SENATE—*Wednesday, November 10, 1999*

The Senate met at 9:30 p.m. and was called to oder by the Honorable SUSAN M. COLLINS, a Senator from the State of Maine.

PRAYER

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

Gracious God, we thank You for the impact of women on American history. We praise You for our founding Pilgrim Foremothers and the role they had in establishing our Nation, for the strategic role of women in the battle for our independence, for the incredible courage of women who helped push back the frontier, for the suffragettes who fought for the right to vote and the place of women in our society, for the dynamic women who have given crucial leadership in each period of our history.

Today, Gracious God, we give You thanks for the women who serve here in the Senate: for the outstanding women Senators, for women who serve as officers of the Senate, for women who serve in strategic positions in the ongoing work of the Senate, and for the many women throughout the Senate family who glorify You in their loyalty and in their excellence.

Our prayer today, Gracious Lord, is that the role of women in the Senate would exemplify to the American people the importance of the leadership of women in every level of our society.

Thank You, Gracious God. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 10, 1999.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SUSAN M. COLLINS, a Senator from the State of Maine, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Ms. COLLINS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WOMEN IN THE SENATE

Mr. LOTT. Madam President, perhaps my colleagues have already noticed that the Senate seems to be extraordinarily well organized and effective today and there is a reason for that. With apologies from the Chaplain and the majority leader, I think we should note that a significant milestone in the 210-year course of the Senate's history is taking place. Never before has a team composed entirely of women Members and staff opened the day's proceedings. Today's remarkable occasion reminds Members how much the Senate's collective face has changed and improved in recent years.

The Senate has benefited from the service of 27 female Senators since the Honorable Rebecca Felton of Georgia first held that position on November 21, 1922, and particularly since 1932, when Hattie Caraway of Arkansas became the first woman elected to the Senate. While Senator Felton served only 2 days, Ms. Caraway's service continued until 1945, and she became the first woman to chair a Senate Committee.

Another pioneering woman Senator was Margaret Chase Smith of Maine, and the Presiding Officer today, Senator COLLINS, also hails from that State of Maine. Mrs. Smith joined the Senate in 1949 and served until 1973. During her distinguished career, she openly criticized the tactics of fellow Senator Joseph McCarthy in a 1950 speech entitled ''A Declaration of Conscience,'' and became a Presidential candidate in 1964—partially, I believe, because of that famous speech.

Following in these formidable steps was Nancy Landon Kassebaum, now the wife of former Senator and majority leader, Howard Baker of Tennessee. Her nearly 20-year career in the Senate became a model for many women to come. My first few months as majority leader involved a lot of issues but one of them is the now famous Kassebaum-Kennedy bill with regard to portable health issues. She was determined that before she left the Senate she was going to leave an indelible mark, and she did for many reasons but for that piece of legislation in particular.

In January 1993 as the Senators of the 103rd Congress took the oath of office, an unprecedented six women assumed their place on the floor. Since that time, the number of women Senators has grown to nine.

In recent years, the role of women officers has continued to grow, as well. In 1985, Jo-Anne Coe became the first woman to serve as Secretary of the Senate. In 1991, Martha Pope became the first female Sergeant at Arms. In 1995, Elizabeth Letchworth became the first Secretary of the majority for the Republicans and presently still holds that position. Currently, women serve as: Assistant Secretary (Sharon Zelaska), Deputy Sergeant at Arms (Loretta Symms), Assistant Parliamentarian (Elizabeth MacDonough), Official Reporter of Debates (Katie-Jane Teel), Assistant Journal Clerk (Myra Baran), Assistant Legislative Clerk (Kathie Alvarez), Bill Clerk (Mary Anne Clarkson), Assistant Secretary for the Minority (Lula Davis), and Republican Floor Assistant (Laura Martin). They all do a fantastic job, and we appreciate their service so much. They have been involved in a lot of activities in the last year, some of it they would just as soon have been able to miss, but they have done a great job every time they have been called upon.

Over the years, the Senate has changed as an ever-increasing number of women ran for and were elected to public office. Since the end of World War II, there has been a steady increase in the number of women serving this institution as legislative clerks and other appointed officials. This is a historic day and a long time in coming—too long. I am proud it happened under my watch.

To the women in the Chamber today and all of those who serve elsewhere in the Senate, let me take a moment to say thank you and extend my personal best wishes to all of our leaders, women officers of the Senate, and remind people just how much we appreciate their hard work and dedication.

SCHEDULE

Mr. LOTT. Madam President, today the Senate will resume consideration of the bankruptcy reform legislation with up to 4 hours of debate on the Hatch amendment No. 2771 regarding drugs. I must say to my colleagues, this bill is moving very slowly. The Democratic leader and I, TOM DASCHLE, have agreed we would let the amendments go forward and let the Members have an opportunity to work their will, but we also want to get this important

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

legislation passed; our intent is to get it done today. As with other bills, we are going to stick with this. If I have to file cloture to bring it to conclusion, I will do that. I have avoided doing that because I want to show good faith and trust that Senators will stick to the issue and find a way to complete the legislation. We cannot leave it on the sidetrack indefinitely or have it tie up the Senate's time much longer because we have a number of bills we need to pass today, tonight, Friday, or whenever we are going to wrap up this session.

Following the use or yielding back of that debate time on amendment No. 2771, the Senate will proceed to at least three stacked rollcall votes beginning with the Hatch amendment, to be followed with votes on the nominations of Carol Moseley-Braun and Linda Morgan. Those votes are expected to occur between 12 and 1 p.m. at the latest. I hope it can actually occur earlier because we do have some conflicts of which we are trying to be cognizant.

Senators who have amendments pending to the bill or amendments they expect to offer are encouraged to work with the bill's managers so those amendments can be disposed of in a timely manner. I hope a large number of them will be accepted or withdrawn. Senators can expect votes to occur throughout today's session and into the evening.

For the information of all Senators, progress has been made on the appropriations bills. It is hoped the Senate can vote on the remaining appropriations today or early next week. I realize that doesn't please a lot of Senators, but while I think great progress has been made, and I did have occasion to talk to the President a few minutes ago, I think now our biggest problem is just the physical ability to get the paperwork done and the House vote, and then have it come to the Senate and complete action.

However, the Senate has been known to act with lightning speed when it makes up its mind. I hope we can do that this time.

Thanks again to the women officers of the Senate for the work they do and for being here today. I hope we can keep Members in place the rest of the day and we can wrap this up by sundown.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

BANKRUPTCY REFORM ACT OF 1999

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 625 which the clerk will report.

The bill clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Kohl amendment No. 2516, to limit the value of certain real or personal property a debtor may elect to exempt under State or local law.

Sessions amendment No. 2518 (to amendment No. 2516), to limit the value of certain real or personal property a debtor may elect to exempt under State or local law.

Feingold amendment No. 2522, to provide for the expenses of long term care.

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

Leahy amendment No. 2529, to save United States taxpayers $24,000,000 by eliminating the blanket mandate relating to the filing of tax returns.

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Feinstein amendment No. 1696, to limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durbin amendment No. 2759, with respect to national standards and homeowner home maintenance costs.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Schumer amendment No. 2764, to provide for greater accuracy in certain means testing.

Schumer amendment No. 2765, to include certain dislocated workers' expenses in the debtor's monthly expenses.

Dodd amendment No. 2531, to protect certain education savings.

Dodd Modified amendment No. 2532, to provide for greater protection of children.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Durbin amendment No. 2659, to modify certain provisions relating to pre-bankruptcy financial counseling.

Durbin amendment No. 2661, to establish parameters for presuming that the filing of a case under chapter 7 of title 11, United States Code, does not constitute an abuse of that chapter.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa, Mr. GRASSLEY, is recognized to call up amendment No. 2771 on which there shall be 4 hours of debate equally divided.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. ASHCROFT addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. ASHCROFT. Madam President, I rise today to speak in support of the amendment offered by Senator HATCH, Senator ABRAHAM, and myself.

This amendment contains the text of S. 486—

AMENDMENT NO. 2771

(Purpose: Relating to methamphetamine and other controlled substances)

The ACTING PRESIDENT pro tempore. If the Senator will suspend, the amendment needs to be offered and the time is under the control of the Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent that I may have 5 seconds for a unanimous consent request after the amendment is offered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. HATCH, for himself, Mr. ASHCROFT, and Mr. ABRAHAM, proposes an amendment numbered 2771.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of Friday, November 5, 1999, under ''Amendments Submitted.'')

Mr. GRASSLEY. Madam President, I would like to have the Senator from Minnesota have the floor to make a unanimous consent request.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I thank my colleague from Iowa. I ask unanimous consent that following the votes, we move to the Kohl amendment, but if there is not agreement to do so, we then move to my amendment No. 2752 which deals with a merger moratorium.

The ACTING PRESIDENT pro tempore. Is there objection to the request?

Without objection, it is so ordered.

Mr. WELLSTONE. I thank my colleague from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank the Chair.

I am pleased to have this opportunity to speak in support of an amendment offered by Senator HATCH and by Senator ABRAHAM and by me. This amendment contains the text of S. 486, the

Methamphetamine Antiproliferation Act of 1999. It is a comprehensive antimethamphetamine bill that I am grateful to have the opportunity of saying is built upon what we called DEFEAT Meth legislation that I introduced earlier this year. It reflects a tremendous amount of truly bipartisan work by the members of the Judiciary Committee cooperating to address a threat which was once thought to have been very localized but is a threat now that is literally reaching from sea to sea.

The reason for the level of bipartisan effort, of course, in crafting this bill is the recognition by all involved that it is needed to combat one of the fastest growing threats to America, the explosive problem of methamphetamine. When I say explosive, I do not just refer to the fact that those cooking or producing methamphetamines are using dangerous chemicals that often result in explosions and house fires. It has exploded in terms of growth across our culture, and we need to curtail it.

Today we are blessed and privileged to live in a period of great national prosperity, but with prosperity sometimes comes apathy or complacency. Unfortunately, this is the perfect breeding ground for drug abuse. Worse still, apathy and complacency not only foster drug abuse, they hamper our society's ability to combat drug abuse and other social ills. We have not been combating drug abuse effectively enough as a culture, and for that reason we have been working on this measure to increase and elevate our effectiveness against this most dangerous of drugs.

As I have noted many times before, under this administration we have been backsliding in the war against drugs. Marijuana use by 8th graders has increased 176 percent since 1992, and cocaine and heroin use among 10th graders has more than doubled in the last 7 years. And now we need to add to these failings the burgeoning epidemic of methamphetamines.

Methamphetamines have had their roots on the west coast and for a long time in other parts of the country, but the epidemic has now exploded in middle America. Meth in the 1990s is what cocaine was in the 1980s and heroin was in the 1970s. It is currently the largest drug threat we face in my home State of Missouri. Unfortunately, it may be coming soon to a city or town near you. If you wanted to design a drug to have the worst possible effect on your community, you would probably design methamphetamine. It is highly addictive, highly destructive, cheap, and it is easy to manufacture.

To give you an idea of the scope of the problem, in 1992 law enforcement seized 2 clandestine meth labs in my home State of Missouri; by 1994, there were 14 seizures; by 1998, there were 679 clandestine meth lab seizures in the State of Missouri alone.

When we talk about a clandestine meth lab, we are talking about a place where people are making or manufacturing methamphetamines. Based on the figures collected so far this year, however, the number will jump again this year to over 800 meth labs to be seized in the State of Missouri.

Let us put that in perspective: 2 in 1992, 800 in 1999. By any definition, this is a problem that commands our attention. And with this growth have come all kinds of difficult challenges and problems. As meth use has increased, domestic abuse, child abuse, burglaries, and meth-related murders have also increased. From 1992 to 1998, meth-related emergency room incidents increased 63 percent.

What is most unacceptable is that meth is ensnaring our children. In 1997, the percentage of 12th graders who used meth was double the 1992 level. In recent conversations I have had with local law enforcement officers in Missouri, they estimate that as many as 10 percent of high school students know the recipe for methamphetamines. In fact, one need only log onto the Internet to find scores of web sites giving detailed instructions about how to set up your own meth lab or production facility. This is unacceptable.

We in the Congress have taken these indicators seriously. In the past two appropriations cycles, we have appropriated $11 million and then $24.5 million for the drug enforcement administration to train local law enforcement officials in the interdiction, finding, discovering, and then cleaning up of methamphetamine labs.

Despite these appropriations, the meth problem continues to grow. I believe it is time we dedicate more resources to stopping this scourge once and for all. So that is why I am so committed to passing S. 486, the Methamphetamine Antiproliferation Act of 1999, as part of this bill.

This amendment provides the necessary weapons to fight the growing meth problem in this country, including the authorization of $5.5 million for DEA programs to train State and local law enforcement in techniques used in meth investigation. There is $9.5 million for hiring new Drug Enforcement Administration agents to assist State and local law enforcement in small and midsized communities. There is $15 million for school and community-based meth abuse and addiction prevention programs; $10 million for the treatment of meth addicts; and $15 million to the Office of the National Drug Control Policy to combat trafficking of meth in designated high-intensity drug trafficking areas which have had great success in Missouri and the Midwest in bringing attention to, focus upon, and eradication of the methamphetamine problem.

This bill also amends the sentencing guidelines by increasing the mandatory minimum sentences for manufacturing meth and significantly increasing mandatory minimum sentences if the offense created a risk of harm to the life of a minor or an incompetent.

As I have traveled across my own State of Missouri, I have learned about cases where methamphetamines were being produced in the presence of children—children contaminated chemically by the processes and the byproducts of meth production. It is time we make a clear statement that we will not sacrifice our children on the altar of methamphetamine production. We must have serious increased, mandatory minimum sentences for putting at risk the life of a child in the creation and development of methamphetamines.

Furthermore, the amendment includes meth paraphernalia in the Federal list of illegal paraphernalia.

