fact, have had 90 percent of the money not going into the classroom and for education. They want to determine whether we use the money for school construction, or they want to determine the hiring and firing of teachers. We think that should be left to the local school boards and local officials.

It is a liberal philosophy, a liberal philosophy of RAD. Regulate from Washington, administer from Washington, and dictate from Washington.

Now they did the same thing with the District of Columbia, and what did we inherit in the District? We basically inherited a school system where they are spending more per student than almost any place in the United States and getting less, some of the worst performance records.

In an article in 1996, again of what we inherited, the D.C. public school system had 91 leaky roofs, currently they had 20 condemned boilers and a hundred of 230 buses are nonoperational.

This is what we inherited, and, again, straightening this out has been very difficult, and again the President wants to veto our approach to education in the District, our approach to drug policy in the District, our approach to fiscal responsibility in the District and go back to the reckless ways of spending.

I love these articles because they cite again what we inherited, what this new Republican majority inherited, and I think every Republican should be proud whether it is the American who is out there and registered as a Republican, whether it is a Republican in this Congress, whether it is some of my colleagues who were beaten up and defeated for the fiscal responsibility that they brought about, but I think they should be very proud of what they have done not only in the Congress for the country, but I think what we have done for our Nation's capital.

A nation's capital should be a shining example. Instead it was a disgraceful situation here that we inherited.

This 1996 Washington Post article talks about what we inherited with some of the medical facilities; in this case, the morgue, and I have cited this one before. This is just unbelievable:

Cockroaches crawling across stainless steel autopsy tables, clogged drains that often send blood and body fluid spilling on to the faded tile floor, flies droning in the hot stench, so thick it sticks to your skin and leaves fowl taste in your mouth. And here is a quote from one of the workers there:

We try to do the autopsies early in the morning, it is cooler then.

This was the scene yesterday at the District's dilapidated morgue near the D.C. General Hospital in southeast Washington where 74 corpses, more than three times the morgue's intended capacity, are being stored in a facility where refrigeration sometimes cuts off when it rains.

This is the mess that we inherited with the District of Columbia. This is the way they operated it and administered it, a very important fiduciary responsibility in the Constitution. The Congress is responsible for the District.

It gets even worse. It says one body, and this is the report from this reporter, Washington Post, who looked at it then. One body was on the floor, and some were in body bags that had split open exposing the faces of the corpses. The backlog has occurred in parts because the crematorium the morgue uses to dispose of unclaimed bodies broke down a month ago, and the cash-strapped city had no other way to dispose of the corpses.

This is a part of this argument, and, as my colleagues know, I have said before it was easy for us to balance the budget because what we did is we limited the increases. They have you think that we took food out of the mouths of babies, we closed down social programs. The argument we got into was limiting the increases in spending. They had huge 10, 12, 14 percent, not mentioning the giveaway programs of the District. Seven hundred and twenty-two million, three-quarters of a billion in 1 year, to pay for this mess.

This is what we inherited; it is a disgrace. Can people not deal with these facts? I know this has to be embarrassing for the other side, but this, in fact, is what our majority inherited, what we have been able in a little more than 4 years to straighten out situations like this.

Then, again, we talk about caring for those who are in most need. I talked about the mentally ill children feeding them Jello and rice for months. That is the compassionate liberal solution.

Here, and I used this one last week, I will cite it again: neglected and abused children. Now what can be more responsible than taking care of neglected and abused children?

Here is a worker, a welfare specialist who came in from Guam, and said she saw some very difficult situations in Guam. This is in 1995. But after 6 months in the District's bureaucratic trenches she knows she made a terrible mistake. This is quoting from the article. She quit Friday saddened and shocked, she says, by a foster care system so bad that it actually compounds the problems of the neglected children and their families, and she said and then to come here and see one of the worst situations, it is depressing. She quit in 1995.

This is what we inherited. This is how the so-called compassionate liberals are taking care, custodians of the Nation's capital, spending huge amounts. We have gotten that into balance. We have to take it over, and we are getting these programs into order. The difficult part is getting these programs into order. But this is the disgusting and irresponsible mess that we inherited.

The trauma center, the hospitals. Basically the hospitals were defunct in the District. March 1995, another Washington Post article: Impending cutbacks at D.C. General Hospital make it apparently inevitable that Washington's only public hospital will close its trauma center. This is the busiest center in the city, and the D.C. General Hospital is the only hospital equipped to treat gun shot, stabbing and other major injuries on the city's eastern side which has the most violence and the greatest number of uninsured patients.

1995, March; this is the story. This is what we inherited.

Now, again remember $722 million supplement; in other words, they are running that debt, the taxpayers of the whole country were funding this mess. This is part of what the argument about is with the President of the United States. He vetoed our legislation which is responsible legislation. We brought the District into an administrative order. The 48,000 employees, down to some 33,000, and it should be cut even more; kicking and screaming, they came, and they picketed us, and they boycotted our offices. They kicked and screamed and yelled, but that had to be done to bring the administration, to bring the finances of the District into order.

Again, we face a veto by the president of the United States over what has been proposed as far as getting the District's house in order and as far as liberal versus conservative policies.

□ 2030

I could go on. We have even more stories about what we inherited in the District of Columbia and the battle, the budget battle that is now being fought. I guess the latest strategy from our side is to incorporate in the Health and Human Services appropriations measure the District bill and the President will veto that again.

But do we want to go back to where they had the District of Columbia? Do we want to go to where they had the people of the United States facing incredible deficits and the robbing of trust funds and taking the money from Social Security funds? I say no.

But the proposal before the Congress and the President also deals, and I want to talk specifically about that here, with whether or not to adopt liberal drug policies for the District in addition to liberal spending policies. Liberal drug policies in the bill are manifested in a prohibition of using Federal money on needle exchanges, for one matter, and the other side says give them free needles and they will not get HIV.

In fact, our subcommittee, I chair this Subcommittee on Criminal Justice, Drug Policy and Human Resources and our staff looked into some of the needle exchange programs, not only in the United States but around the world.

One of the first needle exchange programs was in Australia, and we have a report here, a 1997 report, that said free distribution of needles for injections of illicit drugs was introduced in Australia in the late 80's on the hypothesis it would play an important role in prevention of HIV transmission. Free needle distribution and exchange began officially in Sydney, where both HIV infection and IV drug use are concentrated, with a trial program in 1987.

Then a report was done in 1997 in Australia, and it said it specifically provides no evidence, let me read from it, ''it provides no evidence to support the importance of free needle or needle exchange programs and much is to indicate irrelevance to HIV infection in Australia.'' This study also goes on to cite several other areas, and I have also

cited the Vancouver study, which also showed that this needle exchange program actually can have an opposite effect.

But that is what the President of the United States, that is what the liberal side of the aisle would like to impose, is a needle exchange program, federally funded by all the taxpayers, on the premise that, again, it cuts down on HIV transmission. The facts are to the contrary, the studies are to the contrary, a liberal policy versus a conservative policy.

Now, Baltimore really is the premier city that has had a liberal policy. Baltimore is a liberal jurisdiction policy and has had needle exchange. I like to use Baltimore as an example because Baltimore, which adopted a legal needle exchange program, has actually dramatically increased its heroin addicts. In 1996 they went to almost 39,000, according to this chart provided by DEA. In 1998, they were over 56,000, according to DEA. The gentleman from Maryland (Mr. CUMMINGS) has told me he estimates it to be 60,000 drug addicts.

In fact, from Time Magazine, this liberal policy, again which the President would like to have us adopt and the other side would like to have us adopt, this is from Time Magazine just a few weeks ago, not my quote, it is a quote of one of their officials, ''One of every 10 citizens is a drug addict. Government officials dispute the last claim. It is more like 1 in 8, says veteran City Councilwoman Rikki Spector. We probably lost count.'' Again, not my words, a Time Magazine report. A liberal policy.

If you look at what we have done, again, one of the things I am most proud of is we have taken a tougher stance in Washington the last four years, and the murder rate in Washington has decreased 14 percent from 1997 to 1998. We are down to 260 murders. It was in the 400-plus range when I came here. Every night young African Americans were being slaughtered on the streets. This is still not acceptable, but there has been a decrease through a more conservative oversight by, again, I think this Republican Policy Committee and the types of policy we want in the bill that we presented to the President, which he has vetoed.

The same thing has happened with New York. The murder rate decreased there 17 percent in 1997 to 1998. In fact, in Baltimore, the deaths in 1997–1998, this liberal drug policy, it is actually one of the few jurisdictions where they have stayed the same. In fact, they are exactly the same, 312 in 1997 and 312 in 1998.

This is the liberal policy that the President wants to adopt relating to drug programs and to approaches as far as legislative oversight and as far as spending. So we can see factually what happens. You get a dramatic increase in the number of addicts.

The contrary is true, and I have held this job up in New York City under the leadership and conservative zero tolerance approach of Mayor Giuliani, went from over 2,000 murders down to 629 murders. New York, I am not sure what the population of New York is, but it has to be 9 or 10 million people, at least. Baltimore has about 500,000, 600,000 population now, and it has 312 murders, about half the number. That must be 10 or 15 times the murder rate. A conservative approach of Mayor Rudy Giuliani, who has dramatically cut 70 percent of the deaths in New York City.

So we have a choice. We have a choice between a liberal policy and we have a choice between a conservative approach.

Mr. Speaker, with only 3 minutes remaining, I have spoken mostly tonight again on the situation we find ourselves in, but, you know, it is sad, because the District of Columbia has some wonderful people. They go to work and they try to make a living. There are families here, there are single parents here, there are so many good Americans in the District of Columbia, and we do have an important responsibility over the District of Columbia.

But we tried their way. The jails failed, the prisons were destroyed. The public housing was a disgrace. The programs for the mentally ill, the children in most need, the neglected, the education programs, they all failed. Fortunately, that entire model was not transposed on the country.

The pension fund, just as I pointed out, the pension fund of the District was even taken from, just as Social Security.

I will hold this up as I close, because it is important, not only this one bill for the District of Columbia. Many people in America, many Members of Congress, may or may not care about the District specifically. We are very much, particularly in the House, oriented towards the problems of our own District. But it is a Federal responsibility. These are decent human beings.

But should we return to the chaos that they created in 40 years? After some four years-plus of hard work and effort to put money back in the trust fund, to make the District of Columbia something you can be proud of, that people can live and work here, and it is our Nation's Capital, it should be a shining example, and those trust funds should be really part of our trust. That is why the people of America sent us here, for trust, to make sure these programs operate.

So I hope that the American people will read between the lines. I hope that the President will not continue to insist on these vetoes, to bring more liberal policies on needle exchange and other drug legalization schemes, and then have the fiscal responsibility that is so important. It is tough. It is tough being a Member of Congress today because we do want to do the right thing, particularly on our side.

TRIBUTE TO THE LATE HONORABLE JULIUS NYERERE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes.

Mr. PAYNE. Mr. Speaker, it is indeed a sad night tonight, because we will be talking about the loss of a great leader from the country of Tanzania, the former President, Julius Nyerere, who passed away last week in London at the age of 77 years of age.

One of the reasons that we mourn this loss and that we rise today to pay tribute to this great man, a great statesman, a great man of compassion, a great educator, a person with tremendous vision, is because he was a person who believed strongly in Africa's ability to forge a prosperous future through unity and peace.

At the time that Julius Nyerere moved towards his tenure as president, he was a person who had a tremendous belief in education. He was known affectionately throughout Africa as Mwalimu, which means ''teacher'' in Swahili.

My first trip to Tanzania was back in 1973 when I had the opportunity to travel to that country with a YMCA statesmanship group that was a program run by the International Division of the YMCA, at that time Mr. Frank Keeny and persons like Dr. Nicholas Ganteroff and many of the leaders, the late Bob Harlan, who was the CEO of the YMCAs of the USA, a great man of vision. We had the opportunity to travel to Tanzania, and at that time President Nyerere was the leader of that country.

The thing that struck me was that they had what they called education for self-reliance. Education for self-reliance was an educational system that brought the youngsters in about 8 in the morning, and then at noon they broke for 2 hours of work in the fields and they were learning how to be farmers, how to be self-reliant. Following that they would have a late lunch and then go back to class until close to 6 o'clock.

I had the opportunity to visit some of the classrooms, dirt floors, thatched roofs, walls made out of mud, and youngsters in the third and fourth grade were studying algebra, looking at basic trigonometry, speaking at least three to four languages, always Swahili. Everyone spoke English. They learned their local dialect. And I was very, very impressed and started to just study this whole education for self-reliance.

We had the opportunity to visit even in the more rural areas, and President

Nyerere insisted that everyone must participate. He believed in the ''Ujama'' concept. That is the concept of collectivism, that everyone had to produce, everyone had to be a part of the growth and the development of their country.

Tanzania is one of the poorest countries in the world. The beautiful mountain Kilimanjaro is in Tanzania. But the educational system was almost second-to-none in that region of the world. He was a person that brought Tanzania out of the shadows of colonial rule and into independence.

□ 2045

Many of the leaders in Africa used to visit and stay in Tanzania in Dar es Salaam where they used to talk about the Pan-Africanism and the question of independence in their countries, the leaders from Namibia to SWAPO organization, the ANC, the South African organization led by Mr. Nelson Mandela, of course, in prison at that time with Mr. Mbeki and other leaders that we grew to know, Mr. Sisulu. These were ANC leaders who were also in prison, but their colleagues found themselves in Dar es Salaam.

We had leaders from Zambia, at that time Rhodesia. It was northern Rhodesia and Southern Rhodesia, which is now Zimbabwe. But people like Mr. Mugabe, Joshua Nkomo, these great leaders used to migrate down to Dar es Salaam and talk about revolution, talk about independence, talk about freedom, talk about self-reliance.

So we saw the whole area of independence led by our fallen leader who, at the age of 77, died after losing a 2-year battle with leukemia. He was a person who was the first leader to voluntarily step down. Elected in 1962, he decided that he would step down after serving 23 years as president. His people wanted him to continue on. But he said, no, he would not continue on as president, and he stepped down. Elections were held. President Benjamin Mkapa was the one who then became head of Tanzania recently.

It was interesting that, in his drive for independence, the East African countries were under the British rule. They had Uganda, Kenya, and Tanzania. An organization called the East African Federation was created by the British. They integrated the air links, the rail links, the road links.

The break-up of the East African Confederation happened when the countries became independent. It was Jomo Kenyatta who led the Maumaus who really started the whole move to independence, and Kenya was in the lead, although they were not the first. Gada received their independence in 1958, Kenya not until the early 1960s, although Sudan received their independence in 1957, 1956. So we saw, though, President Nyerere taking this country forward.

There was a mean brutal dictator from the bordering country of Uganda. During my travels in Uganda in 1973 and 1974, I was in the presence of the then dictator Idi Amin. Idi Amin was a person who turned on his people.

Idi Amin came to power by defeating President Milton Obote who served as the first president of Uganda but was not serving the people well. Idi Amin, at that time a popular figure with the people of Abu Gandon, took over, by military coups, and ousted Milton Obote. But then Idi Amin tended to turn on his people. Actually, then, with the incident in Entebbe where Israel came in to take out its citizens, that is when Idi Amin totally turned very barbaric on his people, murdering them and killing them and maiming them.

The Organization of African Unity at that time had a protocol that one nation did not interfere with another nation's problems, that although they despise Idi Amin, they said that they would not become involved in another country's problem. That was one of their founding protocols.

But this was wrong, said President Nyerere. In 1979, in defiance to the Organization of African Unity, President Nyerere sent troops to Uganda in response to this intense suffering of Ugandan people under the brutal dictatorship of Idi Amin.

That operation, one of the first humanitarian missions of its kind in Africa, would help set up a legal precedent for peacekeeping missions all over the world as we see today as a common thing, as we see in East Timor, as we see being created for Kosovo, as we hear about the discussion in Sierra Leone, as we have seen in Cambodia in the past.

So it was President Nyerere who said that the suffering has gone on too long, that the people have taken enough, that we must intervene, and, as I indicated, in defiance to the Organization of African Unity, send his troops in and ousted Idi Amin. This was a new wave, a new move, a new era for people of Africa.

Dr. Nyerere I know became concerned about the educational system in Tanzania. I had the opportunity just 2 years ago to visit him at his home outside of Dar es Salaam. He talked about the fact that the educational system was not as good as it was before. He was very, very disturbed about that. He felt that the only way out for developing countries was to have a strong educational system, the type of a system that he produced when he was in charge, even though, as I have indicated, it was a very, very poor country. They put an emphasis on education. He was dismayed about the fact that the country was not progressing as much as he felt it should.

But it was so, so peaceful to sit on his front porch of his home, very modest home, sitting on some chairs on the front porch and talking to this giant of a person. I feel so privileged to have the opportunity to know him and to have been in his company to discuss the problems of Africa to talk about the future of the continent.

As I indicated, it was in 1985 when President Nyerere stepped down and he simply devoted his time to forming and also becoming involved in diplomatic solutions in countries. He worked tirelessly to negotiate an end to violence that plagued central and southern Africa during the past decade.