For a long time, drug paraphernalia relating to other serious drug scourges has been outlawed. The maintenance or development of, and the utilization of paraphernalia in those settings has been inappropriate and wrong. Now we are going to add meth paraphernalia to that Federal list of illegal paraphernalia.

By focusing on reducing the supply through interdiction and punishment, we will make some progress, but that progress is not enough. The amendment authorizes substantial resources for education and prevention targeted specifically at the problem of meth. As I said earlier, law enforcement in Missouri tells me 10 percent of the high school students know the recipe for meth. I want 100 percent of the high school students to know that meth is the recipe for disaster.

Meth presents us with a formidable challenge. We have faced other challenges in the past, and we can face this challenge as well. In fact, the history of America is one of meeting challenges and surpassing people's highest expectations. Meth is no exception. All it will take is that we marshal our will and we channel the great, indomitable American spirit. If we focus our energy on this problem, we can add substantially to the safety and to the health and to the future and opportunities for our young people. Through legislative efforts like this amendment, we will meet this new meth challenge and defeat it, and I urge Members of this body to work hard to make sure this effort to defeat meth becomes a part of the law.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Utah.

Mr. WELLSTONE. If my colleague will yield for 1 second, I ask unanimous consent that following the Senator from Utah and the Senator from Vermont, I may then speak on this amendment.

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

Mr. HATCH. Mr. President, I rise to offer an amendment on behalf of myself, Senators ASHCROFT, ABRAHAM, HUTCHINSON, HELMS, GRAMS, and ALLARD that contains new and responsible measures aimed primarily at curbing the manufacturing, trafficking, and abuse of methamphetamine, a destructive drug that is sweeping across our country. We must act now to stop this plague before it destroys the lives of many of our fellow citizens.

I hope that the administration will take advantage of this legislation and finally begin, in its seventh year, to take serious steps to enforce our drug laws. Sadly, the Clinton-Gore administration has failed miserably at keeping drugs away from our youth. The administration recently boasted that reported illicit drug use by children 12 to 17 years of age is down this year. What the administration is trying to conceal, however, is that, since it took office, drug use among this same group of children more than doubled. Even with the current dip, the rate is still nearly twice what it was when President Clinton and Vice-President GORE took office. America's history of fighting illegal drugs has been long and tiring, but with so many Americans' lives being ruined by this drug, now is not the time to give up—it is a time to fight smarter and harder.

This amendment will provide law enforcement with several effective tools, including proven prevention and treatment programs, that will help us turn the tide of proliferation of methamphetamine use. A significant portion of this amendment reflects language that was passed unanimously in the Judiciary Committee earlier this year. This language, which enjoyed the sponsorship of Senators LEAHY, ASHCROFT, FEINSTEIN, DEWINE, BIDEN, GRASSLEY, THURMOND, and KOHL, represented a bipartisan effort to combat methamphetamine manufacturing and trafficking in America.

Methamphetamine, also known on the streets as ''meth,'' ''speed,'' ''crank,'' ''ice,'' and ''crystal meth,'' is a highly toxic and addictive stimulant that severely affects the central nervous system, induces uncontrollabe, violent behavior and extreme psychiatric and psychological symptoms, and eventually leads some of its abusers to suicide or even murder. Methamphetamine, first popularized by outlaw biker gangs in the late 1970's, is now being manufactured in makeshift laboratories across the country by criminals who are determined to undermine our drug laws and profit from the addiction of others.

So what can we do about the problem? Three years ago, I authored, and Congress passed, the Methamphetamine Control Act of 1996. This legislation, which also enjoyed bipartisan support, aimed at curbing the diversion of commonly used precursor chemicals and mandated strict reporting requirements on their sale. This law has allowed the DEA, along with the help of industry, to stop large quantities of precursor chemicals from being purchased in the United States and being used to manufacture methamphetamine. But, as the methamphetamine problem continues to grow, more can and should be done to help law enforcement uncover, arrest, and hold accountable those who produce this drug.

The methamphetamine threat differs in kind from the threat of other illegal drugs because methamphetamine can be made from readily available and legal chemicals, and because it poses serious danagers to both human life and the environment. According to a report prepared by the Community Epidemiology Work Group, which is part of the National Institute on Drug Abuse, methamphetamine abuse levels ''remain high . . . and there is strong evidence to suggest this drug will continue to be a problem in west coast areas and to spread to other areas of the United States.'' The reasons given for this ominous prediction are that methamphetamine can be produced easily in small, clandestine laboratories, and that the chemicals used to make methamphetamine are readily available.

This threat is real and immediate, and the numbers are telling. According to the Drug Enforcement Administration—DEA, the number of labs cleaned up by the administration has almost doubled each year since 1995. Last year, more than 5,500 amphetamine and methamphetamine labs were seized by DEA and State and local law enforcement officials, and millions of dollars were spent on cleaning up the pollutants and toxins created and left behind by operators of these labs. In Utah alone, there were 266 lab seizures last year, a number which elevated Utah to the unenviable position of being ranked third in the Nation for highest per capita clandestine lab seizures.

The problem with the high number of manufacturing labs is compounded by the fact that the chemicals and substances utilized in the manufacturing process are unstable, volatile, and highly combustible. The smallest amounts of these chemicals, when mixed improperly, can cause explosions and fires. And of course, most of those operating methamphetamine labs are not scientists, but rather unskilled criminals, who are completely apathetic to the destruction that is inherent in the manufacturing process. It is even more frightening when you consider that many of these labs are found in residences, motels, trailers, and even automobiles, and many are operated in the presence of children.

I will never forget the tragedy of the three young children who were burned to death when a methamphetamine lab, operated by their mother in a trailer home in California, exploded and caught fire, as reported in an article:

''Meth Madness: Home deaths ruled felony murder,'' in the San Diego Union Tribune, 11/30/96. I honestly do not know which is worse: using methamphetamine or manufacturing it. Either way, methamphetamine is killing our kids.

Another problem we face is that it doesn't take a lot of ingenuity or resources to manufacture methamphetamine. This drug is manufactured from readily available and legal substances, and there are countless Internet web sites that provide detailed instructions for making methamphetamine. Anyone who has access to the Internet has access to the recipe for this deadly drug. In fact, one pro-drug Internet site contains more than 70 links to sites that provide detailed information on how to manufacture illicit drugs, including methamphetamine.

Let me take a moment to highlight some of the provisions of this amendment that will assist Federal, State, and local law enforcement in preventing the proliferation of methamphetamine manufacturing in America.

This amendment will bolster the DEA's ability to combat the manufacturing and trafficking of methamphetamine, by authorizing the creation of satellite offices and the hiring of additional agents to assist State and local law enforcement officials. More than any other drug, methamphetamine manufacturers and traffickers operate in small towns and rural areas. Unfortunately, rural law enforcement agencies often are overwhelmed and in dire need of the DEA's expertise in conducting methamphetamine investigations. In addition, this amendment will assist State and local officials in handling the dangerous toxic waste left behind by methamphetamine labs.

Another important section of the bill will help prevent the manufacture of methamphetamine by prohibiting the dissemination of drug recipes on the Internet. As mentioned earlier, there are hundreds of sites on the Internet that describe how to manufacture methamphetamine. These step-by-step instructions will be illegal under this bill if the person posting the information or the person receiving the information intends to engage in activity that violates our drug laws.

In 1992, Congress passed a law that made it illegal for anyone to sell or offer for sale drug paraphernalia. This law resulted in the closing of numerous so-called ''head shops.'' Unfortunately, now some merchants sell illegal drug paraphernalia on the Internet. This bill will amend the anti-drug paraphernalia statute to clarify that the ban includes Internet advertising for the sale of controlled substances and drug paraphernalia. The provision will also prohibit a web site that does not sell drug

paraphernalia from allowing other sites that do from advertising on its web site.

This amendment contains many references to the drug amphetamine, a lesser-known, but no-less dangerous drug. Other than for a slight difference in potency, amphetamine is manufactured, sold, and used in the same manner as methamphetamine. And, amphetamine labs pose the same dangers as methamphetamine labs. Indeed, every law enforcement officer with whom I have spoken agreed that the penalties for amphetamine should be the same as those for methamphetamine. For these reasons, this amendment seeks to equalize the punishment for manufacturing and trafficking the two drugs.

To counter the dangers that manufacturing drugs like methamphetamine inflict on human life and on the environment, this amendment imposes stiffer penalties on manufacturers of all illegal drugs when their actions create a substantial risk of harm to human life or to the environment. The inherent dangers of killing innocent bystanders and contaminating the environment warrant a punitive penalty that will deter criminals from engaging in the activity.

This amendment also seeks to keep all drugs away from children and to punish severely those who prey on our children, especially while at school away from their parents. Indeed, studies indicate that drug use goes hand in hand with poor academic performance. To this end, this amendment would increase the penalties for distributing illegal drugs to minors and for distributing illegal drugs near schools and other locations frequented by juveniles. The amendment also would require school districts that receive Federal funds to have policies expelling students who bring drugs on school grounds either in felonious quantities or with an intent to distribute in the same manner as students who bring firearms to school. Additionally, this amendment would allow school districts to use Federal education funds to provide compensation and services to elementary and secondary school students who are victims of school violence as defined by state law.

While we know that vigorous law enforcement measures are necessary to combat the scourge of illegal drugs, we also recognize that we must act to prevent our youth from ever starting down the path of drug abuse. We also must find ways to treat those who have become trapped in addiction. For these reasons, the amendment contains several significant prevention and treatment provisions.

Arguably, the most important treatment provision in this amendment offers an innovative approach to how opiate-addicted patients can seek and obtain treatment. As science and medicine continue to make significant strides in developing drugs that promise to make treatment more effective, we must pave the way to ensure that these drugs can be prescribed in an effective manner and in an appropriate treatment setting. Indeed, this provision does exactly this, by fostering a decentralized system of treating heroin addicts with the new generation of anti-addiction medications that are under development.

By cutting the existing redtape that serves as a substantial disincentive for qualified physicians to treat drug addicts, this amendment acts as a spur for private sector pharmaceutical firms, working in close partnership with academic and government researchers and the drug abuse treatment community, to develop the next generation of anti-addiction medications for opiate addicts. This new system to treat heroin addicts can also act as a model that can be expanded in the future, as anti-addictive medications are developed, to encompass the treatment of other forms of drug addiction.

I want to commend Senators LEVIN, BIDEN, and MOYNIHAN who have worked tirelessly with me in the best spirit of bipartisanship to bring about not just this measure but also to bring about the day in the future that this new treatment paradigm becomes the norm for treating patients addicted to drugs. I also want to recognize the efforts of the experts at the Departments of Justice and Health and Human Services for providing their views on this measure.

Learning how to treat drug addiction is an essential component in America's battle to conquer drug abuse. I am proud to have worked with my colleagues in creating this new approach that undoubtedly will improve the ability for many to obtain successful treatment.

I also support the provision of this amendment that contains the Powder Cocaine Sentencing Act of 1999. This measure strengthens Federal law by increasing the penalties against powder cocaine dealers by reducing from 500 to 50 grams the amount of powder cocaine a person must be convicted of distributing in order to receive a mandatory 5-year minimum sentence in Federal prison. By increasing the penalty for powder cocaine offenses, this measure fairly and effectively reduces the sentencing disparity between powder and crack cocaine.

It is important to our criminal justice system that the disparity in sentences between powder and crack cocaine be reduced. Many people whom I respect, including law enforcement officials and academics, believe that the harsher penalties for crack cocaine generally unfairly affect minority Americans and the poor. Senator SESSIONS, whom I admire a great deal, was an accomplished Federal prosecutor for 12 years. He believes passionately that Congress should reduce the disparity in sentences between powder and crack cocaine. While my own solution for reducing the disparity differs somewhat from that suggested by Senator SESSIONS, he offers a prominent example of an experienced prosecutor who believes that this disparity should be reduced.

This legislation will reduce the differential between the quantity of powder and crack cocaine required to trigger a 5-year mandatory minimum sentence from 100 to 1 to 10 to 1—the same ratio proposed by the administration. But this legislation will accomplish that goal—not by making sentences for crack cocaine dealers more lenient—but rather by increasing sentences for powder cocaine dealers. We should not reduce the Federal penalties for crack cocaine dealers. It would send absolutely the wrong message to the American people, especially given the disturbing increase in teenage drug use during much of the Clinton administration.

This measure is the right approach at the right time. I commend Senator ABRAHAM for his tireless efforts in this matter. Reducing the disparity between crack and powder cocaine will help maintain the confidence of all Americans in the Federal criminal justice system and will provide more appropriate punishment for powder cocaine violations.

The amendment I have offered also contains a provision that requires the FBI to prepare a report assessing the threat posed by President Clinton's grant of clemency to FALN and Los Macheteros terrorists. As is now well known, the grant of clemency freed terrorists belonging to groups that openly advocate a war against the United States and its citizens. And, the FALN and Los Macheteros—including the clemency recipients—have actively waged such a war by, among other acts, planting more than 130 bombs in public places, including shopping malls and restaurants. Those bombs killed several people, maimed others, and destroyed property worth millions of dollars.

Over the past several months, the Judiciary Committee has sought answers to the many questions raised by the President's clemency grant. Unfortunately, we have been repeatedly stymied by this administration's decision to deploy Executive privilege as a shield against public accountability. Despite this stonewalling, the committee's investigation has led to the troubling conclusion that the release of these individuals may well have increased the risk of domestic terrorism posed by the FALN and Los Macheteros. This amendment insures that the FBI can fully assess this risk, and that the Congress and the American people are fully apprised of the FBI's findings.

In conclusion, I believe that this amendment contains many tools essential to our struggle against illegal drug manufacturing and use. We can defeat those who make and sell illicit drugs, and we must fight this plague for the sake of our children and grandchildren. Drug use is a poisonous, nationwide epidemic; it is a battle we must fight until we have succeeded. I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Vermont.

Mr. HATCH. Will the Senator yield for a moment?

Mr. LEAHY. Of course.

Mr. HATCH. Mr. President, I ask unanimous consent that Senators HUTCHINSON, HELMS, ALLARD, and GRAMS be added as original cosponsors of the Hatch-Ashcroft-Abraham drug amendment.

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

Mr. LEAHY. With the distinguished Senator from Utah and the distinguished Senator from Iowa here, I ask unanimous consent to be able to proceed not on the amendment but on the bill for certainly not to exceed 12 minutes, just to let everybody know where we are.

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

Mr. LEAHY. I understand this time is not coming out of the time of either side, just so people understand.

Mr. President, yesterday we made some progress on the bill and were able to clear 22 amendments to improve it. Those were amendments offered by both Democrats and Republicans. Senator TORRICELLI, the ranking member of the appropriate subcommittee, and I have been working in good faith with Senator GRASSLEY, the chairman of the appropriate subcommittee, and Senator HATCH, the chairman of the full committee, to clear amendments. We will try to make some more progress on amendments today.

I thank the Senator from Iowa and the Senator from Utah for their willingness to accept my amendment to provide that the expenses needed to protect debtors and their families from domestic violence is properly considered in bankruptcy proceedings. Domestic violence remains a serious problem in our society. We need to do all we can to protect victims and potential victims of domestic violence.

Some of the other amendments we accepted are also quite important. For example, we improved the bill by accepting an amendment offered by Senators GRASSLEY, TORRICELLI, SPECTER, FEINGOLD, and BIDEN, giving bankruptcy judges the discretion to waive the $175 filing fee for chapter 7 cases for debtors whose annual income is less than 125 percent of the poverty level. Bankruptcy is the only civil proceeding that in forma pauperis filing status is not permitted. This amendment corrects that anomaly.

We also accepted a Feingold-Specter amendment which improves the bill by striking the requirement that a debtor's attorney must pay a trustee's attorney's fees if the debtor is not ''substantially justified'' in filing for chapter 7. The bill's current requirement that a debtor's attorney must pay a trustee's attorneys' fees could chill eligible debtors from filing chapter 7 because they could fear they would have to pay future attorney's fees. This is something we had tried to correct when the committee considered the bill. I am glad we have finally done so.

I commend Senators who came to the floor on Friday and Monday and yesterday to offer their amendments. Despite only 4 hours of debate on Friday, and 4 hours on Monday, and, of course, yesterday we had our party caucuses, and we had extended debate on two nongermane, nonrelevant amendments on other matters, Senators from both sides of the aisle have offered 49 amendments to improve the bill. And we disposed of 27 of those so far in this debate.

I hope all Senators with amendments will continue to come to the floor today to offer their relevant amendments.

But unfortunately, while we continue to make progress on the underlying bill in some regards, the Senate's two votes rejecting important amendments offered by Senators DURBIN and DODD were missed opportunities to improve the bill.

Senator DURBIN's amendment would have allowed us to confront predatory lending practices. Senator DODD's would have provided some restraint on the virtually unrestrained solicitation of young people by the credit card industry.

I spoke earlier about the Austin Powers credit card campaign. Kids going into the movie theater to see ''Austin Powers'' were given a chance to get a credit card with a long credit line and get a free Coke, too, if they wanted, but they could also end up with 10-, 25- and almost 30-percent interest payments. I think many who got that suddenly found it was the most expensive soft drink they ever got at a movie.

These are the practices on which we ought to put some limits. It does not help when the credit card companies come here crying crocodile tears that these children they have given credit cards to suddenly actually used them and have run up huge debts, or the people who have been given unrestrained credit cards actually use them and have run up huge debts. So I commend Senators DURBIN and DODD for their amendments. We actually should have accepted both of them.

Most importantly, yesterday the Senate took several actions that will make it much harder to enact bankruptcy reform legislation. The Senate rejected the Kennedy amendment to provide a real minimum-wage increase and, on a virtually party-line vote, chose to adopt an amendment that includes special interest tax breaks that are not paid for, under the guise of being a real increase in the minimum wage, when in fact it is not.

The President has now promised to veto the bill if it reaches his desk in this form. He noted that the Republican majority used its amendment ''as a cynical tool to advance special interest tax breaks,'' which it was.

The Senate's actions yesterday in these regards were both unfortunate and unwise.

I ask unanimous consent that this morning's editorial from the Washington Post about the bankruptcy bill and the Senate's action yesterday 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, November 10, 1999]

WHAT BANKRUPTCY BILL?

The Senate spent much of yesterday debating and coming to wrong conclusions on the minimum wage and tax cuts. It intended then to debate propositions having to do with school aid, agribusiness, drug policy and the future of East Timor. Under an agreement between the parties, the results of these deliberations were to be attached as amendments or political ornaments, take your pick, to an underlying bill that would significantly tighten bankruptcy law. But very little debate seemed likely on the bill itself, and that is wrong. Aside perhaps from the minimum wage, the underlying bill is more important than the ornamentation. In several respects it is defective and has the potential to do serious harm.

The question in bankruptcy law is always the same: how to achieve a balance between society's interests in seeing that people pay their debts and the need to prevent debtors from being permanently ruined by them. The strong economy in recent years, together with competition in the credit card industry, has produced a sharp increase in consumer use of credit. There has been a related spike, now perhaps subsiding, in bankruptcies. The bill seeks to make sure that people don't take undue advantage of the bankruptcy laws—that those who can reasonably be expected to pay at least a part of their debts aren't excused entirely. That's plainly fair, and there seems to be broad agreement that the law need some toughening. But critics, including the administration and a number of civil rights groups, believe the legislation tilts too far.

There are multiple issues, but basically the administration would make it easier for people at or below the median income to qualify for the kind of bankruptcy in which most debts are excused, and harder for creditors to dislodge them. The administration would also like to impose additional disclosure and other requirements on credit card companies, whose blandishments it believes are partly responsible for the current problem.

But the House already has passed by a veto-proof 313 to 108 an even tougher bankruptcy bill, and the complexity of the issues together with the impatience of the Senate

leaves the administration in a weak position. The Senate yesterday voted along party lines for a slower minimum wage increase than the president wants, together with a costly and regressive tax cut. He says he'll veto a bankruptcy bill to which those are attached, as, at least in the case of the tax cut, he should. What he'll do if eventually the bankruptcy bill is sent to him separately is unclear.

What Congress should do, before it sends him the bill, is make sure that in the name of financial responsibility it doesn't unduly squeeze people who, because of job loss, family breakup, medical bills, etc. can't help themselves. It isn't clear that in the episodic legislative process thus far that balance has been achieved.

Mr. LEAHY. In addition to those provisions adopted yesterday, I want to raise again the question of the costs and the burdens of this bill. We have not talked here about the costs of this bill. But according to the Congressional Budget Office—and this is what everybody watching who is interested in this debate ought to stop and ask themselves: Is this an improvement in our bankruptcy laws or are the taxpayers going to pay for it?

According to the Congressional Budget Office, the bill reported by the Judiciary Committee will cost hundreds of millions of dollars. The cost to the Federal Government, estimated by CBO, is at least $218 million over the next 5 years.

Much of the cost will be borne by our bankruptcy and Federal courts without any provision to assist them in fulfilling the mandates of this bill. Dockets are already overcrowded in our bankruptcy courts. We are not providing new judges. We are now suddenly telling those bankruptcy judges and Federal judges to carry an even heavier burden, but we will not give them additional resources. As a practical matter, somebody is going to have to pay. We are going to have to pay because the courts will get so clogged, the reaction will be to improve that, and we will have to pay for that.

We have to ask, who are the principal beneficiaries? Right now, they are the companies that make up the credit industry. I searched high and low in the bill for the provisions by which these companies are asked to pay for these mandates that benefit them or even contribute to the costs and burdens of the bill, a bill that they support. If they are getting these huge benefits, are they required to pay anything for them? They are not. I can find no provisions by which credit card companies and others who expect to receive a multibillion-dollar windfall from this bill will have to pay the added costs of this measure.

Investing a couple hundred million of taxpayers' money to make several billion dollars for the credit card industry might seem to be a good business investment but not if the taxpayers have to pick up the bill to hand over a multibillion-dollar benefit to the credit card companies.

In addition to these costs to the Federal Government, there are the additional mandates imposed on the private sector. We keep saying how we want to keep Government off the back of the private sector. In fact, CBO estimates the private sector mandates imposed by just two sections of the bill will result in annual increased costs of between $280 million and $940 million a year. Are we willing to tell the private sector that with this bill we are, in effect, putting a tax on them of $280 million to $940 million a year, which over 5 years will amount to between $1.4 billion and $4.7 billion to be borne by the private sector? If we vote for this bill, are we going to tell them we just gave that kind of a tax increase to them?

The CBO estimate explains these costs are likely to be borne by the bankruptcy debtors, thereby ''reducing the pool of funds available to creditors.'' You pay at the beginning or you pay in the end, but you are going to pay.

So all in all, this amounts to a bill of an estimated cost over 5 years of $5 billion to be borne by taxpayers and debtors so the credit industry can pocket another $5 billion. Not a bad day's work by the credit industry lobbyists but not a good result for the American people. They are going to be happy if they get the American taxpayers to give them $5 billion just like that. They ought to be awfully happy.

I asked last Friday that those who are proposing this bill to come forward and answer the simple question I posed then: What language in the bill guarantees that any savings from this bill will be passed on to consumers? I continue to ask whether credit card interest rates will be reduced by any savings created by this bill. Certainly the 25- to 26- and 27-percent interest rates ought to be reduced. I continue to ask whether credit fees will be reduced by any savings generated by provisions of this bill. I continue to ask how the $400 per American family the proponents of the bill estimate will be saved by provisions of this bill are going to get to these families. Everybody says we are saving money for the American families. So far all I see is a $5 billion transfer from those American families to the credit card industry.

I haven't heard or seen any answers to those basic questions. I think those who say this is going to benefit the American public ought to be more specific. CBO doesn't see it that way. They see a great transfer from the American public to one industry. For all that I can see, any savings generated by this bill will be gobbled up in windfall profits for the credit industry, without any guarantee of benefits for working people, and with a $1 billion per year out-of-pocket cost to taxpayers and those in the bankruptcy system.

Mr. President, I understand time will now go back on the amendment. I think we had a unanimous consent request at this point that when we went back on the bill, the Senator from Minnesota was going to be recognized.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I understand my colleague from Michigan has wanted to propound a unanimous consent request.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, apparently a UC had been entered into which had set in order speakers through Senator WELLSTONE. I know Senator ALLARD and I have been here for some time. I noticed Senator KENNEDY has joined us. We were hoping we might come up with another UC which would ensure continuing order in terms of the speakers; ideally, the order in which we have been here. If that is possible, I would appreciate it. Therefore, that leads me to propose that following the speech of Senator WELLSTONE, if we might then proceed in an order in which I would be allowed to speak next, followed by Senator ALLARD, followed by Senator KENNEDY, if that is possible. If it is not, we would be open to adjusting that. I am not sure how.

Mr. KENNEDY. Reserving the right to object, I prefer not to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. What was the general time? I was just trying to conclude. I was going to be probably 10 or 15 minutes. If I thought that the two Senators will be finished shortly after 11, that is fine.

Mr. ABRAHAM. Mr. President, I have no idea how long the Senator from Minnesota will be speaking. I will be speaking approximately 15 minutes.

Mr. ALLARD. I anticipate somewhere around 7 or 8 minutes for my remarks.

Mr. KENNEDY. That would be fine.

The PRESIDING OFFICER. Is there objection to the request?

Mr. LEAHY. Reserving the right to object, and I shall not, I want to make sure I understand. Senator WELLSTONE, Senator ABRAHAM, Senator ALLARD, and then Senator KENNEDY, and then, perhaps after that, we would go back and forth. The Senator from Vermont is going to want to speak on the amendment at some point, too.

The PRESIDING OFFICER. Does the Senator from Vermont wish to add himself to the sequence?

Mr. LEAHY. Why don't I add myself after the Senator from Massachusetts. I assure the Senator from Iowa, if he wishes to speak at that point, I will yield first to him.

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

Mr. ABRAHAM. I have no objection to that.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have listened to my colleagues discuss this amendment. I want to zero in on what is the poison pill provision of this amendment—no pun intended.

The cocaine provision in the Republican drug amendment to the bankruptcy bill would raise powder cocaine penalties to unacceptably high levels, forcing jail overcrowding without offering any concrete solutions to drug addiction. That is the fundamental problem. In short, as much affection as I have for my colleague from Michigan and others, I think this provision is a disaster.

The authors say they want to fix racial disparities in crack sentencing by establishing tougher sentences for low-end powder cocaine offenders. In practice, this is going to make the disparities worse. That is the problem. This provision capitalizes upon the common misperception that powder cocaine is principally a ''white drug.'' It seeks to neutralize complaints of racism in the heavy sentences meted out almost exclusively to African American defendants for crack cocaine offenses. In reality, this provision will only worsen the problem of gross overrepresentation of minorities in prison for drug offenses. To the existing flood of young minority males serving draconian sentences for nonviolent low-level crack offenses, it will simply do the same for minor powder cocaine offenses.

Only low-end cocaine defendants will have their sentences changed under the Republican proposal. The sentence for a participant in a 50-gram powder transaction will more than double from 27 months to 5 years. Further, the Sentencing Commission's mandate will require it to make comparable increases for lesser quantities. Yet the Commission has documented that as with crack, such low-level street dealers—and these are the ones who are going to be affected by this—of powder cocaine are ''primarily poor, minority youth, generally under the age of 18.'' And overall, minorities constitute over three-quarters of all current powder defendants. They also found that over half of the Federal powder defendants are couriers or mules or lookouts—categories with the lowest income and lowest culpability and the highest representation of minorities. This amendment doesn't go after the kingpins. This amendment, again, is going to have a disproportionate impact on minorities, on kids, on the young and on the poor.