Most recently, President Nyerere's efforts were directed towards mediating an end to the bloody civil war in a neighboring country of Burundi, where more than 200,000 people, mostly citizens, had been killed since 1993.

As my colleagues know, in Central Africa, the Great Lake Region, we have two countries that have been very troubled, the country of Burundi, as I indicated that President Nyerere decided to have economic boycotts so that military government would see that they had to have democracy, that they had to let all people free and to be treated equally.

Of course the other very troubled country was a country of Rwanda where, as we know, several years ago, we saw genocide when moderate Hutus and Tutsi ethnic people were killed. Numbers estimating between 500,000 and 1 million people were killed during the genocide. Once again, a country that has seen trouble and problems through the years.

Of course, the genocide in Rwanda occurred when the world sat by and said that we would not intervene, we will not send in peace keepers, we will not use Chapter 7 of the United Nations.

It was really one of the most shameful periods in the recent history of the world because the West and everyone around the world sat idly by as people were massacred by the tens of thousands.

The UN that had a small contingent there, rather than ask for reinforcements, decided to leave. As a matter of fact, they left some of their employees who were of Rwandan birth there, many of them whom, of course, were massacred along with the other people who were left in that country. So it was President Nyerere, once again, who said that this sort of thing must end.

Of course we saw Mr. Kagami come out of Uganda with the Rwanda patriotic front that routed the Hutu militia and drove them out of the country into the bordering then Zaire, which of course Zaire was a country that had been led for 30 years by the dictator of that country who robbed and raped the country of all of its resources.

We saw the fact that Mr. Mobutu, the self-declared president, stole the diamonds and the riches and allowed his people to suffer. The Hutu X-FAR and

the Interahamwe, the Interahamwe were the people who planned the genocide, decided that they would go into Zaire, now the Congo, the Democrat Republic of Congo.

It was not until the Organization of African Unity and others said that enough is enough. The fact that the forces of Laurent Kabila that led a revolution to oppose President Mobutu then opened up the refugee camps to allow the people to return back from Goma, the then Zaire, back to Rwanda.

So we have seen the fact that President Nyerere has had a very, very important role in the development, because, even during that time, he counseled leaders and he convened meetings to see if there could be some negotiated settlement.

He also was a person who liked to read. What he did was to take eight books, books that should, he felt, be translated. He personally translated William Shakespeare's plays of Julias Caesar and the Merchant of Venice into Swahili. He would like to teach this.

He was a Roman Catholic. Mr. Nyerere had eight children, was married. He just did so much to make that nation, although one of the poorest in the world, a very proud country, a very popular place to visit. It is a wonderful place. The beaches down in Dar es Salaam are among the most beautiful in the world.

The United Republic of Tanzania, though, under his leadership and his consultation, amended its constitution in 1992 to become a multiparty State. In 1995, the nation conducted its first multiparty elections. At that time, it was just one political party when Mr. Nyerere was there. It was the Tanu party. In Kenya, there was only one party, the Kanu party. So we saw that Mr. Nyerere, as he left office, encouraged the country to go to multiparty elections and to become a multiparty State.

Many people wonder why many of the African countries were only one party, but those who were involved in revolution, the freedom fighters, they were the leaders who said we will fight against the colonial powers, and they did, and others who accepted the colonial powers.

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So there was just one political party. There was just one group of people who fought to relieve the countries of the colonial powers, and that is why they justified a one-party system.

In 1992, they had these multiparty elections, and at that time we saw the President, the election of Mr. Benjamin Mkapa, who won a four-way race with 61 percent of the vote. The island of Zanzibar and Tanzania are related and together they are the United Republic of Tanzania, although the government in Zanzibar has its own parliament, it has its own president or prime minister.

And, actually, in Zanzibar, there has been questions about the elections. I visited Zanzibar several years ago and met with the prime minister there who indicated that the country is equally divided between Indian and African descent. It is about 50–50. And their dilemma is attempting to try to come up with a solution so that both parties, both groups of people, can feel that they are being represented in the government; that there needs to be a sharing of the responsibility of governing the country. We worked on some ideas about how that could happen. They need to have everyone feeling that they are included and are a part of the government.

But as Tanzania now moves with the multiparty, we had the opportunity to have Mr. Mkapa here just several months ago where he addressed the Members of Congress in the Congressional Black Caucus's legislative conference. And there was a lot of pressure for Mr. Mkapa to become involved in the conflict in the Congo. As my colleagues may or may not be aware, there was a recent conflict where seven countries became participants in sort of a mini world war in Africa. Lawrence Kabila's government was under attack from Uganda and Rwanda because the leaders of Uganda and Rwanda felt that the leaders of the genocide, the X-FAR and the Interahamwe were still in Zaire, still in the Congo, and that Mr. Kabila was not doing enough to get them disarmed and returned back to face trials in Rwanda. And so there was a conflict with Uganda and Rwanda on one side, Namibia and Zimbabwe and Angola and Sudan on the other side.

Just recently, we have seen the fact that finally there has been a negotiated settlement, a plan of the Lusaka Accords that have been led by President Chiluba of Zambia, where they have signed the accord. And we hope now that the Congo will end this fighting for good so that the people who have been under the brutal dictatorship of Mr. Mobutu for 30 years can finally start to have self-determination, start to have educational programs, start to be relieved of the dictators and the repressive government that they have had to endure for so long. So there is hope.

We are looking towards the leaders in central Africa to come up with solutions. We can look to a place, a country like Mozambique, also one of the poorest countries in the world, where we have seen a growth in the GDP in Mozambique of about 8 or 10 percent annually. We have seen the fact that the people there are working together. The former Renamo forces now have become a political party with the MPLA and they are working together in unity to make conditions better for the people of that country. We have seen Namibia go through some problems as well as problems up close to Angola, but we now are seeing President Josh Nkomo moving to new elections so that the people once again will be able to move forward and progress as we move towards the new millennium.

We look at Nigeria with its new president, President Obasanjo, who I will have the pleasure to meet with tomorrow, that has ended the military rule of its 38 years since independence, 28 years of military rule. And we now see President Obasanjo retiring the military. As my colleagues know, the brutal dictator Abacho had imprisoned President Obasanjo and imprisoned Chief MKO Abiola, who won the June 12 elections but was imprisoned because he said he was president and they said the elections were annulled.

So now, the new Nigeria, with its elected parliament, with its new leaders, with its tremendous resources of oil and diamonds and timber and agricultural promise, we believe will once again move towards a direction of increase in its GDP and once again provide the outstanding education that it did for its people at its independence. Nigeria, with South Africa, with its new leader Thabo Mbeki can really be the engines of South Africa. A healthy South Africa and a strong Nigeria can pull the rest of the countries in Africa along into progress.

So we are encouraged by the fact that these two giants have had positive elections, have had a transition, have had a turnover from military rule. As we saw in the apartheid South Africa to a new multiracial Democratic society, we are seeing the same situation happening in Nigeria. So there is a tremendous amount of hope and there is a tremendous amount of opportunity.

We also would like to see increased trade and development between the United States and Africa. We have the technical resources to be able to assist them in this growth and development. They have the natural resources. Together we can harness tremendous energy so that both the Africans and Nigerians, South Africa, and Namibia, and all of the countries, the 50 sub-Saharan countries, 700 million people, will be able to start to benefit and enjoy the fruits of a true democracy and education and health care. The fact that everyone will be judged by their worth is something that these countries look forward to.

So as I conclude, I once again would like to say that the world is better off because of Dr. Julius Nyerere; that many of us have looked to him as a leader, a person of inspiration, a person who during my young years I looked to him as someone that I would like to emulate. And so it is with a great deal of sorrow that we have seen this fallen leader come to the end of his great career, but all of us in the world are better off for what he has done.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of personal business.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today after 2:15 p.m. on account of official business.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today and October 27 on account of medical reasons.

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. TOWNS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. HASTINGS of Florida, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mrs. NORTHUP, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today and October 27.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2367. An act to reauthorize a comprehensive program of support for victims of torture.

ADJOURNMENT

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 27, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4921. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 99–044–2] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4922. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Amendments to the Regulations for Cotton Warehouses—Electronic Warehouse Receipts and Other Provisions (RIN: 0560–AE60) received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4923. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General John B. Sams, Jr.; to the Committee on Armed Services.

4924. A letter from the Legislative and Regulatory Activities Division, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Extended Examination Cycle For U.S. Branches and Agencies of Foreign Banks (RIN: 3064–AC15) received October 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4925. A letter from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting the Department's final rule—Final Regulations—Federal Perkins Loan Program and Federal Family Education Loan Program—received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4926. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Norway for defense articles and services (Transmittal No. 00–01), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4927. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4928. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4929. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 00–08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4930. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 00–07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4931. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4932. A letter from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Glacier Bay National Park, Alaska; Commercial Fishing Regulations (RIN: 1024–AB99) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4933. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 990304063–9063–01; I.D. 101399C] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4934. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996; to the Committee on the Judiciary.

4935. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–360C, SA–365C, C1, C2, SA–365N, N1, AS–365N2, and SA–366G1 Helicopters [Docket No. 98–SW–26–AD; Amendment 39–11359; AD 99–21–14] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4936. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GMBH Model BO–105A, BO–105C, BO–105 C–2, BO–105 CB–2, BO–105 CB–4, BO–105S, BO–105 CS–2, BO–105 CBS–2, BO–105 CBS–4, and BO–105LS A–1 Helicopters [Docket No. 99–SW–52–AD; Amendment 39–11357; AD 99–19–22] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4937. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100) Series Airplanes [Docket No. 98–NM–385–AD; Amendment 39–11355; AD 99–21–11] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4938. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 98–NM–345–AD; Amendment 39–11361; AD 99–21–16] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4939. A letter from the Trial Attorney, Federal Railroad Administration, Department of

Transportation, transmitting the Department's final rule—Qualification and Certification of Locomotive Engineers; [FRA Docket No. RSOR–9, Notice 12] (RIN: 2130–AA74) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29786; Amendment No. 1954] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4941. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29787; Amendment No. 1955] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lyons, KS [Airspace Docket No. 99–ACE–38] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ava, MO [Airspace Docket No. 99–ACE–37] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4944. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and establishment of Class E2 Airspace; Fort Rucker, AL [Airspace Docket No. 99–ASO–14] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Fort Bragg, CA [Airspace Docket No. 99–AWP–12] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Gualala, CA [Airspace Docket No. 99–AWP–13] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lakeport, CA [Airspace Docket No. 99–AWP–16] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A321 Series Airplanes [Docket No. 99–NM–193–AD; Amendment 39–11362; AD 99–21–17] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Clearlake, CA [Airspace Docket No. 99–AWP–15] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Napa, CA [Airspace Docket No. 99–AWP–17] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; St. Helena, CA [Airspace Docket No. 99–AWP–14] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Nevada, MO [Airspace Docket No. 99–ACE–40] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wayne, NE [Airspace Docket No. 99–ACE–29] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4954. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Altus, OK [Airspace Docket No. 99–ASW–16] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4955. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Norfolk, NE [Airspace Docket No. 99–ACE–45] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4956. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Georgetown, TX [Airspace Docket No. 99–ASW–18] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4957. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200PF Series Airplanes [Docket No. 98–NM–338–AD; Amendment 39–11380; AD 99–22–02] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4958. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.27 Mark 050 Series Airplanes [Docket No. 99–NM–225–AD; Amendment 39–11379; AD 99–21–33] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4959. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airwothiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 98–NM–340–AD; Amendment 39–11378; AD 99–21–32] (RIN: 2120–AA64) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4960. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—November 1999 Applicable Federal Rates [Revenue Ruling 99–45] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. BLILEY: Committee on Commerce. H.R. 2531. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 2000, and for other purposes; with an amendment (Rept. 106–415). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RUSH:

H.R. 3145. A bill to modify the provisions of the Balanced Budget Act of 1997 relating to the Medicare Program under title XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, 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 (for himself, Mr. BILIRAKIS, Mr. TAUZIN, Mr. PICKERING, Mr. BLUNT, Mr. BURR of North Carolina, Mr. GREENWOOD, Mr. UPTON, Mr. SHADEGG, Mr. OXLEY, Mr. ROGAN, Mr. WHITFIELD, Mr. DEAL of Georgia, Mr. LAZIO, and Mr. BRYANT):

H.R. 3146. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to adjust the Medicare, Medicaid, and children's health insurance programs, as revised by the Balanced Budget Act of 1997; 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. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. WYNN, and Mr. WOLF):

H.R. 3147. A bill to amend title 5, United States Code, to alleviate the pay-compression problem affecting members of the Senior Executive Service and other senior-level Federal employees, and for other purposes; to the Committee on Government Reform.

By Ms. ESHOO (for herself and Mr. UPTON):

H.R. 3148. A bill to amend the Federal Food, Drug, and Cosmetic Act to require any person who reprocesses a medical device to comply with certain safety requirements, and for other purposes; to the Committee on Commerce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. BECERRA, Mr. BERMAN, Mr. RODRIGUEZ, Mr. RANGEL, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. REYES, Mr. ENGEL, Mr. JACKSON of Illinois, Mr. GREEN of Texas, Ms. ROYBAL-ALLARD, Mr. OWENS, Mr. WYNN, Mr. DIAZ-BALART, Mr. WEXLER, Mr. MCGOVERN, Mr. ORTIZ, Ms. LEE, Ms. BERKLEY, Mr. GUTIERREZ, Mr. MENENDEZ, Ms. KILPATRICK, Mr. SERRANO, Mrs. NAPOLITANO, Mr. HILLIARD, Mr. PASTOR, Mr. BLAGOJEVICH, Ms. ROS-LEHTINEN, Mrs. MALONEY of New York, Mr. MATSUI, and Mrs. CHRISTENSEN):

H.R. 3149. A bill to repeal the limitation on judicial jurisdiction imposed by section 377 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. STARK, Mr. HALL of Ohio, Mr. BARRETT of Wisconsin, Ms. BALDWIN, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. MENENDEZ, Mr. RANGEL, Mr. MATSUI, Mr. KENNEDY of Rhode Island, Mr. MEEHAN, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. KAPTUR, Mr. GEORGE MILLER of California, Mr. LAFALCE, Mr. WAXMAN, Mr. DAVIS of Illinois, Ms. STABENOW, Mr. EVANS, Mr. CONYERS, Mrs. LOWEY, Mr. WATT of North Carolina, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. OBERSTAR, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. CLAY, Mr. BERMAN, and Mr. GREEN of Texas):

H.R. 3150. A bill to require the Secretary of Health and Human Services to provide bonus grants to high performance States based on certain criteria and to collect data to evaluate the outcome of welfare reform, and for other purposes; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself and Mr. WHITFIELD):

H.R. 3151. A bill to provide funding for the Portsmouth and Paducah, Tennessee, gaseous diffusion plants; to the Committee on Commerce.