I use this as an example. I am not trying to pick on the students. College students at Yale or Harvard who suffer from substance abuse or sell cocaine out of their dorm rooms will not go to jail under this provision. I have no doubt about that. Instead, the vast majority will once again be low-income African American and Hispanic males.

I want to read from a statement before the Judiciary Committee—this is not my argument—from 27 former U.S. attorneys who now sit as judges on the Federal court:

> Having regularly reviewed presentence reports in cases involving powder and crack cocaine, we can attest to the fact that there is generally no consistent, meaningful difference in the type of individuals involved. At the lower levels, the steerers, lookouts, and street-sellers are generally impoverished individuals with limited education whose involvement with crack rather than powder cocaine is more a result of demand than a conscious choice to sell one type of drug rather than another. Indeed, in some cases, a person who is selling crack one day is selling powder cocaine the next.

By raising powder cocaine penalties, the amendment reduces the gulf in sentencing between the two drugs, but it doesn't solve the underlying problem. The real problem is that crack penalties are way out of proportion to those of other drugs. You are basically trying to argue that two wrongs make a right, and they don't. Reducing the trigger quantity for a 5-year mandatory minimum sentence for powder cocaine makes the penalties for both forms of cocaine disproportionately severe compared to other drugs. The same U.S. attorneys say they ''disagree with those who suggest that the disparity in treatment of powder and crack cocaine should be remedied by altering penalties relating to powder cocaine.''

I emphasize this in the former U.S. attorneys' quote:

> The penalties for powder cocaine . . . are severe and should not be increased.

Mr. President, we need to stop and ask ourselves, what are we doing here? If the trigger amount for powder is lowered, almost 10,000 addicts and small-time drug users will be added to the prison population over the next 10 years. That is what we are doing with this amendment. The Bureau of Prisons will have to build six new prisons just to house these people. This will be at a cost to taxpayers of approximately $2 billion. In the next 20 years, the cost will escalate to over $5 billion, and in 30 years it will be $10.6 billion.

Haven't we learned yet that jails and prisons are not the sole answer? There are more than 1.5 million people incarcerated in State and Federal prisons and local jails around the country. Another 100,000 young people are confined in juvenile institutions. These numbers have tripled in the past two decades. On any given day, one out of every three African American men in their twenties is either in prison, in jail, on probation, or on parole. I remember reading in the paper that there are more African American men in their twenties—far more—in the State of California in prison than are in college.

We have one of the largest prison populations in the world. If more prisons were the sole solution to the problems of drugs and crime, then we should be among the least addicted, safest countries on Earth.

Being ''tough on drugs'' makes for a great stump speech, but we also ought to be smart, and we need to be smart. A landmark study of cocaine markets by the conservative Rand Corporation found that, dollar for dollar, providing treatment for cocaine users is 10 times more effective than drug interdiction schemes. A recent study by the Substance Abuse and Mental Health Services Administration, SAMHSA, has indicated that 48 percent of the need for drug treatment, not including alcohol abuse, is unmet in the United States—48 percent of the need is unmet. Surely, if we can find an endless supply of funding for housing offenders and building new prisons, then we must be able to rectify this shortsighted lack of treatment.

Let me simply talk a moment about this disease of alcohol and drug addiction which costs our Nation $246 billion annually—almost $1,000 for every man, woman, and child. There is so much new evidence, so many studies, so much good science work, and we are so far behind the curve. Why aren't we looking at the evidence, the data, the research, and the work that is being done? This disease is treatable. Yet our Nation has an alcohol and drug treatment gap that is 50 percent nationally, 60 percent for women, and 80 percent for youth.

Are you ready for this? Since we are now going to throw yet even more of these kids—primarily Hispanic and African American—in jail and prison, access to youth drug treatment is particularly low, with only one in five adolescents able to access drug or alcohol treatment services. We don't provide the funding for the services or for the treatment, and now we have an amendment that basically will assure that even more of these kids will be locked up—without even dealing with the root of the problem.

I have a piece of legislation—and Congressman RAMSTAD from Minnesota has the same legislation on the House side—which says that, at the very minimum, we ought to stop this discrimination and say to the insurance companies that we ought to be treating this disease the same way we treat other physical illnesses because right now, in all too many of these policies, if you are struggling with addiction, you don't get any treatment. We are just saying we are not even mandating it. We are just saying, for gosh sakes, please stop the discrimination, deal with this brain disease, provide some coverage for treatment.

There are all these men and women in the recovery community who can testify about how, when they had access to treatment, they were able to rebuild their lives. They are now members of the recovery community; they

work; they are successful; they contribute to their families, and they contribute to their communities.

What do we have here? We have an amendment that does nothing more than imprison more of these kids and doesn't do a darn thing about getting at the root of the problem. It does nothing about the lack of treatment for these kids. This is a huge mistake.

There is one other provision that is now part of this amendment, which is quite unbelievable, at least in my view. As a part of this amendment, my colleagues on the other side of the aisle have included a provision that says if a child attends a title I school and becomes a victim of violence on school grounds, the district may use the Federal education funds, including IDEA, title I, and other money, to provide the child with a voucher to attend a private school or to provide transfer costs for the child to attend another public school.

Well, now, look, I don't know exactly when this provision was even put in this amendment. It wasn't part of the original amendment I had a chance to see earlier. But I am a little bit skeptical. I think what my colleagues have done is taken a reality—and, God knows, I wish this reality didn't exist in our country, which is too much violence in children's lives, including too much violence in their schools—and then used that as a reason to once again get authorization and funding for vouchers.

If for some of these children you were able to transfer money to private schools, what about the 90 percent of children in America who attend public schools, not to mention the fact that the amount of money these kids get to transfer to a private school wouldn't cover anywhere the cost of the private school? And the vast majority of these children are low income. What about the rest of our kids in our schools?

I say this by way of conclusion. I will be especially brief because I don't believe my colleagues on the other side of the aisle want to hear this, and I don't even think they want to debate it.

Have you expanded funding for Safe and Drug-Free Schools? No.

Are you willing to support essential and sensible gun control, and drug treatment and drug prevention programs? No.

Were you willing—I have this amendment—to dramatically expand the number of counselors in our schools to provide help and support to kids? No.

Were you willing to support legislation that would deal with the reality of children who have witnessed violence in their homes? They have seen their mother beaten up over and over again, have trouble in school, sometimes themselves overly aggressive, sometimes themselves getting in trouble. That amendment passed the Senate. It was taken out in conference committee by the Republicans. Do you support that? No.

Are you willing to dramatically increase funding for afterschool programs? Law enforcement communities tell us it is so important in getting to a lot of kids who are at risk and who might commit some of this violence or might themselves be victims of this violence. Have you been willing? No.

Have you been willing to invest in rebuilding rotting schools? A lot of kids who live in tough neighborhoods who go to tough schools, when they walk into the schools and they see how decrepit they are, say to themselves, you know what, this country doesn't give a damn about us. They devalue themselves and they get into trouble. Have we made any investment here? No.

Have you been willing to increase the amount of funding we put into title I? In my State of Minnesota, in the cities of St. Paul and Minneapolis, after you get to schools that are 60 percent low-income schools, then you go to schools that get 50 or 55 percent, and they don't get any of those funds because they have run out of money and because the title I money reaches, at best, about 30 percent of the kids in the country who need additional help. No.

I have to say to my colleagues on the other side of the aisle that I would love to debate somebody on this. It strikes me that this is disingenuous at best.

You talk about the violence kids experience in our schools. And then you say, therefore, we will now use this as an excuse to try to push through a voucher plan. Yet on 10 different things that you could support that would reduce the violence in children's lives in our public schools, you are not willing to invest one more cent. It is a weak argument you make.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I appreciate having the opportunity to speak on this amendment. I yield myself such time as I might require at this point. I believe it will be probably 15 minutes.

Mr. President, I rise in support of this amendment which, in my judgment, will help protect our children and our neighborhoods from the scourge of drugs and drug-related violence.

This amendment contains a number of provisions that are critical to our war on drugs.

It includes a package of provisions aimed at fighting the production and distribution of methamphetamines.

Authored by Senators ASHCROFT, HATCH, and GRASSLEY, these provisions include additional money to hire additional personnel, including almost $10 million for additional DEA agents to assist state and local law enforcement.

Also included is a provision raising penalties for offenses involving methamphetamines, including production of methamphetamine precursors.

And the amendment includes additional funding for prevention and treatment programs.

Contrary to some of the positions and assertions made, in fact, this amendment includes significant increases in those funding proposals.

The amendment also enhances penalties for drug distribution to minors and in or near schools. Also to protect our schools, the amendment provides incentives for schools to develop policies expelling students who bring drugs on school grounds and school choice for victims of school violence.

Mr. President, today I want to focus in particular on the amendment's provisions concerning sentences for powder cocaine dealers. These provisions are drawn from legislation I introduced earlier this year along with Senator ALLARD and quite a few other Senators. As the father of three young children, I am deeply disturbed by the trend for almost all of the last 7 years in teenage drug use. This represents a reversal, really, of the decade long progress we had been making in the war on drugs.

In 1997, 9.4 percent of teens reported recent use of marijuana, up 180 percent from 1992. The percentage of teens using cocaine tripled during those same years. And most disturbing of all, the greatest increases took place among our youngest teens. For example, the percentage of 12 and 13 year olds using cocaine increased 100 percent from 1992 to 1996, compared with a 58 percent increase among 17- and 18-year-olds. This spells trouble for our children. Increased drug use means increased danger of every social pathology we know.

This trend may finally have been arrested for most drugs. In 1998, the Monitoring the Future Study, prepared annually by the University of Michigan, showed improvements—although very modest ones—in levels of teenage drug use. All three grades studies—8th, 10th, and 12th—showed some decline in the proportion of students reporting any illegal drug use during the previous 12 months. Equally important, use by 8th graders, who started the upward trend in use at the beginning of this decade, declined for the second year in a row.

We also are finding heartening news in our war on violent crime. The FBI now reports that, since 1991, the number of homicides committed in the United States has dropped by 31 percent. Also since 1991, the number of robberies has fallen 32 percent. According to the Bureau of Justice Statistics, robberies fell a stunning 17 percent in 1997 alone.

This is good news, Mr. President. And there is widespread agreement among experts in the field that the principal cause of this decline in violent crime is our success in curbing the crack cocaine epidemic and the violent gang activities that accompany that epidemic.

The New York Times recently reported on a conference of criminologists held in New Orleans. Experts at the conference agreed that the rise and fall in violent crime during the 1980s and 1990s closely paralleled the rise and fall of the crack epidemic.

At the same time, there is a warning signal here. The most recent ''Monitoring the Future'' Study also showed an increase in the use of cocaine in all three grades studied. Use of both crack and powder cocaine within the past 30 days likewise rose in all three grades, except for powder cocaine in the 12th grade, where it did not fall but at least held steady. This is in contrast to the study's finding that the use of other drugs by kids may finally be leveling off, albeit at unacceptably high levels. Yet surprisingly, despite these developments, in last year's Ten-Year Plan for a National Drug Control Strategy, the administration proposed making sentences for crack dealers 5 times more lenient than they are today.

We have already heard the case made by the preceding speaker—and I suspect successive speakers on the other side of the aisle will be likewise making the case—that by somehow making crack sentences more lenient, notwithstanding the clear evidence that as we have gotten tough on crack cocaine dealers, the spread of crack cocaine and incidental crime related to crack cocaine addiction has been going down. This is a strikingly bad idea, and one that this Congress should emphatically reject.

The President's principal explanation for the proposal to lower crack sentences is that the move was recommended by the U.S. Sentencing Commission to address the disparity in treatment between crack and powder dealers. I agree we should reduce this disparity, which produces the unjust result that people higher on the drug chain get lighter sentences than those at the bottom. But going easier on crack peddlers—the dealers who infest our school yards and playgrounds—is not the solution. Crack is cheap and highly addictive. Tough crack sentences have encouraged many dealers to turn in their superiors in exchange for leniency. Lowering these sentences will remove that incentive and undermine our prosecutors, making them less effective at protecting our children and our neighborhoods.

No, there is a better way to bring crack and powder cocaine sentences more in line. Instead of lowering sentences for crack dealers, we should instead raise sentences for powder dealers. Doing so will accomplish every legitimate policy objective that can be advanced by the President's proposal—except greater leniency for these individuals, which in my view is not a legitimate policy objective. Raising sentences for powder dealers is accordingly what this amendment proposes to do. Specifically, it changes the quantity of powder cocaine necessary to trigger a mandatory 5-year minimum sentence from 500 grams to 50 grams, and makes a similar change in the amount necessary to trigger a mandatory 10-year sentence. The effect of this will be to raise sentences substantially for those who deal in powder cocaine, a change that I think is entirely justified.

Even without taking into account the differential treatment of crack, powder sentences are currently too low. Powder is the raw material for crack. Yet sentences for powder dealers were set before the crack epidemic, without accounting for powder's role in causing it. It is also one of the drugs the use of which continues to increase, not only among teenagers but also among adults.

Moreover, we occasionally see a large powder supplier get a lower sentence than the low-level crack dealer who resold some powder in crack form simply because the powder dealer took the precaution of selling his product only in powder form. That is plainly an unjust result and one that our legal system should not countenance.

By making the changes in the quantity triggers for mandatory minimums I have described, our amendment will reduce the differential between the amount of powder and crack required to trigger a mandatory minimum sentence from 100 to 1, the current differential, to 10 to 1. That is the exact same ratio proposed by the administration in their proposal. But our proposal in this amendment will accomplish that goal not by making crack dealers' sentences more lenient but, rather, by toughening sentences for powder cocaine dealers.