By Mr. TOOMEY:

H. Con. Res. 208. Concurrent resolution expressing the sense of Congress that there should be no increase in Federal taxes in order to fund additional Government spending; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. PORTER, Mr. GILMAN, Mr. PAYNE, Mr. SMITH of New Jersey, Ms. MCKINNEY, Mr. HASTINGS of Florida, Mrs. MORELLA, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BOEHLERT, Mr. CLAY, Mr. CROWLEY, Mr. CUMMINGS, Mr. FARR of California, Mr. HALL of Ohio, Mr. HILLIARD, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. KUCINICH, Mrs. LOWEY, Mr. LUTHER, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. ROMERO-BARCELÓ, Mr. SABO, Mr. SANDERS, Mr. SERRANO, Mr. STARK, Mr. TIERNEY, Mr. VISCLOSKY, and Mr. WAXMAN):

H. Con. Res. 209. Concurrent resolution expressing condemnation of the use of children as soldiers and the belief that the United States should support and, where possible, lead efforts to establish and enforce international standards designed to end this abuse of human rights; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mrs. LOWEY.
H.R. 73: Mr. BILIRAKIS.
H.R. 325: Mr. PETERSON of Minnesota.
H.R. 383: Ms. LEE.
H.R. 405: Mr. LARSON.
H.R. 420: Mr. SANFORD.
H.R. 505: Ms. ROYBAL-ALLARD.
H.R. 721: Mr. THORNBERRY.
H.R. 809: Mr. STRICKLAND.
H.R. 860: Mr. PAYNE.
H.R. 997: Mr. LEACH, Mr. BURTON of Indiana, and Mr. MASCARA.
H.R. 1006: Ms. LEE.
H.R. 1046: Mrs. EMERSON.
H.R. 1052: Ms. WOOLSEY, Ms. ESHOO, Mr. BAIRD, and Mr. LANTOS.
H.R. 1070: Mr. CONYERS.
H.R. 1090: Mrs. LOWEY and Mr. TRAFICANT.
H.R. 1111: Mr. PAYNE.
H.R. 1115: Mr. GOODLATTE and Ms. JACKSON-LEE of Texas.
H.R. 1123: Mr. CROWLEY.
H.R. 1155: Ms. SCHAKOWSKY.
H.R. 1288: Ms. BERKLEY.
H.R. 1322: Mr. UNDERWOOD.
H.R. 1323: Mr. MCCRERY and Ms. DANNER.
H.R. 1344: Mr. GREEN of Wisconsin.
H.R. 1355: Mr. ABERCROMBIE.
H.R. 1387: Mr. DEAL of Georgia and Mr. MASCARA.
H.R. 1388: Ms. LEE.
H.R. 1459: Mr. GREENWOOD and Mr. PHELPS.
H.R. 1485: Mr. DIXON.
H.R. 1579: Mr. PETERSON of Pennsylvania and Ms. BERKLEY.
H.R. 1592: Mr. MICA and Mr. DICKS.
H.R. 1598: Mr. HAYES, Mr. MALONEY of Connecticut, Mr. STUMP, and Mr. SUNUNU.
H.R. 1606: Mr. LARSON.
H.R. 1611: Mr. SUNUNU.
H.R. 1648: Ms. NORTON.
H.R. 1760: Mr. CAMPBELL and Mrs. KELLY.
H.R. 1776: Mrs. FOWLER, Mr. CROWLEY, Mr. HILL of Indiana, Mr. QUINN, Mr. MCKEON, Mrs. EMERSON, and Mr. BORSKI.
H.R. 1798: Mr. BARRETT of Wisconsin and Mr. EHRLICH.
H.R. 1839: Mr. BONIOR and Mr. PAYNE.
H.R. 1869: Mrs. THURMAN.
H.R. 1890: Mr. COX.
H.R. 1977: Mrs. FOWLER.
H.R. 2121: Mr. LEVIN and Mr. FARR of California.
H.R. 2125: Mr. BERMAN.
H.R. 2200: Mr. WALSH.
H.R. 2262: Mr. CUMMINGS.
H.R. 2263: Mr. CUMMINGS.
H.R. 2264: Mr. CUMMINGS and Mr. COYNE.
H.R. 2267: Mr. DOOLITTLE, Mr. EHLERS, Mr. KNOLLENBERG, Mr. BROWN of Ohio, and Mrs. WILSON.
H.R. 2362: Mr. SENSENBRENNER and Mr. BURTON of Indiana.
H.R. 2366: Mr. STUMP.
H.R. 2376: Mr. SENSENBRENNER.
H.R. 2420: Mr. BUYER and Ms. MCKINNEY.
H.R. 2486: Mr. WU and Mr. LIPINSKI.
H.R. 2551: Mr. BURR of North Carolina, Mr. SANDLIN, Mr. LAHOOD, Mr. JONES of North Carolina, and Mr. NADLER.
H.R. 2638: Mr. OXLEY.
H.R. 2655: Mr. TIAHRT and Mr. CRANE.
H.R. 2680: Mr. STUPAK.
H.R. 2710: Mr. GILMAN.
H.R. 2720: Mr. LUCAS of Oklahoma.
H.R. 2722: Mr. GEORGE MILLER of California.
H.R. 2726: Mr. COBLE and Mr. NEY.
H.R. 2733: Mr. MORAN of Virginia and Mr. SMITH of New Jersey.
H.R. 2749: Mr. RADANOVICH.
H.R. 2776: Mr. DEFAZIO and Ms. SCHAKOWSKY.
H.R. 2788: Mr. GANSKE.
H.R. 2800: Mrs. CUBIN.
H.R. 2817: Mr. MATSUI, Mr. OXLEY, and Mr. KUCINICH.
H.R. 2840: Mr. COSTELLO.
H.R. 2859: Ms. PELOSI, Mr. MEEHAN, Mr. GEJDENSON, and Mr. MCDERMOTT.
H.R. 2870: Mr. PASTOR, Mr. STARK, and Ms. DELAURO.
H.R. 2901: Mr. NEY.
H.R. 2963: Mr. BISHOP.
H.R. 2971: Mr. BAKER, Mr. BLILEY, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. HASTINGS of Washington, Mr. ISTOOK, Mrs. MYRICK, Mr. POMBO, Mr. ROGAN, Mr. SENSENBRENNER, and Mr. WOLF.
H.R. 3034: Mr. HILL of Montana and Mr. ENGLISH.
H.R. 3053: Mr. HUNTER, Mr. VITTER, Mr. FOSSELLA, Mr. SAXTON, Mr. ENGLISH, Mr. HEFLEY, and Mrs. MYRICK.
H.R. 3059: Mr. GUTIERREZ and Mr. COOK.
H.R. 3073: Ms. CARSON and Mr. SHAW.
H.R. 3087: Mr. OWENS and Mr. RANGEL.
H.R. 3108: Mr. TIAHRT and Mr. RYUN of Kansas.
H.R. 3115: Mr. GRAHAM.
H.R. 3123: Mr. PICKERING.
H.R. 3132: Mr. PAYNE, Mr. DIXON, and Mrs. CHRISTENSEN.
H.R. 3144: Mr. MALONEY of Connecticut, Mr. STUPAK, Mr. GEJDENSON, Mr. LATOURETTE, Ms. DELAURO, Mr. KENNEDY of Rhode Island, Mr. ANDREWS, Mr. HILLIARD, Mr. WAXMAN, Ms. WOOLSEY, Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Ms. CARSON, Mr. CARDIN, Mr. WYNN, Mr. CAPUANO, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. LEVIN, Mr. VENTO, Mr. CROWLEY, Mr. HINCHEY, Mrs. MALONEY of New York, Mr. OWENS, Mr. SERRANO, Mr. TOWNS, Mr. PRICE of North Carolina, Mr. POMEROY, Mr. KUCINICH, Mr. WU, Mr. WEYGAND, Mr. WISE, Mr. CLEMENT, Mr. FORD, Mr. GORDON, Mr. EDWARDS, Mr. GONZALEZ, Mr. LAMPSON, Mr. MCDERMOTT, and Mr. KLECZKA.
H.J. Res. 53: Mr. SHAYS.
H.J. Res. 56: Mrs. MALONEY of New York.
H.J. Res. 70: Mr. ENGLISH, Mr. GUTIERREZ, and Mr. NETHERCUTT.
H. Con. Res. 62: Mr. KILDEE, Mr. PICKETT, Mr. MANZULLO, and Mrs. EMERSON.
H. Con. Res. 177: Mr. HINCHEY, Mr. GUTIERREZ, and Mr. KENNEDY of Rhode Island.
H. Con. Res. 182: Mr. HORN, Mr. SESSIONS, Mr. ETHERIDGE, Ms. STABENOW, and Ms. SANCHEZ.
H. Con. Res. 189: Mr. INSLEE and Mr. LOBIONDO.
H. Con. Res. 190: Mr. KUYKENDALL and Mr. JOHN.
H. Res. 107: Mr. DELAHUNT, Ms. SANCHEZ, and Mrs. TAUSCHER.
H. Res. 169: Mr. WEXLER.
H. Res. 238: Mr. THOMPSON of Mississippi, Mr. BARTLETT of Maryland, and Mrs. KELLY.
H. Res. 239: Mr. SOUDER.
H. Res. 340: Mr. LANTOS, Mr. WEXLER, Ms. BROWN of Florida, Mr. TIERNEY, and Mr. HOYER.

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. 1475: Mr. TOWNS.
H.J. Res. 2: Mr. FRANK of Massachusetts.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE JUVENILE DIABETES FOUNDATION DURING NATIONAL DIABETES AWARENESS MONTH

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to bring to the attention of this body an organization that is leading the fight against a disease that debilitates and claims the lives of millions of Americans each year.

The statistics regarding diabetes are appalling. On average, the disease kills one American every three minutes. Sixteen million Americans suffer from the disease; of those, 5.4 million are undiagnosed. And, it should be known that taking insulin does not cure the disease or prevent the development of complications.

Tragically, diabetes strikes people of all ages. And it is a costly medical and financial burden. The average lifetime cost of diabetes care for a person diagnosed at age 3 is calculated at $600,000.

In this regard, we look to groups such as the Juvenile Diabetes Foundation International (JDF), a non-profit, non-governmental organization founded in 1970 by parents of children with diabetes. JDF's mission is to find a cure for diabetes and its complications through the support of research.

Since its founding, JDF has spent more resources on diabetes research than any other non-profit, non-governmental agency in the world. Volunteers help define research priorities, select grant recipients, lead advocacy efforts, and provide guidance to overall operations.

At least 80 cents of every dollar goes directly to research and education. The Wall Street Journal's Smart Money Magazine name JDF one of the Nation's top 10 charities ''you can trust'' and one of only two charities in the health field.

This year alone, more than 200 research grants and over 110 fellowship and career development awards were granted to scientists in 17 countries throughout the world. In 28 years, JDF has been instrumental in encouraging the National Institutes of Health (NIH) to increase diabetes research funding from $18 million to $415 million annually.

Mr. Speaker, as we recognize November as National Diabetes Awareness Month, I would like to commemorate the outstanding and selfless work of the Juvenile Diabetes Foundation International.

RECOGNIZING THE FIFTY YEAR MEMBERS OF THE SERB NATIONAL FEDERATION LODGE NO. 64

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. KLINK. Mr. Speaker, I rise today to recognize Serb National Federation Lodge No. 64 ''Napredak'' in Biddle, Pennsylvania which will be honoring its fifty year members on Sunday, October 31st, 1999.

Founded in 1907 by Yugoslav immigrants who came to Biddle to work in the coal mines, the lodge became an important way for these new Americans to support and help one another to overcome social obstacles and improve their quality of life. Named ''Napredak'', meaning ''progressive'', the members of the lodge strived not only to establish themselves and their families in the community while maintaining their heritage but to create fair and safe working conditions in the mines that employed them. In Biddle, this tie between culture and coal is still represented by the Biddle Serbian Club. Originally a Westmoreland Coal 'company store', lodge members have been meeting and holding picnics there for decades. They eventually purchased the building and turned it into the Biddle Serbian Club, preserving not only their history but that of the coal company.

Like many ethnic groups, American Serbs found security in maintaining their culture by building Serbian Orthodox Churches, establishing dance groups and choirs, and hosting picnics that featured traditional foods. The SNF also gave them the opportunity to purchase insurance policies to protect their families long before employers offered this benefit.

The SNF and the Biddle Serbian Club remain strong foundations for preserving the unique and wonderful culture and history of the Serbian people generations later.

Today, we honor the founders who built and maintain SNF Lodge No. 64. They are the very essence of the story of America. They came to the United States looking for opportunity, freedom, and prosperity. They often struggled to realize these dreams, but they never wavered from the belief that by working hard and living right that they would succeed. American Serbs proudly joined the millions of other immigrants from around the world that make the United States the amazingly diverse and culturally rich nation that it has become.

I salute the fifty year members of the SNF Lodge No. 64 ''Napredak'' in Biddle, Pennsylvania and congratulate them for their half century commitment to family, community, and tradition.

TRIBUTE TO CARL WILLIAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. McINNIS. Mr. Speaker, every so often I hear a wonderful story of someone giving of their time and money to contribute to their community. I rise here today to tell you of a man who has done just that. Carl Williams has donated the eighth largest carillon and its shining gold tower to the new Daniel Ritchie Center for Sports and Wellness at the University of Denver.

To reach the new bell tower you have to climb up a twisting 100-step staircase. Once in the tower you realize just how magnificent this feat really is. There is a long keyboard with two rows of levers that operate the sixty-five bell carillon. Crafted in the Netherlands, the bells of the Williams Carillon can be heard up to a mile away. They fill the air with beautiful melodies and classic music.

Mr. Speaker, it is with this that I say thank you to Carl Williams for his donation that has added so much to the atmosphere and tradition of the University of Denver. His legacy of giving is apppreciated and deserving of recognition.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. BALLENGER. Mr. Speaker, had I been present for rollcall votes 533, 534, 535, and 536 last night, I would have voted ''yea.''

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Monday, October 25, 1999, I was unable to cast my floor vote on rollcall numbers 533–536.

The votes I missed include rollcall vote 533 on approving the Journal; rollcall vote 534 on the motion to suspend the rules and pass, as amended H.R. 754, Made in America Information Act; rollcall vote 535 on the motion to suspend the rules and pass, as amended H.R. 2303, History of the House Awareness and Preservation Act; and rollcall vote 536 on the motion to suspend the rules and agree to House Concurrent Resolution 194, recognizing the contributions of 4–H Clubs and their members to voluntary community service.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 533, 534, 535, and 536.

REPROCESSED SINGLE USE MEDICAL DEVICE PATIENT SAFETY AMENDMENTS OF 1999

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Ms. ESHOO. Mr. Speaker, I rise to express my grave concerns about the practice of reprocessing and reusing single-use medical devices. There have been several recent media reports of medical devices intended for one use only being cleaned and used again on a different patient. Delicate devices, such as balloon catheters and biopsy forceps, are being reused on patients and causing infection and injuries.

It's estimated that as many as one in every three hospitals are reprocessing and reusing medical devices intended for single-use only. They are doing it without the consent of the patient and they are charging Medicare and the Federal Government the full price of a new device.

This practice is both deceptive and dangerous. Unsterile, brittle devices are injuring patients. A recent article in U.S. News & World Report told of a 50-year old woman who needed surgery when two reprocessed catheters broke during a brain scan. Premature babies have suffered infections from unsterile sutures. A biopsy patient was contaminated with hepatitis B from reused biopsy forceps.

Mr. Speaker, FDA clearly has the authority to regulate the practice of reusing medical devices yet it has failed to do so. Representative UPTON and I are introducing legislation today to ensure FDA regulation so that patients are protected. Our bill, the Reprocessed Single Use Medical Device Patient Safety Act of 1999, will require reprocessed medical devices to undergo pre-market approval for safety and effectiveness. The bill will also require hospitals to get a patient's informed consent before reusing a single-use medical device on them. Finally, the bill will require hospitals to monitor and report any injuries or infections that occur as a result of using a reprocessed medical device.

I understand the fiscal constraints hospitals are under. Managed health care has cut their payments so drastically that they feel pressured to cut costs wherever possible. However, we can't continue putting patients at risk in order to save a few dollars. We must put patients before profits. I urge my colleagues' support for the Reprocessed Single Use Medical Device Patient Safety Act of 1999.

TRIBUTE TO SETH RITCHIE, A ''NATIONAL CHAMP''

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this time to tell you of a truly remarkable young man. He has seen hardships in his life that no one should ever have to endure. In 1994, he was in a terrible automobile accident that left him paralyzed and took the life of his dear friend Delano Garcia. Despite all this, Seth Ritchey has risen above his grave personal adversity to win his division at the U.S. Wheelchair Open Tennis Championships.

Although Seth picked up wheelchair tennis just a year and a half ago, already he has excelled beyond anyone's expectations. Three months after his first tennis clinic in Grand Junction, Colorado, he was playing in his first tournament. Although he met some adversity in that tournament, he came right back, showing his true spirit in the next tournament held in Florida. There he was matched up against the best competition on the Eastern Seaboard, but still managed to win his division. Last summer at the Doris Denker Wheelchair Tournament he again ran into some tough competition. This did not slow him down. He traveled to San Diego, California to compete against players from all over the world in the U.S. Wheelchair Open Tennis Championships earlier this month. There he played in two matches a day that each lasted for up to three hours against players that had twenty years of experience on him. He won his division and became national champion.

Rarely do I hear a story like Seth Ritchie's. He is a truly remarkable young man who gives me inspiration to achieve more. I hope that more people can hear his story and gain from it what I have. So, it is with this, Mr. Speaker, that I say congratulations to Seth Ritchie for all of his accomplishments. He is a true hero and an inspiration to us all.

HONORING ANGUS C. BULLIS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Angus C. Bullis, a resident of Mariposa for many years. Angus died on September 19, 1999, he was 74.

Mr. Bullis entered the service in 1941 where he served in the Navy Air Corps as a navigator until 1945. He started his painting contracting business in Fresno in 1956, and continued it for 43 years. Angus moved with his wife Helen and their family to Mariposa in 1968.

Angus Bullis served on the Mariposa County School Board for 12 years. He was also active in many organizations: Oddfellows Lodge #39, Rebekah Lodge #326, Life Member-Mariposa Golden Agers, Veterans of Foreign Wars, Mariposa County Republican Central Committee, Mariposa County Farm Bureau as 4–H Council President, Mariposa Contractors Association, Mariposa Wine and Grape Growers Association and he received the Honorary PTA Service Award.

Angus' hobby for the past seven years had been developing a seven-acre Zinfandel grape vineyard that produced gold medal award wines.

Mr. Bullis is survived by his devoted wife of 48 years, Helen, his children and many family members and friends.

Mr. Speaker, I extend my condolences to the Bullis family. I urge my colleagues to join me in honoring Angus Bullis for his devotion to his family, the community and the United States Navy Air Corps.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent Monday, October 25, 1999, and as a result, missed rollcall votes 533 through 536. Had I been present, I would have voted ''yes'' on rollcall vote 533, ''yes'' on rollcall vote 534, ''yes'' on rollcall vote 535, and ''yes'' on rollcall vote 536.

COMMEMORATING JUDGE DANIEL LEE KONKOL AS THE SOUTHSIDE BUSINESS CLUB MAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor Milwaukee Circuit Court Judge Daniel Konkol, named Man of the Year by the Southside Business Club. We celebrate his recognition because it is an affirmation of the American Dream, the story of a hardworking, first generation Polish-American who, by dint of hard work and perseverance, became one of the most respected jurists and community leaders in the Milwaukee area.

Daniel Lee Konkol attended DeSales Prep Seminary High School and graduated in 1969. Later he attended Marquette University where he received his B.A. degree in 1973 and his J.D. degree in 1976. Dan worked his way through high school and college holding many jobs, from a maintenance worker at various schools—and even a convent—to a short order cook at a drive-in run by his neighbor.

It didn't take long for Dan's talent and commitment to catch the eye of those in the legal community. Following graduation from law school, Dan was hired as an assistant district attorney for Racine County. He worked there for eight years under three district attorneys, gaining experience in prosecuting all types of criminal matters including homicides, armed robberies, burglaries, domestic violence, and welfare fraud.

In 1985, Dan was appointed an assistant Milwaukee County court commissioner by Circuit Court Chief Judge Victor Manian. While a

commissioner in 1988, Dan published in the Milwaukee Lawyer an article titled ''The New Paternity Law: Law and Procedures.'' In 1990, he received a Wisconsin State Bar Commendation for an article he published in the Wisconsin Lawyer titled ''Civil Restraining Orders, Distinguishing Domestic Abuse and Harassment.''

In 1992, with extensive help from many friends and relatives, Dan ran a low-budget election campaign and was selected by voters as judge of the newly created Milwaukee County Circuit Court Branch 44. In 1998 he was re-elected without opposition.

He is known for his signature sky blue judicial robes, his excellent judicial record and his involvement in numerous fraternal, business, and civic organizations.

Mr. Speaker, I proudly commend Judge Daniel Konkol, named Man of the Year by the Southside Business Club.

CIVITAS PROGRAM RESTORING HOPE IN BOSNIA AND HERZEGOVINA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. SHERMAN. Mr. Speaker, in recent weeks a delegation of educators and education officials from Bosnia and Herzegovina traveled to my district to continue their work with the Center for Civic Education in implementing a successful civic education initiative called Civitas @ Bosnia and Herzegovina which is restoring hope to that divided nation.

The Civitas initiative consists of an education for democracy program for elementary and secondary students in Bosnia and Herzegovina with the goal of promoting the development of a political culture supportive of democratic values, principles, and institutions.

The distinguished members of the delegation include: Rahela Dzidic, Executive Director, Civitas @ Bosnia and Herzegovina, Sarajevo, Mile Ilic, Professor of Pedagogy and Psychology, University of Banja Luke, Banja Luka, Sanja Kantar, Philosophy Professor, Prijedor, Dejan Krunic, Counselor for Physics and Astronomy, Pedagogical Institute of the Republika Srpska, Civitas Regional Coordinator, Banja Luka, Anton Milos, Elementary School Principal, Civitas Municipal Coordinator for Kiseljak, Brestovsko, Ismet Salihbegovic, Deputy Minister of Education, Sarajevo Canton, Sarajevo, Halil Spago, Counselor for Education, Mostar Canton, Ministry of Education, Mostar, Esad Toromanovic, Sociology Professor, Civitas Cantonal Coordinator, Una Sana Canton, Bihac, Karlo Zelenika, Psychology and Pedagogy Professor, Civitas Cantonal Coordinator, Sikoki Brijeg, Masa Miskin, Translator, student, University of Sarajevo, Philosophy Faculty, Sarajevo, Aida Skaljic, Civitas Translator/Assistant, Sarajevo.

The Civitas initiative in Bosnia has produced impressive results. More than 2,500 teachers in all parts of Bosnia and Herzegovina have been using Project Citizen, a program translated and adapted from a successful civic education middle school program used in the United States. The teachers also are using translated and adapted versions of selected lessons on basic concepts of democracy. In all of Bosnia and Herzegovina, the program has reached more than 100,000 elementary and secondary students since its inception in 1996.

The initiative in Bosnia and Herzegovina is part of the broader Civitas: An International Civic Education Exchange program administered by the Center for Civic Education. The program provides for a series of exchanges among leaders and educators in civic education in the United States and emerging and established democracies worldwide.

I applaud the promising results the Civitas initiative has already achieved and look forward to the continued success of the program.

IN MEMORY OF PRESIDENT JULIUS NYERERE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Ms. LEE. Mr. Speaker, as a student, active in the African liberation movement, President Julius Nyerere was a source of inspiration to me. As a supporter, educator and celebrator of indigenous African cultures, Nyerere was a President who left an indelible mark not only on Africans of all countries, but of people of all nations.

It is fitting at this time to pay the utmost respect to his insight, which recognized the beauty and value of cultures that have so traditionally been devalued or exploited. President Nyerere, for example, promoted the use of Swahili, making this native African language the official language of Tanzania.

Those of us who were active in the movement against apartheid in South Africa, looked to Nyerere for this leadership, and emphasis on a collective system of government in which all people in the community are valued and provided for, ujamaa, or ''familyhood''.

Fittingly, President Nyerere was and is addressed throughout the world as ''teacher'', and his legacy of supporting and upholding the beauty of Africa for the world will live on in the people of Tanzania and everywhere.

MAKE THE RIGHT CHOICES SPENDING

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. SANDLIN. Mr. Speaker, I am a longtime opponent of congressional pay raises and pork barrel spending. The time for us to make tough choices is most certainly here. I am encouraging the leadership of the House to reject attempts to cut spending on vital government programs across the board. Instead, let's eliminate the proposed congressional pay hike and the countless budget earmarks.

I staked out this proposal in a letter today to Speaker of the House DENNIS HASTERT requesting that he reject the proposed across-the-board spending cuts at a time when Congress is scheduled to receive a pay raise. I am also suggesting that Speaker HASTERT should turn back the spending programs we call ''earmarks.''

In light of budget realities and constraints on spending, we must define and protect our priorities as we are forced to make other spending sacrifices. The proposed 1.4 percent across-the-board spending cut would have disastrous effects on critical programs such as defense and education, as well as vital programs for senior citizens.

This reckless round of cuts would threaten our military's readiness and reduce the number of men and women in uniform. Cutting across the board could deprive almost 7,000 children and their families of the proven value of the Head Start program. Furthermore, the cuts would reduce aid to our nation's farmers. Disaster assistance and income assistance would both be reduced at a time when they are so badly needed.

My proposal could save the government billions of dollars. Giving up the 3.4 percent pay raise and cutting away earmarked proposals would eliminate the need for indiscriminate spending cuts which would devastate already under-funded programs.

Mr. Speaker, the time to act is now. We have to make the tough choices that the American people sent us here to make. For us to meet our obligations and protect Social Security, we will have to make sacrifices. We will have to do the right thing.

I am hopeful that the House leadership will make the right choice at this critical moment in the budget debate. It will take courage. It will require us to make tough choices. And that's our job.

TRIBUTE TO THE LATE MARY FARLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. MCINNIS. Mr. Speaker. It is with great honor and profound sadness that I now rise to pay tribute to the life of Pueblo, Colorado's great civic matriarch, Mary Farley. After living a remarkably accomplished life that spanned 94 years, sadly, Mrs. Farley passed away earlier this month. But even as we mourn her passing, everyone who knew Mary should take comfort in the truly incredible life she led.

Since the 1930's, few can claim a place in the Pueblo community as lofty as Mary. Her accomplishments and contributions, Mr. Speaker, were many. During WWII, she co-chaired Pueblo's war bond drive and also served as secretary for the Community welfare council. In the 1960's, she and her husband—the equally distinguished late Dr. John Farley—founded the Farley Foundation which quickly became a leading philanthropic force in the community, state, and nation.

In recognition of her tireless civic endeavors touting noble causes like historical, environmental, and cultural preservation, Mary was inducted into the Pueblo Hall of Fame in 1994.

While her personal accomplishments are many, none are more weighty than the remarkable legacy she has left in her family.

Mary's son, Tom Farley, now a leading attorney in the Pueblo area, has been a powerful voice in Colorado's political circles, serving as a state legislator and political activist. Kathy Farley, Mary's daughter, has followed her mother's lead as a community activist, serving as the Director of the Southern Colorado Community Foundation after a two term stint as a powerful advocate on the Pueblo County Commission. Ultimately, while John and Mary can be proud of all the many things they accomplished together, none could surpass what they have left in their children.

It has been said, Mr. Speaker, that the ultimate measure of a person's life is the extent to which they made the world a better place. If, indeed, this is the measure of worth in life, Mary's friends, family, and the Pueblo community can all attest to the success of the life she led. Indeed, both the Pueblo community and the great State of Colorado will benefit for many generations from Mary Farley's tireless drive to make her world a better place for us all.

It is with this, Mr. Speaker, that I say thank you and good-bye to this great American who will long serve as an inspiration to us all. We will all miss her greatly.

CONGRATULATING SAINT AGNES MEDICAL CENTER FOR 70 YEARS OF CARE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today, to recognize Saint Agnes Medical Center for 70 years of compassionate care to central California. Saint Agnes has grown from a 75-bed hospital, to a 326-bed regional healthcare delivery system, providing state-of-the-art, comprehensive health care to people of the central valley.

On August 4, 1929, Saint Agnes Medical Center opened its doors in Fresno a day earlier than planned to care for a little boy in need of emergency surgery. It is this commitment to compassionate care that central California residents have come to trust and rely upon over the past seven decades.

As part of its ongoing effort to meet the healthcare needs of central California's growing population, Saint Agnes Medical Center is embarking on a major facilities expansion, which will include expansion of its cardiac services. Construction will begin in the year 2000.

The mission statement reads as follows:

"We at Saint Agnes Medical Center, faithful to the spirit of the Sisters of the Holy Cross, strive to witness God's love through excellence in the delivery of health services. Motivated by compassion and respect, we respond to the health needs of the people of central California. We empower those who serve with us while stewarding human financial resources."

Mr. Speaker, I want to recognize Saint Agnes Medical Center for their continued compassion and service to the central valley. I urge my colleagues to join me in wishing Saint Agnes Medical Center many more years of continued growth and success.

MEMORIAL DAY SPEECH BY JOHN R. TAPIA, PH.D.

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. STUMP. Mr. Speaker, as we approach Veterans' Day and Members reflect on the importance of honoring those who served in the Armed Forces, I submit to Members the Memorial Day statement of my good friend, Dr. John R. Tapia, which follows:

DR. JOHN R. TAPIA—MEMORIAL DAY

Very few in the military ever receive formal decorations. Considering the military establishment as a whole, only a small fraction ever know the hell of actual combat. And of that fraction, only a minute percentage are ever decorated. The great percentage of this combat fraction either get wounded or killed!

So it was very appropriate that at one time this venerable event initially was designated as Decoration Day, to be observed by placing flowers and flags—in essence, decorating—the graves of our war dead.

Today, we define this day as Memorial Day, meaning, essentially, "anything, such as a monument, intended to preserve the memory of a person or event."

Memorial Day, then, is a day appointed to commemorate and decorate the dead of our Armed Services, for memory glorifies the brave. And, to glorify the brave with this memory, cemeteries have been dedicated as monuments, to honor them. To honor those who fell in battles, and those who survived the holocausts which wars create.

These are monuments of concrete and stone to serve as permanent remembrance of our gallant dead. And we must never forget who reposes in these hallowed grounds! To do so would be an act of the greatest treachery!

As commendable as this intention was, we, however, celebrate this venerable occasion only once a year! Yes, once a year, we officially remember and honor our nation's heroes. And, yes, it is most fitting that we have these cemetery monuments to remind us of their sacrifices and grievous loss, one of them my brother.

However, grievous as it is, we should also recognize another monument. A monument also dedicated to preserve this remembrance. Not only of the honored dead, but also of the honored living! A monument, not of concrete and stone, but one of compassion and selfless devotion to the care of our honored living!

It is a living monument of dedicated people concerned with the healing and well-being of those who survived the unspeakable horrors wrought by man's inhumanity to man in the course of wars! This celebration occurs, not once a year, but every living day of the year!

This living monument of which I speak, is a veterans medical center. It is a living monument dedicated to the preservation of this memory which celebrates the meaning of, not Memorial Day, but rather, Memorial Days!

As State and National Cemeteries are monuments of remembrance of our honored dead, these Medical edifices are monuments of remembrance, not only of our honored dead, but also of our honored living!

These selfless acts of mercy, which begin in the battlefields, with the life-saving efforts of those intrepid aidmen known as "corpsmen" or "medic", and progress through MASH units and General Hospitals, continue in the halls of these esteemed institutions.

It is also appropriate and proper, then, that, on this august occasion, we, the living legacy of the honored dead, recognize and pay tribute to those magnificent and benevolent volunteers, of all ages, who contribute their time to tend to the care and decoration of the graves of our honored dead, and who so unstintingly and compassionately provide care and comfort to those who courageously and honorably served our country during times of its greatest needs, at home, on foreign lands, on the seas, and in the air!

In the words of Daniel Webster:

"Let our object be our country,
"our whole country,
"and nothing but our country.
"And, by the blessing of God,
"may country itself become
"a vast and splendid monument—
"not of oppression and terror,
"but of wisdom, of peace, and of liberty—
"upon which the world may gaze with admiration
"forever!"

And, so—

To those who faithfully pay homage at these revered ceremonies;

To those who provide care and comfort for our veterans; and,

To those veterans organizations who render our final salute—

We, who will join the honored dead in these hallowed grounds—

Thank you and salute you!

COMMENTING ON THE DEPARTMENTS OF INTERIOR AND RELATED AGENCIES FISCAL YEAR 2000 CONFERENCE REPORT

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. CAPUANO. Mr. Speaker, today I rise in opposition to the FY 2000 Interior and Related Agencies Conference Report. This report represents poor environmental policy as it significantly weakens existing regulations and undermines current progress in environmental protection.

Most notably, the conference report fails to fully fund the administration's request for the Land and Water Conservation Fund (LWCF). The fund is one of the most important environmental sources of revenue made available to States and is the primary tool that allows for the purchase of threatened land. As a strong proponent of this program, I am pleased with the fact that H.R. 2466 includes $30 million in funding for the stateside LWCF grant program, however, the report provides only $266 million of the $800 million requested by the White House. Since 1995, the stateside LWCF grant program, the principal source of funds that allows States to acquire recreation lands, has received no funding. This has led to all statewide efforts to promote conservation projects to be halted. As we enter the 21st century, I hope Congress can continue to increase the level of funding for the LWCF.

On another note, this conference report provides only one-third of the funds requested by the administration for the President's Lands Legacy Initiative. This initiative is used to purchase lands that protect national parks, forests, and wildlife refuges which add significantly to the beauty and capacity of our national parks and forests. I believe that the Lands Legacy Initiative is a good program and that this conference report threatens to derail the administration's efforts to promote environmental preservation.

Additionally, the conference report contains several anti-environmental riders. Among these riders is a provision that rewrites the 1872 mining law to allow mill operators to dump toxic mining wastes on sites larger than 5 acres without being subject to environmental restrictions. Moreover, this report precludes the Interior Department's regulation that imposes more stringent cleanup responsibilities on mine operations being conducted on public lands and weakens current laws for forest management by instituting a 1-year moratorium on regulations intended to improve environmental compliance in the operation of hardrock mines.

The conferees also added an anti-environmental rider in the conference report that involves rural agricultural lands. This provision would allow for grazing permits to be automatically granted 10-year renewals regardless of whether or not environmental impact studies have been completed. The effect of this provision would prove extremely harmful to grazing land and its surrounding environment.

Furthermore, the report blocks the Interior Department's regulation that requires major oil companies to pay closer to the fair value of oil pumped on public lands and waters. This practice ends up costing the taxpayers millions of dollars each year.

Finally, this report fails to adequately provide funding for culturally important organizations to encourage development in the field of arts. Both the National Endowment for Arts (NEA) and the National Endowment for Humanities (NEH) are funded at much less than the President's request of $150 million each. Conferees provided $115.7 million for NEH and only $98 million for NEA. Without adequate funding, projects that focus on public education, understanding and appreciation of arts, including drama, music, art, and literature will face serious cutbacks.

Mr. Speaker, I am frustrated and disappointed that this conference report contains numerous provisions that undermine environmental protections and funding for cultural programs and I urge my colleagues to oppose final passage. If this report passes, I urge the President to veto this legislation so that we may have another opportunity to correct this seriously flawed bill.

IN HONOR OF SERGEANT RICHARD ''DICK'' BRICKMAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the tremendous career of Sergeant Richard ''Dick'' Brickman. On January 3rd, 2000, Sergeant Brickman will retire from the Hollywood, Florida, Police Department after 30 remarkable years of service. Sergeant Brickman will be sorely missed by the State of Florida's law enforcement community.