Now the administration has charged—and we have heard a comment about this on the floor today; I suspect we will hear more—that the proposal we are offering is nevertheless the wrong way to proceed on account of its allegedly racially disparate impact. In my judgment, if the sentencing structure being proposed is in fact desirable on its merits, that is a dubious basis on which to evaluate the merits of this proposal or, for that matter, the administration's.

Since the administration has made this charge, I think it is important to understand it is not true. In fact, if our proposal is enacted, overall the percentage of cocaine dealers sentenced to tough, mandatory minimum sentences should be less disproportionately African American than it is under current law. This is because under current law and under the administration's proposal, persons convicted of dealing between 100 and 250 grams of powder are not subject to mandatory sentences. Under the proposal, they are contained in our amendment.

According to the Sentencing Commission statistics in the most recent year for which they were collected, for fiscal year 1996 the percentage of non-Hispanic whites in that group, 38.9 percent, was higher than the percentage of members in any other racial category. Therefore, imposing mandatory minimum sentences on this group of people would accordingly reduce the racially disparate impact of current law. Thus, the sentencing outcome under our proposal should have a less racially disparate impact than the current proposal which is in place in law.

By contrast, the administration's proposal to change the triggers for mandatory minimums for crack dealers is highly likely to increase the percentage of individuals sentenced to mandatory minimums for dealing cocaine who are African American. Had the administration's proposal been in effect during fiscal year 1996, the proportion of individuals sentenced to a mandatory 5-year minimum sentence who are African American would have increased—not decreased—increased slightly from 82.8 percent to 85.2 percent. Thus, contrary to the administration's charge, the proposal contained in this amendment will actually decrease the racially disparate effect of mandatory sentences on cocaine dealers.

On the other hand, what is not true of our proposal and is true of the administration's proposal is to change the quantity trigger for crack dealers. Their proposal will increase the racially disparate impact of mandatory minimum sentences for cocaine dealing compared to current law.

All that being said, I would like to get away from these numbers and talk about some of the contacts I have had with people in my State who are the victims of these drug dealers. Despite the disparity reduction justification given for the President's proposal, I have not found anyone in my State—any parents, regardless of their race, whose children have been touched by a crack cocaine dealer—who don't want to see the person responsible suffer serious consequences, no matter who the crack dealer was. Their families are already suffering consequences; their schoolyards are suffering consequences; their neighborhoods are suffering consequences. They believe that the people behind it, whether it is the peddler in the schoolyard or the kingpin selling the powder cocaine, ought to suffer the consequences, as well.

Reverend Eugene F. Rivers II, co-chair of the National Ten Point Leadership Foundation in inner city Boston, says:

> To confuse the concerns of crack dealers with the broader interests of the black community is at best inane and at worst immoral. Those who are straining to live in inner-city neighborhoods that are mostly adversely affected by the plight of crack and who witness crack's consequences first hand want crack dealers taken off the streets for the longest period of time possible.

We owe it to the thousands upon thousands of families struggling to protect their children from the scourge of drugs and drug violence. That means staying tough on those who peddle drugs and sending a clear message to our young people that we will not tolerate crack dealers in our neighborhoods or powder dealers who supply the crack dealers.

President Clinton had it right 3 years ago when he agreed with this Congress in rejecting an earlier Sentencing Commission plan to lower sentences for crack dealers. Back then, President Clinton said:

> We have to send a constant message to our children that drugs are illegal, drugs are dangerous, drugs may cost your life, and the penalties for drug dealing are severe.

Unfortunately, President Clinton's new plan to reduce sentences for crack dealers does not live up to that obligation. It sends our kids exactly the wrong message, and it does not do any favor to anybody except drug peddlers. In contrast, the approach taken by our amendment is faithful to this obligation. It achieves a reduction in the disparity between crack and powder cocaine sentencing in the right way, through legislation making sentences for powder cocaine dealers a lot tougher.

At this crucial time, we may be making real progress in winning the war on drugs and violent crime in part because we have sent the message that crack gang membership is no way to live and that society will come down very hard on those spreading this pernicious drug. At the same time, our kids remain all too exposed to dangerous drugs, far more exposed than we can probably imagine.

In light of these two trends, it would be, in my opinion, catastrophic to let any drug dealer think that the cost of doing business is going down. This is especially no time for lowering sentences for dealing in crack, a pernicious drug that brought our cities great danger, violence, and grief. It will be nearly impossible, in my judgment, to succeed in discouraging our kids from using drugs if they hear we are lowering sentences for any category of drug dealers.

By adopting this amendment, we can send our kids the right message: We will not tolerate crack dealers in our neighbors, and we will make the sentences on powdered cocaine dealers a lot tougher. Success in the drug war depends upon all the efforts of parents, schools, churches, the medical communities, and local law enforcement community leaders. There is no doubt about that. They are doing a great job in the drug fight. The Federal Government must do its part, too. We must provide needed resources, and we must reinforce the message that drugs aren't acceptable and that drug dealers belong in prison for a long time. Our kids deserve no less. That is why I urge my colleagues to support this amendment.

To address a couple of the points that were made by previous speakers, first, we have to concern ourselves not just with costs that are attendant to incarcerating crack cocaine dealers but with the costs that are brought about when those crack cocaine dealers are running wild in our communities. The notion that there are no costs involved when these folks remain on the streets, in our playgrounds and neighborhoods, addicting children, precipitating violence when the crack gangs are busy in their communities, is to miss, I think, a very vital part of this debate.

The costs of addiction are significant. Who exactly are the targets of the addiction? Very often, they are, themselves, members of minority communities. I don't think we are doing a favor to the minority communities of this country if we allow the schoolyards in those communities to be infested with crack cocaine dealers. The key is, Do we want to rid our communities of drug dealers? In my judgment, that certainly ought to be our objective. That is what we have tried to do in this amendment, not just with the sections relating to powder cocaine sentences, for the dealers of powder cocaine, but the other provisions of the legislation. I am proud to be a cosponsor.

I hope my colleagues understand when they cast their vote on this issue, the question is very simple: Do you think it is time for powder cocaine dealers to serve tougher sentences for drug kingpins to go to jail for a longer time or don't you? That is what is at stake. If you believe in tougher sentences for powder cocaine dealers, we ask for your support for this amendment. If you believe in getting tougher on methamphetamines, we ask for your support for this amendment. If you believe we should devote more resources to drug treatment programs, then you should vote for this amendment. But don't be fooled by claims that somehow or another we are doing anybody a favor by not moving forward in this area, and by letting drug dealers continue to infest our schoolyards. That is not doing any favors to anybody. I hope our colleagues will join us and support this amendment.

I yield the floor to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today to discuss the section of this amendment that addresses mandatory sentencing guidelines for handling powder cocaine. I thank my colleague from Michigan, Senator ABRAHAM, for his leadership on this particular issue. We have been working on this issue for well over 2 years. I know it is important to him. It is extremely important to me. I think he made a great statement, great argument for why we need to toughen penalties on drug dealers.

One of our colleagues who spoke earlier suggested perhaps we were not spending enough money on prevention and education and treatment. I have, in the meantime, pulled out a chart that shows how much money we have spent over the last 10 years in drug treatment and prevention and research. I would like to go over that for a moment for Members of the Senate.

Over the last 10 years, we have spent more than $20 billion on drug abuse treatment. We have spent more than $15 billion on drug abuse prevention. And we have spent, in addition to that, more than $1 billion in prevention research and more than $1.5 billion in treatment research.

We certainly have not been ignoring the treatment and prevention of drug addiction. The fact is, it is complicated. It needs to be part of the formula, as far as I am concerned. But if we do not recognize loopholes we have in the current law that allows drug dealers to continue to carry on their business at an extreme cost to society, I think we are ignoring our responsibilities, trying to address part of the drug problem. That means we have to have tougher penalties.

Currently, there is a vast discrepancy between minimum sentencing guidelines for those caught dealing cocaine in the form of crack and those dealing it in the form of powder. Under current law, a dealer can be sentenced to 5 years for peddling 5 grams of crack cocaine. If you look on the chart, we have symbolized the amount of 5 grams of crack cocaine. In order to receive a similar sentence, a dealer would have to be caught with 500 grams of powder cocaine. That creates a tremendous loophole. What happens with our drug dealers is they will bring in powder cocaine and just before they put it out on the street for consumption by individuals, it is converted over to crack cocaine. That loophole encourages drug dealers to then import more powder cocaine. That is why I think it is so important we pass this particular portion of the amendment.

I have met with many different law enforcement organizations to look into this discrepancy. One effect of this discrepancy is what statistics show to be a racial bias in the sentencing guidelines. Mr. President, 90 percent of those convicted for dealing crack are African Americans. The majority of dealers caught with powder cocaine are white—58 percent of powder users are white. It is ridiculous that those who dabble with powder cocaine for all intents and purposes are protected by our sentencing parameters. Drug smugglers and drug dealers know about this caveat in sentencing and they do everything they can to take advantage of it.

Cocaine is largely transported in powder form and only converted to

crack at the time of sale. This loophole in the current law actually reduces the long-term risks to dealers and smugglers. Drug enforcement detectives I have met with have confirmed the going price for 5 grams of powder and 5 grams of crack are typically equal now on the street. That varies considerably, but that apparently is the price right now. Why should we continue to support this disparity when we can solve it today? I believe one way to effectively decrease crime in America is to punish criminals through more rigorous sentencing, particularly when we are providing the amount of dollars we are today for drug prevention and drug treatment and research on drug prevention and research on drug treatment.

In order to receive a minimum sentence of 5 years, a criminal would only need to be caught with 50 grams of powder cocaine instead of the current 500. This amendment also stiffens the penalty for carrying a large quantity of powder cocaine. To receive a minimum sentence of 10 years, a criminal would only have to be caught with 500 grams of powder cocaine, instead of the current standard of 5 kilograms.

Henry Salano, the former U.S. Attorney for the District of Colorado, has endorsed this effort saying:

> There is a strong rationale for equalizing the powder cocaine penalties and the crack cocaine penalties. The law enforcement community learned years ago the strong sentences meted out to crack cocaine dealers has had a significant deterrent effect on the production and distribution of crack. [These] proposed penalties for powder cocaine will likewise restrict the flow of powder cocaine in this country.

This comes from an individual who in the past has been on the front line, has been on the firing line, has been dealing with this from a hands-on position because of his position with law enforcement.

We must show criminals that any activity involving illegal drugs will not be tolerated. There is a direct correlation between drug use and crime. Cocaine plays a major role in this connection. A Department of Justice study in 1998 discovered the drug most commonly detected among all arrestees, from 1990 to 1998, was cocaine. Cocaine use poses a direct threat to the safety of our society. Let's stop treating those who use and deal powder cocaine as if they were special criminals. I ask all my colleagues to join me and end this inequality in cocaine spending.

I ask my colleagues to consider the issues in this particular amendment. I think we are taking generally the right steps in addressing our drug problem. Obviously, we are not doing it just on penalties, but we are doing it in all areas—treatment and prevention. This is an important loophole we must close. I ask my colleagues to join me in voting for this amendment and supporting this effort.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, there has been focus on different provisions of the amendment before us. I want to address two of those in my remarks.

One of those provisions is, if a child attends a title I school and becomes the victim of a violent criminal offense, including drug-related violence, while in or on the public school grounds, the school district may use the title I funds or any other Federal funds, including IDEA funds, to provide a voucher for a child to attend a private or religious school or pay the cost to transfer the child to another public school.

In title I, we are basically talking about $500. I do not know how one expects to pay tuition to a school for about $500. A variety of technical issues and questions are raised. It, obviously, is creating a sense of expectation by those who put this proposal forward.

Nonetheless, on the issue of the value of the measure, even if it did have sufficient funds to do what it intends, it will not make the schools any safer and will not improve student achievement. We should support violence and crime prevention programs in and around public schools, not divert precious resources to private schools. Therefore, we should further invest in programs such as the Safe and Drug-Free Schools and Communities Act, afterschool programs, community crime prevention activities, encourage parent and community involvement, and help communities and schools ensure that all children are safe all the time.

We all know that juvenile delinquent crime peaks in the hours between 3 and 8 p.m. A recent study of gang crimes by juveniles in Orange County, CA, shows that 60 percent of all juvenile gang crimes occur on schooldays and peaks immediately after school dismissal. We know afterschool programs reduce youth crime.

The Baltimore City Police Department saw a 44-percent drop in the risk of children becoming victims of crime after opening an afterschool program in a high-crime area. A study of the Goodnow Police Athletic League Center in northeast Baltimore found juvenile arrests dropped by 10 percent, the number of armed robberies dropped from 14 to 7, assault with handguns were eliminated, and other assaults decreased from 32 to 20 from 1995 to 1998.

This demonstrates how we can deal with the problems of violence in communities, violence around schools, even violence within the schools. We ought to be focusing on what works and supporting those efforts, rather than having an untried, untested program that shows on the face of it very little difference in safety and security for children in schools.

In addition to improved youth behavior and safety, quality afterschool programs also lead to better academic achievement by students. At the Beech Street School in Manchester, NH, the afterschool program has helped improve reading and math scores of students. In reading, the percentage of students scoring at or above the basic level increased from 4 percent in 1994 to one-third in 1997. In math, the percentage of students scoring at the basic level increased from 29 percent to 60 percent. In addition, Manchester saved an estimated $73,000 over 3 years because students participating in the afterschool program avoided being retained in grades or being placed in special education.

This kind of investment will help keep children safe and help them achieve, and that is the right direction for education.

There are precious few public funds available, and those public funds should not be funneled to private and religious schools. Public tax dollars should be spent on public schools which educate 90 percent of the Nation's children, and the funds should not go to private schools when public schools have great needs.