Originally beginning his career in 1969 as a Road Patrol Officer, Dick Brickman has held countless positions in the Hollywood Police Department. Detective Sergeant, Patrol Sergeant, Operations Sergeant—these are some of the positions which Dick has held since being promoted in 1975. Throughout his tenure with the Hollywood Police Department, Dick has been at the forefront of innovative approaches to law enforcement. Sergeant Brickman was instrumental in implementing the ''Operation Reindeer'' program, a program that assigned officers to the roof tops of businesses and malls during the holiday season. Aimed at preventing seasonal crimes and apprehending criminals, this valuable and effective program has lasted 10 years and will stand as a testament to Sergeant Brickman's hard work and dedication to the Hollywood Police Department.

In addition to his outstanding work with the Hollywood Police Department, Sergeant Dick Brickman has demonstrated tremendous leadership in both local and State-wide law enforcement associations. In December 1979, Sergeant Brickman was elected President of the Broward County Police Benevolent Association (PBA), an organization which represents over 2,300 law enforcement officers in Broward County, Florida. He has been subsequently re-elected as President for seven 3-year terms. In addition, Dick also continues to serve on the Executive Board of the State of Florida PBA, an organization that represents more than 31,000 members of the law enforcement community statewide.

Dick is an atypical individual in the sense that he is a native Floridian who exhibits strong ties to the South Florida community. Born in Miami, he has spent his entire life in South Florida. Throughout the past six years, he has remained active in the community volunteering his time as the girls softball coach for the City of Hollywood. Sergeant Brickman has also volunteered his time as coach of the girls softball team at South Broward High School. Indeed, Sergeant Brickman's devotion to the South Florida community is nothing short of outstanding.

Mr. Speaker, I wish to thank Sergeant Brickman for his tremendous work on behalf of the State of Florida and the entire South Florida Community. As Sergeant Richard ''Dick'' Brickman retires from the Hollywood Police Department to close this important chapter of his life, I would also like to extend my best wishes for the future.

TRIBUTE TO THE 1999 NATIONAL MERIT SCHOLARS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor a group of committed and accomplished students who were recently honored for their achievements in the 1999 National Merit Scholarship Competition. These students embody everything that is good with our youth today and are exceedingly worthy of our highest regards and praise.

From a field of over 1 million students that entered the Merit Program last year, Meg Patton, Matthew Thomas, Megan McGill, and Jeff Ward finished in the top 1% of entrants. For their remarkable scholastic achievement, each were recently recognized as National Merit Program semi-finalists. These incredibly talented students are now competing for one of 7,400 National Merit Scholarships awarded to the finest students in the country. Whether or not these students ultimately win the Merit Scholarship, each are among the finest in the nation and should take great pride in receiving this weighty accolade.

In addition, Juli Carillo, Erin Lindsey, Anthony Arcieri, Ksenya Gurshtein, Naomi Habbegger, Rachel Wilkenson, and Jerimiah Goodson were awarded letters of commendation for finishing in the top 5% of students who entered the competition. Like the semi-finalists, these students are to be commended for the lofty level of academic success they have achieved.

It is with this, Mr. Speaker, that I say congratulations to these outstanding students on receiving an honor that they clearly deserve. Because of committed and talented young men and women like these, I know that America's future will be as bright as its remarkable past.

HONORING THE CONTRIBUTIONS OF CHINESE AMERICAN VETERANS DURING WORLD WAR II

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. EVANS. Mr. Speaker, I rise today to honor the sacrifices and contributions made by Chinese Americans during World War II.

Today, many of these brave men and women who served with pride during that time are gathering in Washington to remember their war years and the experiences that changed their lives forever. And tonight, the Organization of Chinese Americans, together with the Asian Pacific American Studies Program of the Smithsonian Institution, is sponsoring the world premiere of the documentary ''We Served with Pride: The Chinese American Experience in World War II''. The documentary is a first hand look at the personal experiences of Chinese Americans during the war.

I hope these efforts will help reverse an unfortunate situation. Despite their sacrifices, the service of Chinese American veterans during World War II is not well known to most Americans. More than 20,000 Chinese Americans served in the U.S. Armed Forces during the war, in almost every imaginable capacity. Without question, their sacrifices and distinguished efforts helped push our nation on to victory over the Axis powers.

Their pride is justified. The contributions they made in every theater of the war should

be remembered. As Americans learn more about its nation's participation in the war through films such as ''Saving Private Ryan'', we should also use this opportunity to educate them about all facets of the war effort. The costs that Chinese American war veterans paid to defend our nation deserves this acknowledgment.

I urge the entire House of Representatives to join me in asking that our nation reflect upon these contributions and again thank our Chinese American veterans for their sacrifices and service.

COMMENDING THE ART II CLASS OF STAUNTON HIGH SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend the students of Staunton High School who helped the city of Staunton, Illinois earn a Governor's Hometown Award. Collaborating with the Staunton Chamber of Commerce, the class created and maintained a web site for the community.

The Art II class led by teacher, Gayle Scheller, contributed an amazing amount of time and energy into creating this outstanding web site. Thanks to their efforts, Staunton has the use of a powerful technological tool. In addition, the city has benefited from statewide recognition through the award bestowed by the Governor.

This contribution by the Art II Class of Staunton High School has enhanced communication throughout the community, in addition to increasing the town's image. I would like to thank them for their contribution.

STUDENT RESULTS ACT OF 1999

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes:

Mrs. MINK of Hawaii. Madam Chairman, today, I join my colleagues, Representatives WOOLSEY, SANCHEZ and MORELLA, in offering this amendment to restore the gender equity provisions in the Elementary and Secondary Education Act.

The Majority has argued that these equity provisions are no longer needed. However, girls continue to face barriers in the classroom. The Women's Educational Equity Act (WEEA) and other gender equity provisions are still needed to help overcome these barriers. For instance:

While girls have improved in some areas, girls are still not learning the technology skills they need to compete in the 21st century. In fact, only a very small percentage of girls take computer science courses, even though 65% of jobs in the year 2000 will require these skills. The girls that do take computer classes tend to take data entry, while boys take advanced programming. For instance, only 17% of students who take the computer science Advanced Placement test are girls.

Furthermore, compared with boys, girls receive fewer scores of 3 or higher on Advanced Placement tests, the score needed to receive college credit. And on high-stakes tests that determine college admissions, scholarships, and course credit—including the SAT and ACT—boys continue to score higher than girls.

Although standardized tests, such as NAEP and TIMSS, illustrate that girls do score higher in reading and writing, boys still earn the highest scores in history, geography, math and science.

In 1974, I authored the Women's Educational Equity Act (WEEA) to help the federal government assist schools in eradicating sex discrimination from their programs and practices and in ensuring that a girl's future is determined not by her gender, but by her own interests, aspirations, and abilities. I consider this Act one of my finest achievements.

Since its inception, WEEA has been critical in assisting schools to achieve educational equity for women and girls. It has funded research; it has organized training programs and provided guidance and testing activities to combat inequitable educational practices; and it has established an 800 number, e-mail, and web site, in order to make these materials and models widely available at low cost to teachers, administrators, and parents.

WEEA provides a resource for teachers, administrators and parents seeking proven methods to ensure equity in their school systems and communities;

WEEA provides the materials and tools to help schools comply with Title IX, the federal law prohibiting sex discrimination in federally funded education institutions;

WEEA provides the research and model programs to back up Title IX's promise to American students of a non-discriminatory education;

WEEA projects help girls to become confident, educated, and self-sufficient women; and

WEEA helps to prevent teen pregnancy; keep girls in schools through graduation; provide mentors, and steer them toward careers using math, science and technology.

And that is only a glimpse of what WEEA has done for our girls. Since its inception, WEEA has funded over 700 programs, including:

Programs making math and science opportunities more accessible to girls and young women.

Expanding Your Horizons, which exposes girls to women in non-traditional careers, have been replicated in communities throughout the country, often by AAUW branches.

Projects developing teaching strategies to enhance girls' and ethnically diverse students' learning in math and science.

The development of ''Engaging Middle School Girls in Math and Science'', a nine-week course for teachers and administrators which explores ways of creating classroom environments that are supportive of girls' successes in these subjects.

A CD–ROM, called ''A Lifetime of Science, Engineering and Mathematics'', that showcases over 100 curricular innovations, professional development efforts and informal learning opportunities to promote gender equity in science, engineering, and mathematics.

And the observance of Women's History Month, which has exposed students across the country to the important contributions women have made to the nation.

Women have made great strides over the last few decades. However, much more needs to be done before there is true gender equity. The Women's Educational Equity Act and the gender equity provisions are essential in bringing about this change.

I strongly urge my colleagues to support this amendment.

THE END OF AN ERA

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. BLUNT. Mr. Speaker, I rise today to honor the ending of a tradition of dedication of serving the public by the Gray family of Carthage, Missouri. On August 27, 1924 Howard H. Gray opened the College Pharmacy on the square in Carthage. On October 31, 1999, Howard Gray's son, Bill Gray will close the doors of the College Pharmacy for the last time.

Bill Gray has spend the last 60 years in his ''first home''. First as an eleven year old youngster working for his father as a curb hop, picking up order from customers at the curb and running them in to his father to be filled. Later, Bill worked the soda fountain which in those days was filled with teenagers...quite a lively place. Upon obtaining his pharmacist degree from the University of Missouri, Kansas City, in 1950, Bill became an owner in the family business.

Over the last forty-nine years, Bill Gray has served the citizens of Carthage as a pharmacist and friend. Filling prescriptions, answering the questions of a nervous mother whose child is ill and even making house calls to deliver medicine to the elderly all have endeared College Pharmacy and Bill Gray in the hearts of the people of Carthage.

Life has not been all work for Bill. For over thirty-one consecutive years, Bill led a group of Carthage residents, known as Clyde's Bluff Dwellers, down the Buffalo River for a late spring float trip to enjoy the beauty of the Ozarks. Bill's knowledge of the Buffalo River is legendary.

For over 75 years, three-quarters of a century, Howard and Bill Gray helped the sick in Carthage get better and they did it with hometown service. On October 31, Bill Gray will hang up his blue pharmacist's coat, turn off the lights and lock the door to the College pharmacy for the last time. With the turn of a key, an historic landmark in Carthage, Missouri will become a memory.

I congratulate the Gray family for their years of faithful service to the public and, specifically, wish Bill Gray the best in the years ahead as he enjoys his retirement.

TRIBUTE TO CAPTAIN RICHARD L. RODGERS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize an outstanding Naval Officer, Captain Richard L. Rodgers, who has served with distinction for the past two years for the Secretary of the Navy as the Head of Appropriations Matters Office under the Assistant Secretary of the Navy (Financial Management and Comptroller.) It is a privilege for me to recognize his many outstanding achievements in this capacity and commend him for a career of superb service that he has provided to the Department of the Navy, the Congress, and our great Nation as a whole.

During his tenure as Head, Appropriations Matters Office, which began in April of 1997, Captain Rodgers has provided members of the House Appropriations Committee, as well as our professional and personal staffs with timely and accurate support regarding Department of Navy plans, programs and budget decisions. His valuable contributions have enabled the Committee and the Department of the Navy to strengthen their close working relationship and to ensure the most modern, well-trained and well-equipped naval forces are attained for the defense of our great nation.

Mr. Chairman, Richard Rodgers and his wife, Jackie, have made many sacrifices during his career, and as they embark on the next great adventure beyond their beloved Navy, I call upon my colleagues to wish him every success and to thank him for his long, distinguished and ever-faithful service to God, country and the Navy.

TRIBUTE TO THE LATE CARL DINCLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. McINNIS. Mr. Speaker, it is with great pride and honor that I rise today to tell you of a man who's life was filled with family values, civic duty, kindness and love. He lived every moment of his life as though it were his last.

Carl Dincler loved to have the spotlight. He also loved sharing that light with everyone so that they might feel the inspiration and zest for life that he had so much of. Throughout the 86 accomplished years of his life, he touched so many people, whether it was in one of his business ventures or in one of his many community activities. Ultimately, these people knew they were in the presence of a great human being when in Carl's company.

With his equally accomplished wife Jeanette, Carl started a fabric store which became known for the stage curtains they made. If the curtains were not hung perfectly each time, Carl would get out the ladder and start over. He took pride in everything that he did, including his long time commitment to the community. Carl served as president of the Pueblo Board of Water Works and also former president of the Downtown Association and Lion's Club.

Aside from his many achievements in the business world, he has left a proud legacy in his family. He is survived by his wife Jeanette who is also known for her active role in the community. Together they had a daughter, Sharon, who has a Ph.D. in continuing education from the University of Denver and today edits doctoral theses. One granddaughter and a great-great-granddaughter also survive. These wonderful people will undoubtedly carry on the legacy of Carl's accomplished life.

Mr. Speaker, for the people of western Colorado and from the bottom of my heart, I say thank you to this man for realizing that one man can make a difference. His dedication to his family, his faith and his community will long be remembered and admired. He was an outstanding American and will be missed greatly.

TRIBUTE TO THE REEBOK SHOE COMPANY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. MOAKLEY. Mr. Speaker, the role this nation plays in international conflicts, in providing humanitarian aid abroad, and in working to better the lives of all humanity is a constant matter of debate throughout the United States. I believe we do have an obligation to use our tremendous resources, know-how and prosperity to help uplift the difficult conditions many find themselves in throughout the world. And, I believe everyone in this nation can play a major part in that effort. Our influential corporations, while doing business abroad, can and should play a major role by acting responsibly and showing nations what it means to protect human rights, respect the rights of labor and respect the environment. Today, I'd like to highlight how one corporation—the Reebok shoe company—is working to make a positive difference in the lives of their workers. By allowing an objective third party labor rights organization to freely monitor the conditions of two of its factories in Indonesia, and make those findings public, Reebok has shown its desire for openness and cooperation, as well as a strong respect for the rights of the hard working people that make the company successful. I hope other major U.S. corporations will join in this effort.

I am very proud that the Reebok Corporation is located in my congressional district in Massachusetts. I commend the enclosed piece describing the latest initiative by Reebok's Chairman and CEO Paul Fireman, which recently appeared in the Washington Post, and ask that it be included in the CONGRESSIONAL RECORD.

[From the Washington Post, Oct. 17, 1999]

STEPS WE MUST TAKE ON THIRD-WORLD LABOR

(By Paul Fireman, Chairman and CEO of Reebok International Ltd)

Working conditions in overseas factories that produce apparel for the U.S. market have become controversial, putting companies on the spot for their decision to transfer jobs to faraway countries. Here's how one company is responding.

Tomorrow, Reebok International Ltd. will become the first company in the footwear industry to release an in-depth, third-party examination of labor conditions in the factories that make its products. We are not making the report public because it shows our company in an unequivocally favorable light—far from it. We are releasing it because we think it is time to confront and accept responsibility for correcting the sometimes-abusive conditions in factories overseas. We'd like to encourage other multinational corporations to follow suit.

The report, titled Peduli Hak—Indonesian for ''Caring for Rights''—assesses conditions in two factories, PT Dong Joe Indonesia and PT Tong Yang Indonesia, which employ approximately 10,000 workers to make our footwear. Reebok doesn't own these factories; we selected them because they account for more than 75 percent of our footwear production in Indonesia, and have many similarities with other athletic footwear factories in Asia.

We chose the independent research and consulting firm Insan Hitawasana Sejahtera (IHS) to perform the assessment, based on the recommendation of leading human rights professionals who credit it wtih impartiality and objectivity. To ensure the team's independence, we guaranteed IHS full access to factory records and workers, without intervention from Reebok or the factory management. We also promised in advance to make the IHS report public.

The report, based on 1,400 hours spent inspecting the plants, observing working procedures and interviewing workers over a 14-month period, highlights some disturbing facts about the working conditions there. For example, it criticizes the way the factories' managers communicate with workers, noting that most workers are functionally illiterate and could not understand their rights under their collective bargaining agreement or the details of their wage statements. The report also found that it was more difficult for women than men to obtain promotions or supervisory positions. It faulted the factories' health and safety procedures—in particular the procedures governing the use and handling of chemicals. The report also describes steps the factories' owners have been taking to rectify these problems.

Some of the flaws the IHS inspectors uncovered presented more of a challenge to correct than others. It is fairly simple to improve inadequate lighting, or ventilation where workers were being exposed to chemicals. And factories raised pay to bring it in line with the government's determination of a minimum living wage, since wages had not kept in line with the rapid fluctuations in prices following Indonesia's economic crisis. But it was altogether different when inspectors reported that drums containing the remains of hazardous substances were routinely left in areas accessible to the public, in violation of local hazardous waste laws. When the factory management changed its procedures to comply with the law, members of the local community protested; they had been collecting the drums and reselling them. In response, the factories adopted policies to allow for local collection of scrap metal and other non-hazardous waste materials.