We should be doing all we can to help improve public schools, academically as well as from a security point of view. We should not undermine the efforts taking place in those public schools.

This amendment will allow any Federal education funds to be used for private school vouchers, including the title I, IDEA, and Eisenhower Professional Development Program. The Eisenhower Professional Development Program is targeted to enhance math and science. Rather than enhancing math, science, and academic achievement for children in the public schools, we are drawing down on those funds to permit some students to go to other schools. It makes absolutely no sense.

Federal funds should not go to schools that can exclude children. There is no requirement for schools receiving vouchers to accept students with limited English proficiency, homeless students, or students with disciplinary problems. Precious funds should be earmarked for public schools which do not have the luxury of closing their doors to students who pose a problem.

The challenges the schools are facing today are much more complex, much more complicated than they were even a few short years ago. I was with the head mistress of the Revere School in

the last week. I said: I remember visiting the school 2 years ago and they had nine different languages.

She said: How about 29 different languages now with different cultures and traditions?

They are facing more complexity in dealing with children, and it is necessary to give them support and not deplete scarce resources. They obviously should have accountability in how effectively those resources are being used, but when you talk about undermining the Eisenhower training programs for math and science or IDEA, which is funding needs for special education, and even the title I programs for disadvantaged children, it makes no sense whatsoever.

Our goal is to reform the public schools, not abandon them. Instead of draining much needed resources from public schools, we should create conditions for improvement and reform, not in a few schools but in all schools, not in a few students but in all students. Effectively, what we would be doing is abandoning a great majority of students. That is wrong.

I ask unanimous consent to have printed in the RECORD a list of the various organizations representing parents and teachers and students who are strongly opposed to the provisions.

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

ORGANIZATIONS THAT OPPOSE THE VOUCHER PROVISION IN THE DRUG AMENDMENT

American Association for Marriage and Family Therapy
American Association of University Women
American Counseling Association
American Federation of School Administrators
American Federation of Teachers
Council for Exceptional Children
Council of Chief State School Officers
Federal Advocacy for California Education
International Reading Association
National Association for Bilingual Education
National Association of Elementary School Principals
National Association of Federally Impacted Schools
National Association of School Psychologists
National Association of Secondary School Principals
National Association of State Boards of Education
National Association of State Title I Directors
National Education Association
National PTA
National Science Teachers Association
New York City Board of Education
New York State Education Department
People for the American Way

Mr. KENNEDY. Mr. President, drug abuse in our Nation is a menace that threatens the security, health, and productivity of all of our citizens. Every reputable authority who has examined the problem of drug addition knows that there is no army large enough to keep all drugs from crossing our borders and no nation powerful enough to imprison all pushers and suppliers. We must use all the constitutional enforcement tools at our command to make the criminals who would profit from the degradation of our fellow citizens pay the price of their crimes.

An effective fight against drug abuse must take three approaches: law enforcement, prevention and treatment. Each of these three approaches is vital; no program can be successful unless it involves them all.

The widespread use of illegal drugs is one of the most pressing problems facing our society. Illegal drugs are killing children and destroying families. Vast profits from the sale of illegal drugs have created a new criminal underworld which promotes violence and feeds on death.

However, this amendment does not go about this problem in the right way.

By raising powder cocaine penalties, the amendment reduces the current 100 to 1 ratio between the two drugs, but it doesn't solve the underlying problem. The real problems is that crack penalties are out of proportion to the penalties for other drugs. Increasing the penalty for powder cocaine makes the penalties for both forms of cocaine disproportionately severe compared to other drugs.

Twenty-seven former U.S. attorneys who are now Federal judges say they ''disagree with those who suggest that the disparity in treatment of power and crack cocaine should be remedied by altering the penalties relating to power cocaine. The penalties for powder cocaine, both mandatory minimum and guideline sentences, are severe and should not be increased.''

Clearly Congress is right to be concerned about excessively lenient sentences for serious offenses. but the sentencing guideline system in place today is the most effective way to limit judicial discretion. In 1984, Senator THURMOND, Senator BIDEN, I, and others, worked together to pass bipartisan sentencing reform legislation. A key reform in that legislation was the creation of the Sentencing Commission, to achieve greater fairness and uniformity in sentencing. since its creation, the Commission has developed sentencing guidelines that have eliminated the worst disparities in the sentencing process, without seriously reducing judicial discretion.

Unfortunately, actions by Congress continue to undermine the Commission's work. The guidelines system was designed to achieve greater uniformity and fairness, while retaining necessary judicial flexibility. Instead, Congress has enacted a steady stream of mandatory minimum sentences that override the guidelines and create the very disparities that the guidelines are designed to end.

A recent study by the Rand Corporation shows that ''mandatory minimums reduce cocaine consumption less per million taxpayer dollars spent than does spending the same amount on enforcement.'' On the issue of controlling drug use, drug spending, and drug-related crime, the same study found that ''treatment is more than twice as cost-effective as mandatory minimums''.

One of the important goals of sentencing is general deterrence. We should allow the Commission to do its job, and weigh the Commission's recommendations more carefully before acting to override them.

In 1995, the Sentencing Commission issued a formal recommendation to Congress to change the crack ratio to 1 to 1 at the current level of powder cocaine. Congress rejected the Sentencing Commission's recommendation in a House vote and told the Commission to come up with another solution.

Two years later, in 1997, the Sentencing Commission issued a second recommendation to Congress to lower crack penalties and raise powder cocaine penalties. Both the Department of Justice and the drug czar's office agreed with this recommendation. Yet, the Commission's recommendation continues to be rejected by Congress. Crack cocaine penalties were enacted over a decade ago without the benefit of research, hearings, or prison impact assessments. Today, we have the advantage of scientific evidence about cocaine in both forms and about the impact of crack sentencing policies.

Shame on Congress for ignoring the experts it put in place to address these issues in an informed manner. The Sentencing Commission's conclusion is clear—crack penalties are out of line, not powder cocaine penalties. Two wrongs don't make a right.

The Sentencing Commission reports that more than half of current powder cocaine defendants are at the lowest levels of the drug trade, and 86 percent are nonviolent. Increasing the penalty will add almost 10,000 addicts and small-time drug users to the prison population in the next 10 years, at a cost to taxpayers of approximately $2 billion. In the next 20 years, that cost will escalate to over $5 billion, and in 30 years it will be $10.6 billion.

This amendment will also increase the disproportionate representation of minorities in federal prison, because 68 percent of the people sentenced federally for powder cocaine offenses are non-white. Of those, 40 percent are Hispanic.

Enacting this legislation will worsen current imbalances in drug policy at significant cost. The new powder cocaine sentences will be far above those for many other more serious and violent offenses.

We know that merely talking tough is not enough. The war on crime has been declared again and again—and it has been lost over and over. It is clear that we will never succeed in defeating

crime if we try to do it on the cheap. We can support our State and local police without turning any locality into a police state, and without destroying the fundamental civil liberties and constitutional guarantees that make this Nation truly free.

To combat the drug menace we need local law enforcement programs that work. It is increasingly clear that stronger law enforcement at the local level can be successful when coupled with enhanced drug treatment and education opportunities. One of the most important tools in the war against drugs is Federal assistance to increase the number of these successful local law enforcement programs, not locking up more low-level drug dealers and throwing away the key.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I consume.

First of all, on the issue of the Hatch-Abraham-Ashcroft amendment on drugs that is now before the Senate, I am very pleased that this action is being taken on this bill by the Senate because any action we can take to stiffen the laws against drug use, to discourage drug use, or anything else connected with the horrors of drug use and abuse in America is a very important thing for the Senate to be working on because drug abuse is a serious problem.

I believe the methamphetamine antiproliferation amendment that is before us will assist Federal, State, and local law enforcement officials, treatment professionals, prevention groups, and others who are on the front lines of the drug fight. So I will take a few minutes to highlight some important sections of this amendment.

In particular, I am happy to see additional resources in this legislation for training programs for State and local law enforcement officials. That is because methamphetamine is a new challenge for law enforcement. Of course, this methamphetamine problem is spreading across America. It may just be a California and Midwest issue right now, but it will not be long before it will be an issue all over the United States because, unlike other drugs that have to be imported, meth can be produced here in the United States with recipes available off the Internet. It can be made from chemicals available at your local drugstore.

These home-grown laboratories contain chemicals and chemical combinations that are hazardous both to the environment and to the people. They are potentially explosive. Even in my State of Iowa, some people have been injured in the process of making drugs. Most importantly, when it comes to law enforcement or for an individual who is violating the law by making methamphetamines, the disposal of this laboratory requires specialized handling.

We have all heard these horror stories about the dangers methamphetamine labs pose to both the manufacturers and to the people in the neighborhood. Because of the smell associated with it, you find a lot of this going on in the really rural parts of our States. So what this means is, the local county sheriff has more risk. Because of this, there is a need for training and for more equipment to clean up these labs.

This amendment provides for additional training opportunities for State and local law enforcement in techniques used in meth investigations. It supports training in handling meth manufacturing chemicals and chemical waste from meth production.

In addition, this amendment provides for additional DEA agents to assist State and local law enforcement in small and midsized communities in all phases of drug investigations, including foreign language assistance, investigative assistance, and drug prevention assistance. I am pleased to see the proposal Representative MATT SALMON and I have worked on to encourage Government web sites to include antidrug information in this legislation. This is the second provision of this bill about which I am very happy. Positive antidrug messages are an affordable and creative way to especially reach the young audience. Funding is needed for research to discover chemical agents that can be added to anhydrous ammonia to make it unusable for meth manufacture. This is a long-term solution that has the potential to be very beneficial. The authorized funding provided for in this bill will allow continued and expanded research to find an appropriate additive to ensure anhydrous ammonia can not be misused.

In the agricultural regions of the United States, a nitrogen additive to the soil is used to get a greater amount of productivity. That is involved with the raising of corn in the Midwest, as an example. Anhydrous ammonia is a source of nitrogen that farmers knife into the ground. We have seen these clandestine methamphetamine laboratories steal the anhydrous ammonia to use it in manufacturing methamphetamine. It is very dangerous to steal anhydrous ammonia. We have even had people hurt by that. But it is a cheap way to get some of the ingredients for this product.

So what we want to do, through this research—and Iowa State University is involved in this research—is to have a chemical agent that can be added to anhydrous ammonia so if a person steals it from the tanks that are around the countryside during the period of time when farmers are putting it on in the spring of the year, it won't do the manufacturer of methamphetamine any good because it would not be able to be used at that point—if such a chemical additive can be made.

A vital part of this bill, then, is the growing problem of this theft of anhydrous ammonia. States have even adopted tougher laws to combat the theft of anhydrous ammonia. But because these are separate State laws—the laws are not uniform —this has encouraged thieves to steal anhydrous in one State and transport it to an adjoining State with lesser penalties where it is used for the manufacture of methamphetamine. A Federal statute, as provided for in this amendment, will provide a strong deterrent to thieves who cross State lines to avoid stiffer penalties back home.

Last night, the Senator from Connecticut, Mr. DODD, and the Senator from Louisiana, Ms. LANDRIEU, came to the floor to offer an amendment which would essentially gut this entire bill. In the process, they made some statements about the bill which, with all due respect to my very capable colleagues, are very inaccurate statements and analyses of this legislation. I would like to clear the air today on some points they made. I will hit three points they made: First, their analysis of my means test in this bankruptcy reform legislation; second, what is the proper definition of household goods; and, third, their judgment of the antifraud provisions, which would prohibit loading up on debt right before bankruptcy. I will respond to each of these points. This will not take me long, for those colleagues who are waiting to speak.

First, the means test we now have in this bill is very flexible. Some of my colleagues would say it is too flexible. The means test says if a debtor in chapter 7 can pay $15,000 or 25 percent of his or her debts over a 5-year period after deducting living expenses and certain other types of expenses, such as child support, then that debtor in bankruptcy may have to repay some portion of the debts owed. Paying some portion of debts owed is very legitimate because the signal we are trying to send in this bill is, no longer will anybody get off scot-free if they have the ability to pay.

If a bankrupt is in some sort of unique or special situation, the means test in this bill allows that person to explain his or her situation to the judge or to the trustee and actually get out of paying these debts.

Again, a lot of my colleagues say, why would you have a provision like that in this bill? If somebody has special circumstances or not, if they owe, they ought to pay. Well, it is an attempt to make changes that are dramatically different, even with these compromises, than what we have had as a law of the land since 1978.

If there are these special expenses which are both reasonable and necessary, and this reduces repayment

ability, then, as I said, the debtor doesn't have to repay his or her debt. That is a simple process that everyone can understand. Somehow that has been interpreted by some people in this body as not actually doing what the bill says, or they are reading the bill a different way. I want to clear this up. The way we determine living expenses in the bill is to use a very simple template established by the Internal Revenue Service for repayment plans involved in back taxes.

I am going to read from a chart. This study was done by the General Accounting Office. It noted, in this June 1999 report to Congress about bankruptcy reform, that the template we use as a basis for this legislation, to allow the debtor to declare necessary living expenses, does include child care expenses, dependent care expenses, health care expenses, and other expenses which are necessary living expenses.

Right here is where it says: Other necessary expenses. I want this very clear, that this legislation allows, as you can see, child care, dependent care, health care, payroll deductions, on and on, life insurance. Let anybody tell me on the floor of this body that this is not a flexible test to accommodate very extraordinary circumstances or very regular circumstances.

So the suggestion last night that the bill is unfair because it doesn't allow for child care expenses or these other expenses associated with raising children is misplaced. According to the General Accounting Office, the Internal Revenue Service living standards—and these standards are the basis for the court to decide the ability to repay—in the bill now provide that any—I emphasize any—necessary expense can be taken into account. So, again, how much more flexible can we get? The only living expenses not allowed under our bill are very unnecessary and unreasonable expenses. The only people who oppose the means test, as currently written, are people who want deadbeats looking to stiff their creditors to dine on fancy meals or live in extravagant homes and take posh vacations. And there is no reason why we have a $40 billion bankruptcy problem in this country, and that honest people in this country, a family of four are paying $400 a year more in additional costs for the goods and services they buy to make up for deadbeats who aren't paying, and that we have to put up with still other people who have the capability of paying to live high on the hog.

I think what is really behind the effort is the desire to have a means test which, quite frankly, doesn't do anything. Why have the bill at all? We could continue to go on under the 1978 law, where we doubled the number of bankruptcies in the last 6 or 7 years, from 700,000 to 1.4 million—an irresponsible public policy. Before I ever introduced this bill, I made numerous compromises to make the means test flexible, as I have said—more flexible, in fact. Some of the changes have even been suggested by this Democrat administration. They were suggested at the end of the last Congress when a bill that passed here 97–1 didn't get through. This bill has incorporated some of those. It is a compromise bill. I have taken heat from my side of the aisle for that.

Mr. LEAHY. Will the Senator yield before he goes on to his next point?

Mr. GRASSLEY. Yes.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from Alabama, Mr. SESSIONS, be recognized after the Senator from Iowa is finished, and then the Senator from Nebraska, Mr. KERREY, and then the Senator from New Jersey, Mr. TORRICELLI, and that I be recognized at a later time.

Mr. GRASSLEY. Reserving the right to object, and I won't.

Mr. LEAHY. It will be on my time.

Mr. GRASSLEY. Is this within the timeframes we already have under the agreement?

Mr. LEAHY. Yes. The Senator from Alabama, the Senator from Nebraska, and the Senator from New Jersey will be recognized.

Mr. TORRICELLI. If the Senator will yield, what is the time agreement already?

Mr. GRASSLEY. Two hours equally divided. Would the Chair please tell us how much time is left?

The PRESIDING OFFICER. The agreement was 4 hours equally divided. The Senator from Iowa has 48 minutes 47 seconds. The Senator from Vermont has 89 minutes 45 seconds.

Mr. TORRICELLI. That seems more than adequate to me.

Mr. LEAHY. I ask my colleagues to give a little bit of time for the Senator from Vermont who is going to want to speak somewhere in there.

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

Mr. GRASSLEY. Mr. President, before I make my final point, and then yield the floor—hopefully, the Senator from Vermont will hear this—I hope we can get some agreement on both sides to yield back some time when the present speakers are done speaking.

The issue of household goods is where I left off when the Senator from Vermont asked me to yield for a minute. On this next statement, I might surprise Senator DODD and some of my colleagues, but I do somewhat agree with what was said last night. Under the bankruptcy code, household goods can't be seized by creditors. The point, as I understand it, from the Senator from Connecticut, is that perhaps the definition of household goods in the bill now could be loosened up so creditors can't get certain essential household items. I do see merit in this point. If the Senator from Connecticut were to modify his amendment just to deal with household goods, I would be pleased to work with him on that to get the bill accepted. But right now, the amendment of the Senator from Connecticut does much more than just deal with the household goods issue. I simply can't accept the other changes he has suggested.

Finally, last night, the Senator from Louisiana raised some criticism of the provision of the bill that fights fraud. Here is the problem we must address in doing bankruptcy reform: Some people load up on debts on the eve of declaring bankruptcy and then, of course, what they try to do to wipe those debts away by getting a discharge. Obviously, this is a type of fraud that Congress needs to protect against for the honest consumers who are paying that additional $400 per year. The bill now says debts for luxury items purchased within 90 days of bankruptcy in excess of $250 and also cash advances on credit cards made within 70 days in excess of $750 are presumed to be nondischargeable.

Now, again, this is very flexible on its face. Under the bill now, you can't buy $249 worth of luxury items such as caviar the day before you declare bankruptcy and still walk away scot-free. Under the bill now, you can get $749 worth of cash advances minutes before you declare bankruptcy and still walk away scot-free.

The question we have to answer is, How much more fraud do we want to tolerate in this bill? Haven't we tolerated enough in this bipartisan compromise, which I thank the Senator from New Jersey for working so hard with me on to get it put together? So we go to the amendment offered last night. This would allow $1,000 worth of fraud. In my view, that is way off base. So if you want to crack down on out and out fraud, you should support this bill Senator TORRICELLI and I have introduced. If you want to make it easier for crooks to game the bankruptcy system and to get a free ride at everybody else's expense, then you should support the amendment that was offered last night.

Well, obviously, unless the Senator from Connecticut would modify his amendment to limit it to household goods, I oppose that amendment, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Under the unanimous consent agreement, I am to speak at this time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I thank Senator GRASSLEY for his leadership in the effort against drugs. I am a strong believer that this legislation that focuses on methamphetamine is

focusing on critical issues that are important to America. We do have a spreading of methamphetamine around the country, and I am inclined to believe that increased penalties, and certainly a lot of other things involved in that legislation, is good. It has also been made a part of this legislation—efforts to change the current law with regard to crack cocaine and powder cocaine.

Complaints have been made that crack cocaine penalties are 100 times more tough than powder sentences, and that this is, in fact, not fair—a point with which I tend to agree. I prosecuted drug cases for 15 years. Every year since the sentencing guidelines were imposed, until 1992, I prosecuted drug cases. I understand how it plays out in a courtroom. The proposal that is made a part of Senator GRASSLEY's amendment is the Hatch-Ashcroft-Abraham drug amendment, I guess it is. That proposal is designed to narrow the gap, saying that crack cocaine ought not to have 100 times more severe penalty than powder cocaine.

An argument has been made that crack cocaine is more utilized in the African American community and, therefore, it has a disparity and a racial impact, and that we ought to look at this. Few would doubt that crack is a more dangerous drug than powder cocaine. It is smoked, it goes directly into the lungs, directly into the blood system, and directly to the brain.

There are intense highs achieved at once. Some people, they say, are addicted the first time they try crack cocaine. It is a dangerous drug. Powder is normally sniffed through the nose. It is easy to receive through the nostrils, into the membranes, into the blood system, and it is not quite as intense as crack. It does not cause addiction nearly so quickly. So there is a difference.

The idea of a 10-to-1 ratio is a movement in the right direction.

But my reluctance at this point with this legislation is simply this: I believe it is time for us to look at the drug guidelines and the penalties we are imposing. This legislation would have no impact on the current crack guidelines but would raise the powder guidelines.

We are talking about 50 grams of powder cocaine which you could virtually hold in one hand—50 grams of powder cocaine, 5 years without parole; 5 grams of crack, which could easily be held in one hand, is 5 years without parole in the Federal system. That is what we are talking about—Federal law, Federal penalties, not States which can have their own sentences in any way they want.

I say to the Chair that, as a prosecutor, I took the enforcement of law seriously. We had one of the highest average sentences in the United States. I think one year we had the highest average sentence imposed in the United States in drug cases. We were honest in how we presented the case: This is the way it worked; this is what the law is.

You charge an individual with selling crack cocaine, and normally the case doesn't just go down on the fact that he is caught with 25, 30, or 40 grams. Normally, you are prosecuting in Federal court an organization of drug dealers. You would bring in the underling who worked for that leader. You would ask him how long he had been out on this street corner or selling from this crack house. Then they say a year. How much has he sold over that year? Pretty soon, the amount goes up to kilograms, 1,000 grams, multikilograms of crack have been distributed, and that person is looking at literally 30 years, 20 years, or life without parole.

I have seen sentences in Federal court of quite a number of young men and women to life without parole, and others 30 years, 25 years, or 20 years without parole. I believe strong sentences are effective. I believe they allow the law enforcement community to break the back of an illegal ring such as a drug ring.

I don't want to go into any significant reduction in sentences, but I think it is time for us to evaluate whether or not we are approaching the drug penalties in the appropriate way. The judges are concerned. Judges think this minimum mandatory which has the effect of driving up all of the sentencing guidelines is too tough.

General Barry McCaffrey has questioned the crack and powder cocaine laws as proposed in this amendment. He believes there is a better approach to it. I think it is time for us to consider that. I believe we have had these guidelines in effect for quite some time now—well over a decade. I believe we ought to look at it, have some hearings, and study it.

I didn't want to, by voting for this amendment, suggest I was comfortable with these guidelines. In fact, my inclination would be not to vote for the amendment for that reason.

I simply think the best way to reduce drug trafficking by law enforcement is to have more prosecutions. It is less important—I did this as a prosecutor for 17 years. I chaired the U.S. Attorneys Committee for the United States here in Washington on drug abuse and drug issues. I am a full and total believer in the sentencing guidelines, the tough Federal laws that are out there.

But if you ask me, my personal view is that I would prefer to have 10 people caught and sentenced to 7 years in jail rather than 5 people caught and sentenced to 14 years in jail. The best way for us to improve our pressure from the law enforcement end on drug trafficking in America is to increase prosecutions and investigations. Whether they serve 7 years, 9 years, 12 years, or 6 years is less important than people who are out dealing drugs who know they are going to get caught and they are going to have a big time sentence to serve, and it is without parole.

Make no mistake about it, in State systems they normally serve a third of the time. This Congress a number of years ago, in a great piece of legislation, passed honesty in sentencing that says you serve what the judge gives you; and not only that, but you have to serve the sentence that the sentencing guidelines call for.

Based on the amount of drugs literally when the case hits a judge's sentencing docket and the judge looks at it, it may be the difference between 18 and 21 years. If he likes a defendant and feels sorry for him, he gives him 18 years. If he doesn't like him, he gives him 21 years. That is about all the discretion he has.

I am not sure we ought not to take time now to reevaluate that to make sure we are properly sentencing and we are using our resources of incarceration wisely. What is it, $20,000 a year, to keep somebody in prison? Wouldn't it be better to drive down drug use by intensive prosecutions across the board, letting the drug dealer know he is soon going to be caught and will serve a significant amount of time, than just taking a few people and sending them off for 30 years without parole? I believe that would be a better policy. I am prepared to consider that. I am prepared to work with General McCaffrey and Attorney General Reno and others in an open and fair way.

I do not believe we ought to eliminate the sentencing guidelines. I do not believe we ought to eliminate mandatory minimum sentences for certain amounts of drugs. I believe that is appropriate. I don't believe we ought to retreat from a tough law enforcement presence with regard to illegal drug use.

Just this morning, Senator COVERDELL hosted with General McCaffrey a breakfast for the Attorney General of Mexico. I was able to sit at his table and share thoughts about what we can do as two nations to improve our war against drugs. Mexico is in a crisis perhaps bigger than they realize. As the power of that illegal drug empire grows, the harder and harder it is for that country to contain it. They have to, not because we pressure them, out of their own self-interest save that country from being corrupted and destabilized by a powerful, wealthy drug empire. I hope we can encourage that and work together to assist with that.

We in the United States need to continue our effective efforts over the years to do education, prevention, treatment, prosecution, and incarceration of drug dealers. If we continue that effort and the interdiction effort, I believe we can bring drug use down. Everybody in this country will benefit from that.

I wanted to share my thoughts on this. I hope to be able to vote for this

amendment. But I am not sure I can. I believe we need to seriously evaluate the sentencing guidelines and the mandatory sentences for drug use in America to make sure they are rational, that they are effectuating our effort as much as they possibly can to reduce drug use and illegal distribution of drugs in America.

I thank the Chair.

Mr. KERREY. Mr. President, I rise to speak in favor of the bankruptcy bill. I have supported a number of amendments to it. I believe this bill does achieve a balance between society's interest of people paying their debts and preventing debtors from being permanently ruined.

Senator GRASSLEY and Senator TORRICELLI have made a good-faith effort to strike that balance. I am an original cosponsor of the bill. I supported some reasonable changes that will improve the bill. If those changes are adopted by a majority of the Senate, I intend to support final passage of what I consider to be a very important piece of legislation that will make certain people don't take undue advantage of the bankruptcy laws, especially those who can reasonably be expected to pay at least part of their debts. These individuals are not excused entirely. That is, in essence, what Senator GRASSLEY and Senator TORRICELLI have attempted to do. I believe they have struck a fair balance and gotten that done.

I understand this is the last legislative vehicle heading, hopefully, toward the President's signature.

I want to speak about the methamphetamine amendment that has been offered that we will vote on relatively soon. Staff has advised me I should vote for it, that I should not be seen as being weak on fighting the battle against methamphetamines. I have come to the floor and I wish the author of this amendment were on the floor to ask him, why shouldn't I be angry that this amendment has been converted from a good piece of legislation that would provide additional resources, that would give additional resources to our DEA agents to enable law enforcement to fight in Nebraska the battle against methamphetamines? That is what we are trying to do.

I have worked with almost every single sheriff, almost every single law enforcement officer—whether chief of police or the head of our highway patrol—trying to win this battle, and we are not winning it. We have the juvenile justice bill tied up in conference; why don't we pass it? Because we can't reach agreement on how to regulate gun ownership. It provides additional resources to win this battle, to enable us to say we are doing all we can to keep our kids safe against a drug that will destroy their lives.

What do we have before the Senate? An amendment that has a school voucher proposal in it. I hear from my judges, from my law enforcement officers, that the net effect of the changes in the penalties on crack and powder cocaine, to increase the penalty to the mandatory minimum on powder cocaine, will be we divert more resources from fighting the battle on dealers and high-level drug usage to fighting the battle against those individuals using cocaine occasionally or on a one-time basis. We will be arresting and putting college kids in jail. That is what we will be doing.