Why did we undertake this potentially damaging workplace assessment, and why was it important to make the results public?

The simple answer is because of the commitment we at Reebok have made to respect the fundamental human rights of the nearly 25,000 workers in Asia who produce our footwear. That's why we placed a heavy emphasis on worker interviews (950 workers answered surveys; 500 took part in confidential interviews). It is also why we made Indonesian-language copies of the report available to the workers, and why we presented the report at a meeting with our footwear contractors.

But there is another reason, which is just as important. We want to encourage other multinational corporations that may be reluctant to open the doors of the factories manufacturing their products to in-depth inspections. Quite simply, we want to show that a detailed, critical report about factory conditions can be disclosed without the sky falling. And we'd like to change the attitude that has prevailed among many companies for many years—that they do not have any real responsibility for conditions in factories they do not own, or for the treatment of workers who are not their employees.

In 1992, Reebok adopted a code of conduct requiring that the factories of our global suppliers comply with internationally recognized human rights standards. Ever since, we have incorporated that code of conduct into our contractual agreements with factory owners and have monitored their compliance.

Despite these efforts—and those of some other companies—critics remained skeptical. They rightly point out that codes of conduct are little more than window dressing unless there is an effective process to monitor workplace conditions and determine whether standards are being met.

The Peduli Hak assessment was an attempt to address these concerns. But many multinational corporations that produce footwear, apparel and toys in the global marketplace remain fearful; although many now have codes of conduct, they are unwilling to undergo independent external monitoring, or suffer the embarrassment and expense that exposing workplace conditions might produce.

This fear of monitoring is seen in the reluctance of many companies to join the Fair Labor Association (FLA), which is chaired by former White House counsel Charles Ruff. The FLA has adopted procedures to accredit independent monitors who will be qualified to inspect factories for compliance with a Workplace Code of Conduct covering nine key areas: child labor, forced labor, discrimination, harassment, freedom of association, wages, health and safety, hours of work and overtime compensation.

Reebok and nine other companies (Adidas-Salamon AG, Kathie Lee Gifford, Levi Strauss & Co., Liz Claiborne, L.L. Bean, Nicole Miller, Nike, Patagonia, Phillips Van Heusen) have agreed to participate in the FLA's monitoring program. While this is a good beginning, it does not amount to the broadly representative segment of the business community that any monitoring program will require to be effective. Of course, we hope the Peduli Hak assessment will benefit thousands of workers in Asia—but we also hope that its publication will encourage other companies to join us in seeking solutions to substandard workplace conditions in the global economy.

TRIBUTE TO THE REV. DR. GEORGE EDWARD McRAE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor and privilege to pay tribute to one of Miami-Dade County's great leaders, the Rev. Dr. George Edward McRae, pastor of Mt. Tabor Missionary Baptist Church in Liberty City. On Thursday, October 28, 1999, the Miami Herald will honor him as a recipient of the 15th Annual Charles Whited Spirit of Excellence Award, along with five other distinguished South Floridians.

Admired by his friends and colleagues as a "multi-talented man of God dedicated to service," Rev. McRae truly represents one of the noblest public servants of our community. As pastor and teacher at Mt. Tabor Baptist Church for the last ten years, he has been relentless in leading the members of his congregation in the ways of God, focusing his efforts on the agenda of spiritual wisdom and compassionate service to our community's less fortunate—the sick and the elderly, the hungry and the homeless, the poor and the disenfranchised, and the imprisoned and the dying.

Indeed, he genuinely exemplifies a true Spirit of Excellence for being a "leader in outreach," defining his life's consecration to the disenfranchised and the forgotten. As my pastor and confidante, I want to acknowledge Rev. McRae's tremendous work for constantly reminding us of the love and understanding for our fellow human beings. He truly evokes the example of Christ, the Good Shepherd, and is constantly enlightening his flock of believers, sharing with us the fact that our lives are inextricably interwoven with one another—regardless of our creed, color, gender, or philosophical persuasion.

The outreach programs Rev. McRae founded include Christian Education, HIV/AIDS awareness and education, a prison ministry, substance abuse forums, homeless shelters and feeding programs for the children, the elderly and the homeless. He is a down-to-earth minister of the Gospel who pragmatically aligns himself to the adage that ". . . people would rather see a sermon than hear it." All through these years I have learned from him the very centrality of God's role in our daily lives, conscious of the fact that ultimately the mandate of our faith to help the less fortunate among us does not contradict, but rather complement, our public stewardship on behalf of our constituents.

In its laudatory recognition The Maimi Herald aptly described him as "the catalyst for monumental strides in the church's outreach programs," succinctly recognizing that our churches, along with our synagogues and temples, form a substantial part of a larger network of institutions that fittingly serve as the pillars of our community. Accordingly, his standards for learning, caring and achieving for the underserved has won for him countless accolades from South Florida's ecumenical community and beyond. Likewise, public and private agencies have deservedly cited him for his untiring commitment to service and his uncompromising stance on simple justice and equal opportunity for all.

Long before Florida's Black churches and community organizations came to the understanding of HIV/AIDS, Rev. McRae has single-handedly trailblazed our consciousness into the scourge that this virus has inflicted on our community. He pioneered the establishment of MOVERS (Minorities Overcoming the Virus Through Education, Responsibility and Spirituality), a program geared toward helping people survive the effects of HIV/AIDS. Today MOVERS is being replicated all over the country as it addresses the dilemma of the African-American community currently plagued by what he calls "the triangle of death"—i.e., drugs, incarceration and AIDS.

Our community is comforted by his undaunted leadership and compassionate caring. Accordingly, The Miami Herald has articulated our deepest respect and admiration for him with its prestigious Spirit of Excellence Award. Most of all, I am grateful that he continues to teach us that the ethic of our stewardship from God is genuinely manifested by our service to our fellow men. This is the legacy the Rev. George Edward McRae shares with us, and I am indeed privileged to have his friendship and confidence.

ROCKVILLE COLOR GUARD MARCHES TOWARD GLORY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mrs. MORELLA. Mr. Speaker, it is my great pleasure to congratulate the American Legion Post 86 Color Guard for their victory at the National Senior Color Guard Competition (Closed Military Class) at the American Legion National Convention in Anaheim, California.

The Post 86 Color Guard was formed in 1981 to promote Americanism and patriotism. Augmented by members of the Auxiliary and Sons of the Legion, the Post 86 Color Guard quickly proved itself within the state of Maryland. For the past seven years, they have been the Department of Maryland (American Legion) state champion. The Post 86 Color Guard will now proudly serve as the National American Legion Color Guard for 1999–2000.

For their service to the American Legion, the community, our veterans, and our country, I ask my colleague to join me in congratulating the Henderson-Smith-Edmonds Post 86 Color Guard of Rockville, Maryland.

STUDENT RESULTS ACT OF 1999

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes:

Mrs. MINK. Madam Chairman, I believe strongly that all children deserve the opportunity to receive the best education possible. Title I was enacted with this credo in mind.

Our federal education dollars have always focused on specific areas of need within our education system. Since we provide roughly only 7% of the total elementary and secondary education funding spent in this country, we have always sought to concentrate these limited federal dollars in areas where they can make a real difference.

Title I is arguably the most important program of our federal education funds; it certainly is the largest. It provides nearly $8 billion annually to address inequities in education for our poorest students. This program is critical to helping communities provide high quality instruction and educational services to disadvantaged children.

And Title I is working. Earlier this year, the U.S. Department of Education issued ''Promising Results, Continuing Challenges: The Final Report of the National Assessment of Title I.'' This in-depth analysis of Title I concluded that the initial results of Title I's systemic accountability system have proven successful. Out of the six States reporting data, five showed improvement in math achievement and four in reading. Out of the 13 urban school districts reporting, 9 showed substantial increases in either math or reading achievement. Most importantly, the National Assessment told us that, when fully implemented, systemic reform will very likely close the achievement gap between disadvantaged students and their non-disadvantaged peers.

I do have serious concerns about certain provisions, or lack thereof, in H.R. 2.

In particular, I am concerned about the changes in the schoolwide poverty requirements, the exclusion of the Women's Educational Equity Act, and the repeal of the Native Hawaiian Education Programs from the Elementary and Secondary Education Act.

H.R. 2, as reported, lowers the poverty eligibility threshold for schoolwide programs from 50% to 40%. Presently, schools with over 50% of their student population from low-income families can operate a schoolwide program. When this provision was first passed, schools had to have 75% poverty to be eligible.

Although schoolwide programs have been shown to be very effective for disadvantaged students, they are only considered advantageous if there are a significant number of children in poverty. By lowering the poverty threshold to 40, the Majority is diluting the program's focus on poor children. 40% poverty means that 60%—the majority of the school—is not poverty-stricken. It is imperative that these Title I funds remain with the kids who need it the most.

During Committee consideration of H.R. 2, the Committee, passed an amendment by Representative Payne, by a vote of 24–21, to retain the schoolwide threshold at 50%. Later in the markup, the Majority inexplicably reversed itself and passed an amendment to move the threshold back to 40%. For the life of me I cannot understand why after approving an amendment to raise the schoolwide threshold, the Committee took a step backwards and reversed itself.

I also strongly oppose the elimination of the gender equity provisions in current law and the Women's Educational Equity Act (WEEA).

By eliminating a current, long-standing program that ensures fairness and equal opportunities in schools, the Majority is ignoring the different educational needs of girls and boys. WEEA represents the federal commitment to ensure that all students' futures are determined not by their gender, but by their own interests, aspirations, and abilities.

Since 1974, WEEA has funded the development and dissemination of curricular materials; training programs; guidance activities; and other projects to combat inequitable educational practices. WEEA provides a resource for teachers, administrators, and parents and provides the materials and tools to help schools comply with Title IX, the federal law prohibiting sex discrimination in federally funded education institutions. Through an 800 number, e-mail, and a web site, the WEEP Publishing Center makes these materials and models widely available to teachers, administrators, and parents.

WEEA has funded over 700 programs since its inception, and the requests for assistance and information are growing. From February to August of this year, the WEEA Resource Center received over 750 requests for technical assistance. Past and current WEEA-funded projects include making math and science opportunities more accessible to girls, and programs such as ''Expanding Your Horizons'' expose girls to women to non-traditional careers.

The Majority cited the results of a 1994 GAO study as its reason for eliminating this very important program. It argued that the Womens' Educational Equity Center lacked the staff to implement this program. The majority also argued that a small percentage of the grants made its way to the state and local levels.

It is no wonder. During the 1980s, WEEA fought a constant battle with funding and authorization. It has only been since the GAO report was printed and a Democratic president was elected, that the Womens' Educational Equity Center has been able to grow and improve. The Majority must not rely on a dated report that is no longer relevant to justify the elimination of this program.

The Majority also argues this program is not needed. Girls are doing better than boys in school in reading and writing. Although there has been much improvement in girls accomplishments, this does not justify the elimination of the program that added to these gains. Girls are achieving now because of the federal government's focus and attention on these inequities.

Moreover, although there has been gains, girls are still lagging behind boys in many important subjects, such as math, science, and technology.

WEEA helps girls acquire the skills and self-confidence they will need to support themselves and help support their families. Efforts to improve education will fail unless we address the different needs of different students. Excellence and equity go hand in hand. The repeal of this critical program undermines this country's commitment to equity in the classroom.

And last, I am appalled that this bill repeals the Native Hawaiian Education Programs from the Elementary and Secondary Education Act (ESEA).

The Native Hawaiian Education Program has been in effect since 1988, when it was first included in Title IX of ESEA together with funding for Native American and Native Alaskan education programs. Native Hawaiians are Native Americans, and like Native American Indians, they have suffered greatly at the hand of the U.S. Government, most significantly due to the illegal overthrow of the Hawaiian Monarchy by military force in 1893. As a result, Native Hawaiians were disenfranchised from their land, their culture, and their ability to self govern. Eliminating this program negates the steady progress that has been made in recent years to make amends for the terrible travesty of the overthrow.

From 1826 until 1893, the United States recognized the Kingdom of Hawaii as a sovereign, independent nation and accorded her full and complete diplomatic recognition. During this time, treaties and trade agreements were entered into between these two nations. However, in 1893, a powerful group of American businessmen engineered the overthrow with the use of U.S. Naval forces. Queen Liliuokalani was imprisoned and over 1.8 million acres of land belonging to the Crown, referred to as Crown lands or ceded lands, were confiscated without compensation or due process.

This takeover was illegal. There was no treaty of annexation. There was no referendum of consent by the Native Hawaiian people. Recently, the National Archives disclosed amongst its treasures a 556 page petition dated 1897–1898 protesting the annexation of Hawaii by the U.S. It was signed by 21,259 Native Hawaiian people. A second petition had more than 17,000 signatures. Historians advise that this number of signatories constitutes nearly 100% of the adult Native Hawaiian population at that time.

Today, out of a total of 211,033 acres of land occupied by the military, the ownership of 112,137 acres can be traced to the royal family. No compensation was ever paid for these lands.

In 1920, Congress answered the cries of injustice by decreeing that 200,000 acres of land confiscated by the federal government be returned to the Native Hawaiians as an act of contrition. Unfortunately, these lands were in places where no one lived or wanted to live. They were in the most remote places—isolated without any infrastructure or access to jobs. Today, Native Hawaiians live in segregated reservations much like the Indian tribes. Their current despair is due to this forced isolation.

The Native Hawaiian Education Act was established out of our moral and legal responsibility for the destruction that occurred to this community. The $20 million that funds this program to help educate Native Hawaiian children can't begin to make up for the loss of a nation, of an identity, a culture, and a heritage, but it can help fulfill our moral and legal obligations.

Justice requires that we fulfill our trust obligations to the Native Hawaiian community. This modest program has helped these children, who suffer the lowest reading and math

scores, whose families suffer the highest percentage of poverty, and whose health statistics and mortality rates are alarming by all measures. We do this for the Native American and Native Alaskan communities. The Majority would never dream of eliminating the funding for these equally important programs. We must not repeal this important program for the Native Hawaiian population.

I want to support this bill. Some good reforms and improvements were incorporated in this legislation. But unless the three areas that I have addressed are fixed, H.R. 2 will be a travesty on girls and women, on Native Hawaiians and on the poor children who need all the help this nation can muster.

STUDENT RESULTS ACT OF 1999

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes:

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today to show my support for the Mink/Woolsey/Sanchez/Morella amendment to H.R. 2, the Student Results Act. This amendment would place much needed gender equity language into this bipartisan legislation.

Madam Chairman, I know firsthand how difficult it is for women to compete in today's world. As a woman of many firsts, I know that it is not always assumed that anything boys can do, girls can do, especially in the sciences. Let me give you some statistics to illustrate my point. Only 25 percent of female students have taken computer science courses in high school. Only 20 percent of female students take the three core science courses in high school. Also, only 19 percent of girls earn a math SAT score of 600 or above vs. 30% of males. These statistics are alarming.

We need to create a strong workforce for technology jobs in our country so that we can continue to compete with other countries. Therefore, it is important for us to not only include, but to also encourage every student to excel in the maths and sciences. That means encouraging girls as well as boys to take courses in math and science. We cannot afford to limit our technology workforce and training based on gender.

Studies have proven that teachers and other influences in children's lives still do not equally encourage girls as well as boys to study math and science. Until we see more improvements in these statistics, gender equity language will be necessary.

This amendment will train teachers in gender equitable methods and techniques and require the identification and elimination of gender and racial bias in instructional materials. It will continue the progress that was started with the passage of Title IX in 1974 to close the gender gap which still exists in today's schools.

I wish that I did not have to speak about this gender gap and hope that a day will come when we will no longer need this type of legislation. Until that day, let us do the right thing and prove to everyone that this Congress cares about girls as much as we do boys by adopting this amendment.

PRESIDENTIAL SPOKESMAN'S COMMENTS ON THE BUDGET

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. CRANE. Mr. Speaker, last week, Joe Lockhart, the Presidential spokesman, made a number of erroneous statements regarding the budget. Mr. Lockhart called "absurd" the notion that President Clinton has finally come around to the Republican way of thinking by not wanting to touch the Social Security surplus—yet—the facts state differently.

The President's original fiscal year-2000 budget asked to spend some 41 percent of the Social Security surplus.

The President's State of the Union address specifically stated that the President would only commit 60 percent of the surplus for Social Security.

And now, the President tells the bipartisan delegation meeting over the budget that he wants to save 100 percent of the surplus. If that isn't a turnaround to support the Republican position of "lock-box," protecting Social Security, I don't know what is.

Mr. Speaker, I submit for the RECORD this information and other erroneous statements made by Mr. Lockhart last week in his presidential press conference, showing how these inaccuracies have attempted to bias public information against the real facts.

RAPID RESPONSE FROM THE SPEAKER'S PRESS OFFICE—WEDNESDAY, OCTOBER 20, 1999

"JUST THE FACTS, MR. LOCKHART"

Joe Lockhart says that the idea that President Clinton finally came around to the Congressional Republican's plan of protecting 100 percent of the Social Security surplus is an "absurd notion."

Fact: The President's original budget for FY 2000 spends 41 percent of the Social Security surplus. Also, the President specifically proposed in this year's State of the Union to only commit 60 percent of the budget surplus for Social Security. He told the bi-partisan delegation yesterday that he now wants to save 100 percent of the Social Security surplus.

Joe Lockhart says that CBO says that the Republicans have already spent the Social Security surplus.

Fact: In a September 30 letter to Speaker Hastert, CBO Director Dan Crippen clearly states that the final GOP budget plan "will not use any of the projected Social Security surplus."

Joe Lockhart says our budget is full of "gimmicks" such as using advanced appropriations.

Fact: The President's own budget used $18.8 billion in advanced appropriations. Furthermore, advanced appropriations simply means that money not spent next year will not be counted towards next year's budget. If the money is not being spent until 2002, it should be counted against the 2002 budget, not the 2000 budget. That's just common sense.

Joe Lockhart says that the Republican budget doesn't make the investments in education that the American people expect.

Fact: The Republican budget has $300 million more for education than the President's budget. In addition, the Republican budget would let local communities spend this money how they best see fit—including hiring more teachers, if that's what the community needs.

COMMITMENT TO MILITARY RETIREES

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. REYES. Mr. Speaker, I enter into the CONGRESSIONAL RECORD a request made by the Texas State Legislature asking that Members of Congress maintain its commitment to America's military retirees over the age of 65; to enact legislation that affords military retirees the ability to access health care either through military treatment facilities or through the military's network of health care providers, as well as legislation to require opening the Federal Employees Health Benefits Program to those uniformed services beneficiaries who are eligible for Medicare on the same basis and conditions that apply to retired federal civilian employees; and to enact any other appropriate legislation that would address these concerns.

Military retirees who have served honorably for 20 or more years constitute a significant part of the aging population in the United States. These retirees were encouraged to make the United States Armed Forces a career, in part by the promise of lifetime health care for themselves and their families.

Prior to age 65, these retirees are provided health services by the United States Department of Defense's TRICARE Prime program, but those retirees who reach the age of 65 lose a significant portion of the promised health care due to Medicare eligibility. Many of these retirees are also unable to access military treatment facilities for health care and life maintenance medications because they live in areas where there are no military treatment facilities or where these facilities have downsized so significantly that available space for care has become non-existent.

The loss of access to health care services by the military has resulted in the government breaking its promise of lifetime health care. Without continued affordable health care, including pharmaceuticals, these retirees have limited access to quality health care and significantly less care than other retired federal civilians have under the Federal Employees Health Benefits Program.

It is necessary to enact legislation that would restore health care benefits equitable with those of other retired federal workers. Several proposals to meet this requirement are currently under consideration before the United States Congress and the federal Department of Defense and Department of Health and Human Services; of these proposals, the federal government has already

begun to establish demonstration projects around the country to be conducted over the next three years, which would allow Medicare to reimburse the Department of Defense for the costs of providing military retirees and their dependent health care; this project would allow a limited number of Medicare eligible beneficiaries to enroll in the Department of Defense's TRICARE Prime Program and receive all of their health care under that program.

Mr. Speaker, I would like to reaffirm the necessity in enacting legislation for military retirees health coverage over the age of 65. These individuals are entitled to fair and equitable access of health care. The principle resources for this to be done would be through proper military treatment facilities supplemented with a choice in a network of health care providers. Opening the Federal Employees Health Benefits Program, which already applies to retired federal civilian employees, should be offered to uniformed services beneficiaries in order to ensure equitable benefits for all federal employees.

A CONSUMER PROTECTION PROPOSAL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. UPTON. Mr. Speaker, I rise today to join my colleague and friend, Rep. ANNA ESHOO, in introducing important consumer protection legislation. This legislation addresses the safety of medical devices which are designed to be used once but which are reprocessed for further use.

In correspondence to Rep. ESHOO, the Food and Drug Administration (FDA) ''agrees that the reuse of disposable medical devices and devices labeled for a single use is a very important public health issue.'' The agency further indicates that cleaning and sterilizing these devices can be very difficult and that material properties and device performance can be affected by resterilization. Yet single use device reprocessors, which may be companies specializing in this practice or hospitals or other health care facilities, are unregulated. They are not required to register with the FDA or to provide convincing evidence that the processes they use are appropriate and that the reprocessed devices are safe and effective.

Our legislation would correct this loophole in the Federal Food, Drug, and Cosmetic Act by requiring single use device reprocessors to register with the FDA and to demonstrate the safety and effectiveness of reprocessed devices. The bill will also require device users to obtain informed patient consent for the use of the device and establish a system whereby the safety and effectiveness of the devices when actually used in patient care may be tracked.

I urge my colleagues to join me supporting this important consumer protection measure.

THE LIFE AND CONTRIBUTIONS OF DR. CHARLES STANISLAW

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. PRICE of North Carolina. Mr. Speaker, a tragic accident in Macedonia October 16 took the life of Dr. Charles Stanislaw, a North Carolina State University agriculture professor and cherished volunteer with the Volunteers in Overseas Cooperative Assistance, an international agriculture extension service organization. His passing has been met with an outpouring of love and admiration for his life's contributions.

Charles Stanislaw, 65, grew up on a cattle farm in Pennsylvania, and managed a purebred beef cattle farm for three years before entering graduate school at Penn State University (M.S., 1962) and Oklahoma State University (Ph.D., 1966). Following graduate school, Dr. Stanislaw worked as a state Extension Swine Specialist with North Carolina State University. He developed and delivered educational programs in swine production for county agents in the areas of genetics and breeding, nutrition and feeding, building design, health management, and general production. He also managed the North Carolina Swine Demonstration Farm, supervised swine research units, and served in the National Swine Improvement Federation. Over 40 years of agriculture experience prepared him for his remarkable service in the Volunteers in Overseas Cooperative Assistance (VOCA).

His work for VOCA in Macedonia and other countries reflected his commitment to service and to improving the lives of farmers around the world. The expertise and care he provided were extremely valuable to the people and places that needed them most. It was clear, as his wife Edythe has expressed, that Charles was doing something very important to him in a country he loved. An extremely popular volunteer, Charles was working on his tenth assignment for VOCA.

His colleagues have described him as a teacher, diplomat, and beloved friend. Upon learning of Dr. Stanislaw's death, those he served in Macedonia came to the VOCA office to express their sympathy and grief. One Macedonian said that her entire farm was based on Charles's work, and in a way was a monument to him.

Dr. Stanislaw had great interest in his Carpatho-Rusyn ancestry, helped establish a website for Porac, Slovakia, the birthplace of his parents, and was presented with the city's flag by the Mayor of Porac. In collaboration with Dr. Jan Babik of Kosice, Slovakia, he was writing a history of Porac. At home in North Carolina, Dr. Stanislaw was presented a Hall of Fame Award by the N.C. Pork Council ''in appreciation of outstanding contributions and leadership to the pork industry and the North Carolina Pork Council.''

Mr. Speaker, we mourn the passing of Dr. Charles Stanislaw with prayers for his wife, Edythe, two daughters, Christine Lynn and Leigh, their family and his many friends and admirers from Pennsylvania and North Carolina to Slovakia and Macedonia.

SALUTING THE PUBLIC SERVICE OF CONGRESSIONAL STAFFER JOHN McGUIRE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. WALSH. Mr. Speaker, I want to ask my Colleagues today to join me in recognizing the public service record of one of our own—a recently-retired employee of the House of Representatives, a member of my staff, John McGuire.

Although John has left public service and gone on to another stage of life in which he now focuses his energy entirely on family and friendly pursuits, he has left behind a record of admirable service.

Over the course of his professional career, and in addition to his time on my staff, he has brought great credit to the federal government. He has helped me understand the importance of our debt to veterans and he has excelled at constituent service in general.

A combat U.S. Marine veteran, John was indeed a very special liaison for me with the community of veterans who live in Central New York. But his camaraderie with those who have served our nation never limited his reach. For many in Central New York, John has been the federal government's helping hand.

We who count ourselves among his many friends are proud of his natural tendency to open his door to others in hours of need. His empathy has been matched only by his skills, his concern matched only by his optimism, and his values as an employee matched only by the good he does for others who are his friends.

The United States of America, the greatest country on earth, is strengthened by patriots and civil servants like John McGuire. Thank God for that. I join others of his admirers in recognizing his contributions and thanking him for his selfless dedication to principle and public service.

SUPPORT FOR CUSTOMS OPERATIONS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. REYES. Mr. Speaker, I enter into the CONGRESSIONAL RECORD a request made by the Texas State Legislature asking that Members of Congress provide funding for infrastructure improvements, more customs inspection lanes and customs officials, and a 24 hour customs operation at border crossing between Texas and Mexico.

Bottlenecks at customs inspection lanes have contributed to traffic congestion at Texas-Mexico border crossing areas slowing the flow of commerce and detracting from the economic potential of the North American Free Trade Agreement (NAFTA).

Smuggling of drugs inside truck parts and cargo containers compounds the problem, necessitating lengthy vehicle searches that put

federal customs officials in a crossfire between their mandate to speed the movement of goods and their mandate to reduce the flow of illegal substances.

At the state level, the Texas Comptroller of Public Accounts has released a report titled Bordering the Future, recommending among other items that U.S. customs inspection facilities at major international border crossings stay open around the clock. At the federal level, the U.S. General Accounting Office is conducting a similar study of border commerce and NAFTA issues, and the U.S. Customs Service is working with a private trade entity to review and analyze the relationship between its inspector numbers and its inspection workload.

Efficiency in the flow of NAFTA commerce requires two federal customs-related funding commitments: (1) improved infrastructure, including additional customs inspection lanes; and (2) a concurrent expansion in customs personnel and customs operating hours.

Section 119 of the Federal Transportation Act for the 21st Century (TEA–21), creating the Coordinated Border infrastructure program, serves as a funding source for border area infrastructure improvements and regulatory enhancements.

Domestic profits and income increases in tandem with the exports and imports, generating federal revenue, some portion of which deserves channeling into the customs activity that supports increased international trade.

Texas legislators and businesses, being close to the situation geographically, are acutely aware of the fixes and upgrades that require attention if NAFTA prosperity is truly to live up to the expectations of this state and nation.

NATIONAL LAW ENFORCEMENT WREATHLAYING CEREMONY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. HOYER. Mr. Speaker, last Friday, I attended the Eighth Annual Wreathlaying Ceremony commemorating the Anniversary of the National Law Enforcement Officers Memorial's Dedication. Although I have attended these commemorations in the past, this year's ceremony was particularly touching.

Over the course of this decade, our federal, state and local law enforcement officers increasingly have faced dangerous conditions in communities around the Nation. During the 1990s, an average of more than 62,000 officers were assaulted, more than 21,000 were injured and 160 were killed in the line of duty each year. The walls of the Law Enforcement Officer's Memorial are lined with more than 14,000 names, including three of our very own Capitol Police Officers—Officer Jacob J. Chesnut, Detective John Gibson and Officer Christopher Eney.

Every single day, the men and women of law enforcement put their lives on the line to protect and serve large and small communities across this Nation. They risk their lives to make ours safe and secure. Whether as a border patrol agent, state trooper, or community-oriented police officer, all face the ultimate sacrifice in upholding the laws that serve as the foundation to our democratic form of government.

Below you will find that text of remarks made by Mrs. Shirley Gibson. Mrs. Gibson is the mother of Officer Brian Gibson, one of 160 police officers killed in the line of duty in 1997 and one of three officers from the District of Columbia's Metropolitan Police Department to be killed during a three-month period in that year. Officer Gibson was brutally gunned down outside of a District night club not far from this Chamber.

Since Brian's death almost two years ago, Mrs. Gibson has formed a local chapter of the Concerns of Police Survivors. I salute her efforts to remember Brian and the thousands of other officers that have left behind family and friends while making the ultimate sacrifice in the line of duty.

Mrs. Gibson: I feel qualified to stand here today and represent the survivors of each name inscribed on the walls of this beautiful Memorial. I see so much more than names on these walls. I see husbands and wives, fathers and mothers, brothers and sisters, sons and daughters. I see my son's face. His name was added to these walls two short years ago, along with the names of two fellow Metropolitan Police Department officers, Oliver Smith, Jr. and Robert Johnson, all killed in a span of three months.

640 law enforcement officers' names from the District of Columbia and the Metropolitan area are included in the more than 14,0000 names that line these walls.

This Memorial recognizes all law enforcement, whether federal, state or local, and pays tribute to those officers killed in the line of duty. There are no boundaries in the family of law enforcement. The grief, shock, and anger felt that the deaths of U.S. Capitol Police Officer J.J. Chestnut and Detective John Gibson, and the support from MPD and other departments here and around the country, is an example of how law enforcement is truly a family.

To survivors, this is a place that evokes a flood of emotions. I remember seeing my son Brian's name being inscribed on the wall, and the pride I felt mixed with the pain. Pride, knowing that my son was an outstanding officer who was killed during what he loved most, and that his name was being memorialized for all who love him to see and remember. Pain, because I realized that Brian's name would not be the last name inscribed here. Since Brian's death, there have been many more names added, and as much as we pray that there will be no more, we realize that it is inevitable. To those law enforcement officers who diligently continue the job that Brian and the thousands of others here died for, the message this Memorial sends is that you are appreciated, you are needed and you make the world a safer place for law-abiding citizens.

On this, the eighth anniversary of the dedication this Memorial, another message is clearly sent. That message is that the role of Law Enforcement Officers will never be diminished, that the names inscribed here and the names attached to every law enforcement badge, convey the strength, courage, and valor symbolized by the imposing lions with guard the entrance to this Memorial.

The survivors who visit this Memorial find a quiet place of remembrance, dignity and pride. A mother from New York called me a few weeks after Police Week this year. Her only son had been honored. When she returned home, the desire to come back to the Memorial was so strong, that a few days later she boarded a train to Union Station, got a taxi and came here to simply spend the day looking at her son's name and remembered faces of those who advocated peace. A place where the wind whispers ''Always remembered. Never forgotten.'' A place worthy of the name of those who sacrificed their lives in the line of duty.

God Bless the Gibson Family and God Bless the thousands of families whose loved ones are remembered on the walls of the National Law Enforcement Officers Memorial. Their tremendous sacrifice will never be forgotten. We will forever be in their debt.

RECOGNITION OF THE NEW LEADERS

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. FORD. Mr. Speaker, I rise today in recognition of an organization that is vitally important to our society as a whole. The New Leaders is an organization committed to empowering the African American community. Many challenges lie ahead in addressing the concerns of people of color. This organization brings young professionals together to tackle the social, economic, and political problems facing people of color. For five years, this organization used the collective resources of these young professionals to shape public policy.

Using fresh and innovative perspectives that we as policy makers desperately need, this organization has become a part of several youth education and training partnerships. The New Leaders has worked continually to increase African American leadership opportunities and to foster an environment of youth empowerment. As a member of their generation, I realize the importance of looking at our young people as assets and resources.

The New Leaders have made significant strides in this area by designing a leadership development program for middle school students, providing scholarship money to students, and sponsoring the highly successful and effective Take A Youth To Work Day.

Not only are The New Leaders ahead of the curve in advocating youth empowerment, they also support a fair and accurate census. Historically, minorities have been under-counted and The New Leaders are committed to Census 2000 in order to ensure equal representation and ample funding to combat some of the growing concerns in the African American community.

Mr. Speaker, I ask you and our House colleagues to join me in recognizing the efforts and the achievements of The New Leaders. I also submit a position paper presented to The White House by The New Leaders for the RECORD.

THE NEW LEADERS—1999 POSITION PAPER ON YOUTH, LEADERSHIP AND THE CENSUS IN THE AFRICAN AMERICAN COMMUNITY

(Presented to The White House, September 18, 1999)

The New Leaders (TNL) is a non-profit, non-partisan organization committed to empowering the African American community. For the last five years, TNL has been comprised primarily of Black professionals dedicated to addressing the social, economic and political issues facing people of color. We believe by leveraging our combined resources with a fresh, innovative perspective, our goal of shaping public policy will result in the organization attaining a value-added level of influence in this country.

Building upon the success the Clinton Administration has had in fostering mentoring, expanding investments in youth education and training, and creating the GEAR-UP initiative, TNL recognizes that several partnership opportunities lie ahead. Therefore, TNL recommends that the Administration put forth initiatives that further promote our young people to become actively involved in leadership and government. Additionally, these initiatives will help remedy the misrepresentation of Blacks that resulted from previous under-counts of minorities in past national census counts.

OBJECTIVE FOR INCREASING AFRICAN AMERICAN LEADERSHIP REPRESENTATION

TNL encourages the Clinton Administration to expand existing initiatives and/or create a new initiative design to invest in the development of governmental leadership within African American communities across this nation. To formulate a model that could be duplicated, TNL proposes the development of a demonstration project that creates a leadership institute to train and prepare African Americans to take an active role in government.

CURRENT CIRCUMSTANCES OF BLACKS IN THE POLITICAL PROCESS

Extreme apathy exists among a massive pool of untapped voters across this country. This apathy is prevalent in the Black community, especially among our youth. While reasons vary as to why eligible young voters are so far removed from the political process, we must find a way to reengage these individuals. Our failure to successfully address this issue will result in continued inadequate resources for underserved minority communities.

TNL'S COMMITMENT TO YOUTH EMPOWERMENT

Over the past few years, TNL has touched the lives of thousands by addressing the social, political and economic state of the African American community. One of TNL's primary interests has been and continues to be our youth—equipping and instructing them to assume responsibility for their own lives and the future of their communities.

TNL has made significant strides in this area by designing a leadership development program for middle school students, providing $88,000 in scholarship moneys through Texas Southern University (TSU), and most importantly, sponsoring our annual Take a Youth to Work Day. Every year this milestone even pairs African American males between the ages of 13 and 18 with professional Black men for a day of mentoring. By partnering with the current administration, TNL seeks to expand our outreach efforts. We will achieve this through continued advancements in technology, creation of charter organizations, and drawing upon the expertise of African American leaders both past and present.

THE HISTORICAL UNDER-COUNT IN THE PAST CENSUS & THE IMPACT ON AFRICAN AMERICANS

Since the inception of the census count, Blacks have been consistently under-counted. As a result, the Black community has been grossly misrepresented and ample funding has not been secured. One area of vital importance is health care. In this area, a new generation of African Americans continue to lead in the disparity of diseases such as: infant mortality, diabetes, cancer screening and management, heart disease, AIDS and immunizations (diseases identified by the Administration's initiative to end racial and ethnic health disparities). As we move towards a new millennium, an under-count in Census 2000 will have an enormous impact on the reapportionment efforts in this country. These efforts in turn could jeopardize minority political representation on the local, state and federal levels.

REMEDYING PAST UNDER-REPRESENTATION OF AFRICAN AMERICANS

It is the contention of TNL that one glaring example of the apathy and distrust of government deals with the under-count of Blacks in the census. While it is understood that federal moneys have been set aside to actively outreach underserved communities, TNL believes that additional steps are needed to address this long standing problem.

TNL recommends that the White House introduce an initiative similar to the one introduced by the Kennedy Administration that encouraged Americans to join the Peace Corps. This initiative would focus on training and empowering young people to become active in government. TNL believes that such an initiative will not only address the issues of inadequate reapportionment, but also concerns regarding reparations as well as the equitable treatment of Black Americans caught up in this nation's burgeoning criminal justice system.

CONCLUSION

In their purest form, true leaders empower the constituency they represent, they take control of adverse circumstances, and they assume the responsibility for a better way of life. The best way to instill this ideology is to train and equip individuals that have been consistently and systematically denied the liberties this country has afforded other citizens.

Therefore, TNL believes that the most effective way to tackle these issues begins with empowering every African-American to become motivated and actively engage in the principals of democracy. If we can accomplish this, we will balance the scales of justice, ensuring fairness and equitable treatment for all, irrespective of race, creed, or color.

A new era. A new American. The possibilities are endless.

RECOGNIZING THE CONTRIBUTIONS OF 4–H CLUBS

SPEECH OF

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. BALDACCI. Mr. Speaker, I want to speak today in strong support of H. Con. Res. 194, introduced by my colleague Mr. DEAL. I am pleased to talk about this concurrent resolution that recognizes the contributions of 4–H Clubs and their members to voluntary community service.

I visit 4–H exhibits whenever I have the chance to stop by the booths at county fairs. I eagerly address 4–H meetings, particularly the annual teen conference.

This is a great organization. It is a group of young people who take the time and make the effort to learn about the environment, to help others, and to take care of their own animals.

The meetings and workshops conducted by the organization consistently reflect the interests of young people of Maine and of the nation, and those interests are varied. Times change and these days they are changing rapidly. It is great that they have the desire to learn more about their world.

4–H teaches young people how to work together, to compromise to reach the solution that's best for the most people. It allows them to take advantage of their time in school. But agriculture continues to serve as the roots of 4–H.

As a member of the Agriculture Committee, I have done what I could to help the youth of 4–H learn more about the role the agriculture industry plans in our state, our country, and indeed, the world. At the same time I have always admired the volunteerism of the organization and the quality of their contributions to their communities.

I am pleased to support this resolution recognizing the efforts of 4–H youth throughout this country.

PUBLIC USE OF THE McGREGOR RANGE

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. REYES. Mr. Speaker, I enter into the CONGRESSIONAL RECORD a request made by the Texas State Legislature asking that Members of Congress ensure that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from public use of the McGregor Range land beyond 2001.

Future military threats to the United States and its allies may come from technologically advanced rogue states that for the first time are armed with long-range missiles capable of delivering nuclear, chemical, or biological weapons to an increasingly wider range of countries.

The U.S. military strategy requires flexible and strong armed forces that are well-trained, well-equipped, and ready to defend our nation's interests against these devastating weapons of mass destruction. Previous rounds of military base closures combined with the realignment of the Department of the Army force structure have established Fort Bliss as the Army's Air Defense Artillery Center of Excellence, thus making McGregor Range, which is a part of Fort Bliss, the nation's principal training facility for air defense systems.

McGregor Range is inextricably linked to the advanced missile defense testing network that includes Fort Bliss and the White Sands Missile range, providing, verifying, and maintaining the highest level of missile defense testing

for the Patriot, Avenger, Stinger, and other advanced missile defense systems.

The McGregor Range comprises more than half of the Fort Bliss installation land area, and the range and its restricted airspace in conjunction with the White Sands Missile Range, is crucial to the development and testing of the Army Tactical Missile System and the Theater High Altitude Area Defense System.

The high quality and unique training capabilities of the McGregor Range allow the verification of our military readiness in air-to-ground combat, including the Army's only opportunity to test the Patriot missile in live fire, tactical scenarios, as well as execute the "Roving Sands" joint training exercises held annually at Fort Bliss.

The Military Lands Withdrawal Act of 1986 requires that the withdrawal from public use of all military land governed by the Army, including McGregor Range, must be terminated on November 6, 2001, unless such withdrawal is renewed by an Act of Congress.

Mr. Speaker, in closing I would like to reiterate the importance of the McGregor Range land for the testing and training for Fort Bliss and the White Sands Missile Range. By being designated as the Army's Air Defense Artillery Center of Excellence, Fort Bliss has already received the status as an intricate part of the nations military defense systems. Tactical scenarios would not be possible without McGregor Range to conduct the projects. The Military Lands Withdrawal Act is necessary in order to continue these projects that ensure the prosperity of the nation's defense systems.

TRIBUTE TO SALVE REGINA UNIVERSITY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. KENNEDY of Rhode Island. Mr. Speaker, it is with great pride that I rise today to congratulate Salve Regina University for being selected to receive the 1999 National Preservation Award from the National Trust for Historic Preservation. Indeed, I cannot think of many college campuses that would qualify for such a distinctive and prestigious Award.

It is no secret, Mr. Speaker, that Newport is home to many of the 19th century "summer cottages" which personified the Gilded Age. Indeed, the city by the Sea enjoys a rich history of the splendid architecture of that Age. What is not widely known, however, is that Salve Regina's unique campus is comprised of 18 of these restored summer estates on some 60 manicured acres along the Atlantic coast. Salve Regina was recognized by the National Trust for its ongoing restoration of its campus and its accredited historic preservation educational program. The award was presented on October 22nd in Washington, D.C. at the National Trust's annual preservation conference.

Beginning in 1947 with the gift of an estate designed by noted architect Richard Morris Hunt, the University has added the former summer homes of Vice President Levi Morton, international sportsman James Van Alen, and New York financier William Watts Sherman to its collection. Some of the homes were designed by H.H. Richardson or McKim, Mead and White, and feature details by Louis Comfort Tiffany, John LaFarge, or Karl Bitter. This architectural treasure trove, which also includes landscapes designed by Frederick Law Olmstead, has been preserved in its entirety by Salve Regina.

The Salve Regina campus with its Gilded Age mansions, shingled Victorian cottages, and classically-designed landscapes is a working laboratory of American history and architecture. One such unique home is Ochre Court. It was the first of a group of spectacular Newport houses in the Grand Manner designed by Richard Morris Hunt, America's foremost architect of the late 19th century. Commissioned by the Goelet family in 1888, the stately 50 room mansion was given as a gift by the family in 1947 to the Sisters of Mercy to begin Salve Regina. Ochre Court now serves as the University's administration building and is a treasure trove of mythology, literature, and the arts and sciences.

Mr. Speaker, Salve Regina is also the home of the Pell Center for International Relations and Public Policy, named in honor of our former colleague Senator Claiborne Pell of Newport. In 1997 Salve Regina acquired Fairlawn to be the home of the Penn Center. Built in 1852, Fairlawn became the home of Vice President Levi Morton in 1860. Morton added a ballroom to this mansion in 1870 to accommodate a visit by President Ulysses S. Grant.

Aside from its many architectural treasures, Salve Regina is also recognized for its wonderful educational system. Having recently celebrated its 50th anniversary, the University is emerging into national recognition as a coeducational institution where academic excellence is fostered in a context of ethical living. In the tradition of its founders, the Religious Sisters of Mercy, Salve Regina embraces a mission of commitment to learning and community enrichment for students of all backgrounds and faiths. Over two thousand undergraduate and graduate students from 43 states and 26 foreign countries are enrolled in 32 undergraduate concentrations and 11 graduate programs, including a doctoral program in Humanities.

It gives me great pleasure, Mr. Speaker, to congratulate Salve Regina University for receiving this national award. It is a testament to the leadership of the University under the incomparable Sister Therese Antone, the faculty, and the student body that their campus has been selected as one of our nation's top historic treasures. It is also symbolic of the ability of the University to not only adapt to this rich environment, but to continually feel the responsibility to preserve it for future generations of students, members of the community and visitors to Newport.

IN HONOR OF MARVIN D. GENZER, ESQ.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Marvin D. Genzer, Esq. Recently, Mr. Genzer was honored by the Pace University School of Law for his outstanding contributions to the Bar, Pace University School of Law, and his community.

Mr. Genzer is the Vice President, General Counsel, and Secretary responsible for all legal affairs of the EDO Corporation in New York. He is a past president of the Corporate Bar Association of Westchester and Fairfield.

Mr. Genzer teaches the Daniel A. Austin Memorial Lecture Series on In-House Corporate Practice as an Adjunct Professor of Law at Pace University School of Law and is a 1981 graduate of the law school.

While Mr. Genzer has been with the EDO Corporation since 1966, his first profession was in Electrical Engineering. In this endeavor, Mr. Genzer contributed greatly to our national safety and planning. He was Program Manager of the Lunar Landing Probe and a designer of the logistics program for the U.S. Magnetic-Minesweeping of Haiphong Harbor.

He is active in his Community, was President of the Fox Lane Ski Club, and has been involved in Little League and Youth Soccer. Mr. Speaker, I am pleased to bring to your attention the outstanding life and work of Mr. Marvin D. Genzer. I ask that my Colleagues join me in congratulating Mr. Genzer on his well deserved honor.

TRIBUTE TO JOHN JALILI

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. WAXMAN. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the distinguished career of Santa Monica City Manager John Jalili, who is retiring after many years of dedicated public service.

John Jalili has served as a truly exemplary City Manager singe 1984, leading the city to national recognition in environmental management, transit services, telecommunications, downtown revitalization, the arts, housing, human services and financial management. During his tenure, Santa Monica's financial rating has been upgraded three times and was recently given three triple A financial ratings—one of only four cities nationwide with this extraordinary financial standing. In addition, under Mr. Jalili's leadership. the Third Street Promenade stands as one of Southern California's most exciting community treasures.

John Jalili has served the remarkable beach-side City of Santa Monica for a total of twenty-five years. Prior to his appointment as City Manager, he served five years as Assistant City Manager and five years as Director of Community Development.

John Jalili has been honored by numerous professional organizations throughout his career. Last June, he was honored by the American Society for Public Administration, Los Angels Metropolitan Chapter with the Dykstra Award for Excellence in Government. He has been recognized for his many years of public service by the International City/County Management Association. He has also been named one of the most influential people in Santa Monica by The Los Angeles Times' "Our Times" newspaper and was recently honored by the Pier Restoration Corporation for his contributions to the revitalization of the Santa Monica Pier.

John Jalili is known throughout City Hall as a manager who cares deeply about the quality of life of the residents of Santa Monica. He has been a creative, persistent and enthusiastic champion for the city and will be dearly missed by his colleagues and the community he has served.

I ask my colleagues to join me in congratulating John Jalili for his long, distinguished career in public service and in wishing him and his family all the best in the future.

INTRODUCTION OF THE HEALTH CARE PRESERVATION AND ACCESSIBILITY ACT OF 1999

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1999

Mr. RUSH. Mr. Speaker, State hospitals all over the country are experiencing severe financial crisis due to the Balanced Budget Act of 1997 (BBA 97, P.L. 105–33), which reduced Medicare reimbursements to hospitals and health service providers over a 5-year period. The BBA cuts ordered in 1999 were supposed to slow the growth of Medicare and save $112 billion over 5 years, including $4 billion from Medicare payments to hospitals. However, the BBA, which I opposed, has imposed severe financial burdens on teaching hospitals, rural hospitals, skilled nursing facilities, and home health providers. In my State alone, hospitals are estimated to lose $2.8 billion in Medicare payments over a 5-year period.

The financial burden of the BBA cuts is causing severe pain for the teaching hospitals in my State. Because Illinois ranks fifth in the Nation in the number of teaching hospitals, and these facilities are expected to lose more than $1.6 billion over the 5-year period, of the BBA's life. These cuts have a devastating effect on the communities that they serve.

In order to provide relief for these hospitals, I am introducing the Health Care Preservation and Accessibility Act of 1999, which will restore one-third of the difference between the projected and actual savings from hospitals. The legislation will accomplish this by freezing the cuts on teaching hospitals, rural hospitals, children's hospitals that operate graduate medical education programs, skilled nursing facilities and home health care. Specifically, my legislation will restore cuts in the following manner:

Teaching Hospitals: Freezes the cuts in indirect medical payments (IME) to 1999 levels. It also freezes cuts in the disproportionate share payments (DSH payments) at 2% and provides payments directly to those serving a large share of low-income patients.

Children's Hospitals—GME: Directs the Secretary of Health and Human Services to make payments as specified to each children's hospital for the cost reporting period under Medicare for FY 2000 and 2001 for the direct and indirect expenses associated with operating approved medical residency training programs.

Rural Hospitals: Sets a floor on outpatient hospital payments so that rural hospitals do not fall below 1999 levels and establishes a new payment system for rural health centers.

Safety Net Providers: Revises the payment system for community health centers so that it more adequately covers the costs and allows those providers that furnish service to low-income Americans to be directly compensated for their services.

Rehabilitation Therapy Caps: Eliminates the $1,500 per beneficiary cap imposed by the BBA and replaces it with a payment system that is based on the severity of illness.

Skilled Nursing Facilities: Revises the BBA's new prospective payment system for skilled nursing facilities. My bill will increase reimbursements for patients needing a high level of service to more accurately reflect the cost of their care. It will establish a demonstration program where the rule requiring a 3-day hospital stay for skilled nursing services can be waived for certain illnesses.

Home Health Providers: Delays a 15% reduction in the interim payment system if the Secretary of Health and Human services misses the deadline for instituting the new prospective system. It also allows for interest free recoupment of overpayments due to HCFA's underestimation of the interim payment rates for certain agencies.

My legislation also provides additional protections for senior citizens and persons with disabilities and strengthens protections and sanctions for Medicare fraud and abuse.

I hope that my legislation, the Health Care Preservation and Accessibility Act of 1999 will provide the much-needed relief to the Illinois Hospitals that have been harmed by the 1997 BBA-imposed reductions.

HISTORY OF THE HOUSE AWARENESS AND PRESERVATION ACT

SPEECH OF

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 25, 1999

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of H.R. 2303, the History of the House Awareness and Preservation Act. As an original co-sponsor of H.R. 2303, I believe the private and public sectors of this country would benefit substantially from the commission proposed by my colleagues from Connecticut and Missouri. This comprehensive history of the House of Representatives would provide an accurate, non-partisan picture for all those who are interested in American history and public policy.

In addition, this tax-free effort would be beneficial for current and future Members of Congress. H.R. 2303 includes a provision to authorize the Library of Congress to improve its collection of oral histories from former Members. Also, I am in support of the sense of the Congress provisions that create a historical orientation program for new Members, as well as a Speaker's lecture series. The Majority Leader's lecture series has been a success in the other body, and I expect this forum would be the same.

Furthermore, I believe this commission would be successful because a select board will choose prominent historians who will focus primarily on procedures and policy, as well as personalities. In conclusion, I am reminded by an aphorism that states "Anybody can make history—only a great man can write it." Mr. Speaker, I hope we will find great individuals to write this important book of history.