I am angry we have interfered with a good faith effort. The underlying provisions of this methamphetamine bill I find to be attractive with the urgency of this problem. In Nebraska, we started this 5 or 6 years ago when the problem of methamphetamine first came to light. We devoted more resources as part of the HIDTA—High Intensity Drug Trafficking Area—effort, part of the multiagency effort. Law enforcement people say they are starting to get this under control; they are making more arrests; they are putting people away. The tougher penalties in here I support because we need to have tougher penalties in place. They say they are getting the job done, but all of a sudden we are playing politics with it again.

I favor the underlying methamphetamine effort that is in this amendment. But to attach a school voucher proposal to it and additional mandatory minimums that will redirect resources away from the real serious problems in my community is offensive to me personally. Not only will I vote against it, I intend to write a letter to every law enforcement officer in Nebraska and say to them, they also should be angry. We haven't passed the Juvenile Justice Act. We are not providing resources necessary to solve this problem, and we are playing politics, worst of all, trying to seek advantage, trying to put an amendment up that is difficult to vote against.

It won't be difficult for me to vote against this amendment. I am sad that is what I have to do because we are playing politics rather than trying to actually provide our law enforcement officers with the resources they need to solve what has become in Nebraska one of my most difficult law enforcement problems to solve.

I yield the floor.

Mr. KERRY. Mr. President, I am opposed to amendment No. 2771 to S. 625, the bankruptcy bill, because it contains a provision allowing school districts to use funds from any federal education program to provide a school voucher to any student attending a Title I school that has been the victim of a violent crime on school grounds. I believe that providing vouchers to students to attend private or parochial schools is a wrong-headed policy notion that would do nothing to improve the education system that 90% of American children depend upon. Further, the HATCH amendment attempts to relieve only those students against whom a violent crime has been committed, but does nothing to improve school safety for students remaining in the public schools.

Federal funding must be focused on improving educational excellence in our nation's public schools. Money provided by the federal government to state and local education agencies is critical to increasing student achievement and improving teacher quality. A disservice to the public school system is done with this money is directed to private or parochial schools. School reform should not translate into an abandonment of our nation's public schools.

I agree with Mr. HATCH in that there is a crisis of violence and disruption undermining too many classrooms. Last year 6,000 children were expelled from public schools and there were 4,000 cases of rape or sexual battery reported. Parents, students, and educators know that serious school reform will only succeed in a safe and orderly learning environment. But Mr. President, my solution for stemming the tide of violence differs radically from that of Mr. HATCH. Instead of abandoning the public schools, the legislation that Mr. SMITH of Oregon and I introduced would establish a competitive grant program for school districts to create ''Second Chance Schools.'' In order to receive the funds, school districts would need to have in place district-wide discipline codes which use clear language with specific examples of behaviors that will result in disciplinary action and have every student and parent sign the code. Additionally, schools could use the funds to promote effective classroom management; provide training for school staff and administrators in enforcement of the code; implement programs to modify student behavior including hiring school counselors; and establish high quality alternative placements for chronically disruptive and violent students that include a continuum of alternatives from meeting with behavior management specialists, to short-term in-school crisis centers, to medium duration in-school suspension rooms, to off-campus alternatives. Schools could implement a range of interventions including short-term in-school crisis centers, medium duration in-school suspension rooms, and off-campus alternatives. Mr. President, I advocate a solution to the problem of violence in our schools that would help troubled students and ensure those students do not act out again, in their schools, in their homes, or in their communities.

Mr. President, I also oppose this amendment because it would require local school officials to determine whether a student has committed a

drug felony on school property. Administrators and educators in this country's public schools are not trained or well-suited to perform the job of law enforcement officers. Their job is to establish policies regulating drugs, alcohol, and tobacco on school grounds, but the business of suspected drug felonies should clearly be handled by law enforcement officers.

Mr. GRAMS. Mr. President, I rise today in strong support of the amendment offered by Senators HATCH and ASHCROFT that will help to reduce drug abuse and illegal narcotics trafficking throughout the United States. I am proud to be a cosponsor of this important legislation.

I am very concerned about the rate of illegal drug abuse across the nation. According to the Office of National Drug Control Policy, there are over 13 million current users of any illicit drug among those aged 12 or over, and 4 million chronic drug users in America.

These national statistics are similar to drug abuse patterns in my home state of Minnesota. The 1998 Minnesota Student Survey conducted by the Minnesota Department of Children, Families and Learning and the Minnesota Department of Human Services revealed increased marijuana use in each age group studied—sixth graders, ninth graders, and high school seniors—over the past three years. In 1998, 30 percent of Minnesota seniors surveyed reported using marijuana in the previous year.

In addition, the high volume of illegal methamphetamine trafficking and production in Minnesota has placed enormous strain upon the resources of federal, state and local law enforcement agencies investigating the abuse of this deadly substance. In recent years, the number of methamphetamine treatment admissions to treatment centers and ''meth'' arrests of juveniles and adults has increased dramatically throughout our communities. Methamphetamine has become the drug of choice throughout Minnesota and is closely associated with increased crime and gang violence.

I am also troubled by the large number of national drug trafficking organizations that have established operations in Minnesota. The alarming rate of meth production and trafficking in my state has been caused by independent organizations that run clandestine laboratories in apartment complexes, farms, motel rooms and residences with inexpensive, over-the-counter materials. The secretive nature of the manufacturing process involves toxic chemicals, and frequently results in fires, damaging explosions, and destruction to our environment. Meth trafficking in both Minnesota and the United States has severely threatened the health and safety of our citizens, and crippled our national movement against drug abuse.

For these reasons, I am pleased that the amendment offered by Senators HATCH and ASHCROFT includes the major provisions of legislation that I have recently cosponsored, the ''DEFEAT Meth Act'' introduced by Senator ASHCROFT. This amendment will increase penalties for meth crimes, provide additional federal assistance to local law enforcement agencies to investigate and prosecute meth trafficking, implement community-based methamphetamine treatment and prevention programs, and safely cleanup illegal meth labs.

In my view, any proposal to combat illegal meth trafficking should also provide added security to our nation's farmers and farm businesses who must protect their farms from the theft of anhydrous ammonia, a crop fertilizer which is often used as an ingredient in the illegal manufacture of methamphetamine. Importantly, this amendment makes it illegal to steal anhuydrous ammonia or to transport stolen anhudrous ammonia across state lines if a person knows that this product will be used to illegally manufacture a controlled substance such as methamphetamine.

As someone working to secure High Intensity Drug Trafficking Area designation for the State of Minnesota, I am also very pleased that this proposal provides additional resources to investigate and prosecute meth production and trafficking in HIDTA regions throughout the country. This program administered by the nation's drug czar is a critical component of our federal drug control strategy.

The Hatch-Ashcroft amendment also toughens federal policy toward powder cocaine dealers, building upon the ''Powder Cocaine Sentencing Act of 1999'' which I have supported throughout this Congress. As my colleagues know, the current law provides that a dealer must distribute 500 grams of powder cocaine to qualify for a 5-year mandatory minimum prison sentence, and distribute 5 grams of crack cocaine to qualify for that offense. These sentencing guidelines result in a 100-to-1 quantity ratio between powder and more severe crack cocaine distribution sentences.

The Hatch-Ashcroft amendment represents a fair and effective approach toward federal cocaine sentencing policy. Rather than make federal crack cocaine sentences more lenient, this amendment would reduce from 500 to 50 grams the amount of powder cocaine a person must be convicted of distributing before receiving a mandatory five-year sentence. This legislation would adjust the current 100-to-1 quantity ratio to 10-to-1 by toughening powder cocaine sentences with reducing crack cocaine sentences.

I share the concern of parents and families regarding the violence which is occurring at an alarming rate at our nation's schools. Our children should be provided with the opportunity to learn in a safe and drug-free environment. We should make it clear that drug offenders will not be allowed to prey upon the innocence of young people and students.

In my view, the Hatch-Ashcroft amendment will help local school districts stop the flow of illegal drugs into our classrooms. Specifically, this proposal increases the mandatory minimum penalties for distribution of drugs to minors and for distribution of illegal drugs near schools and other locations frequented by juveniles. The amendment also requires school districts that receive federal funds to have expulsion policies for students who bring large quantities of drugs on school grounds. This is consistent with the current law which requires similar policies for students who bring firearms to school.

I understand the concerns expressed by some Members of Congress, federal judges, and the public regarding the fairness of mandatory minimum sentences. However, I believe mandatory minimum sentences for certain drug offenses is an important part of our national drug control policy and contributes to safer schools, work places, and communities.

Mr. President, the sale, manufacture and distribution of illegal drugs is one of the most difficult challenges facing our country. Drug abuse is a daily threat to the lives of young people and the health and safety of our communities. I believe a strong national anti-drug massage should include the proposals contained within this amendment. Passage of this proposal will provide greater protection to Americans from drug offenders, and drug-related crime and violence.

Mr. BINGAMAN. Mr. President, I rise today to express my deep disappointment concerning amendment 2771 to the Bankruptcy bill that we are voting on today. Earlier this year, I was an original cosponsor of S. 562, the methamphetamine bill introduced by Senator HARKIN, to implement a coordinated effort to combat methamphetamine abuse. I am very concerned about the abuse of methamphetamine in my home state of New Mexico, and I am very concerned about the rise in meth labs in my state. That is why I wholeheartedly supported the provisions aimed at: (1) combating the spread of methamphetamine; (2) treating abusers of meth; (3) developing prevention programs; and (4) researching meth. I was glad to see that Senator HATCH accepted the treatment, prevention and research provisions that were in S. 562 when drafting this amendment.

Meth is a highly addictive drug and I have supported efforts to stop the spread of meth in our rural communities. I support tougher penalties for meth lab operators and traffickers. I support resources to law enforcement

to cover the cost of dismantling toxic meth labs.

However, because of the provision added to this amendment at the last minute, concerning school vouchers, I am unable to vote for an otherwise good meth bill. I regret that the drafters of this amendment felt it necessary to politicize this bill with issues like school vouchers that are unrelated to the methamphetamine issue. These attempts to undermine the bipartisan support for this meth bill are unfortunate.

While I support providing resources to law enforcement to battle the methamphetamine epidemic and have been a strong advocate for ways to improve school security, I cannot support the use of federal funds to send students to private or parochial schools under a legislative provision riddled with problems.

The provision allowing schools to use federal funds to send a student to a private school, including a religious school, if they become a victim of a violent crime on school grounds, will do nothing to make our schools safer and will only divert crucial funding from our public school system. In addition, the language is overly broad. If a student is injured on school grounds, at any time, the student will be entitled to attend the school of his or her choice anywhere in the state. This provision would allow the child who gets into a fight following a weekend basketball game to enroll in a private school—free of charge. The amendment would even allow federal funds to be used to transport the student to the private schools, even though federal funds could not be used to transport a student to a public school within the student's current school district.

Instead of pushing an overly broad voucher proposal which will damage our schools rather than improve them, we should focus on supporting violence and crime prevention programs for our youth. We should support community crime prevention activities that encourage parent and community involvement, and help communities and schools ensure that all children are safe all the time. For example, the juvenile crime bill—that has been sitting in Conference since this summer—properly addresses school safety in a comprehensive manner. My Republican colleagues have blocked final passage of that bill.

In addition, we should invest in initiatives such as the Safe and Drug-free Schools and after-school programs, since we know that most juvenile crimes occur between 3:00 and 8:00 p.m. As my colleague Senator HARKIN pointed out, the Republican leadership passed a bill that allocates only 50% of the amount that the President requested for this purpose.

Instead of draining much-needed resources from public schools, we should create conditions for improvement and reform—not in a few schools, but in all schools; not for a few students, but for all students.

By attaching these voucher provisions and issues unrelated to meth and the underlying bankruptcy bill, this entire amendment has been poisoned. If the Majority Leader was serious about passing a meth bill to aid law enforcement and reduce meth abuse, he could have offered a meth bill as a free-standing bill. However, by offering it as a non-germane amendment to the bankruptcy bill, this meth bill has little chance of surviving a bankruptcy conference committee and is a shallow attempt to help the groups fighting the spread of drugs in our states. Like many of my colleagues here today, I am angry that the poison pill, added to this meth bill at the final hour, converted a good piece of legislation into a bill that I cannot vote for.

Mr. DODD. Mr. President, I rise today to express my strong concerns about the provision of this amendment which authorizes vouchers for private schools.

Nearly all year we have had an ongoing debate over education. We have discussed funding, flexibility, accountability and numerous other issues. And each side has claimed they were on the side of the angels—the children and the schools—in these debates.

But in these last few weeks the masks have finally slipped off—Halloween is over and today we can see what direction my colleagues on the other side want to take education in this country.

In appropriations, they are fighting hard, very hard, against a national commitment to reduce class size. We all, even my colleagues on the other side, know, through research and from the voices of teachers and parents across the country, that class size is a key barrier to achievement particularly in the early grades. Too many children in a class overwhelm even the best teacher—discipline issues, control, noise and lack of focus define these classes of 25–30 children. But no, the Republicans claim they just will not accept a continued federal focus in this area.

On this bill, they will offer one amendment to block grant teacher training and professional development programs and reduce accountability in the critical area of improving teacher quality.

And they have slipped into this ''drug'' amendment a major voucher program for private schools.

Vouchers, block grants, and no class size—their position on education is clear.

They are not for improving public schools for all children. They are not for parents or students or teachers. They instead are for their own special interests—they are for private schools, not neighborhood schools; for state bureaucracy, not a focus on class size; for revenue sharing, not accountability.

This commitment to a few rather than all of our children is no where more clear than in the provision before us authorizing private vouchers.

Our universal system of public education is one of the very cornerstones of our nation, our democracy and our culture.

In every community, public schools are where America comes together in its rich diversity. For generations, educating the rich, poor, black, white, first-generation Americans—be they Irish, English, Japanese or Mexican-Americans—and all Americans has been the charge and challenge of our public schools. It is clearly not the easiest task. But its importance cannot be undervalued.

These efforts are essential to our democracy which relies on an educated citizenry, to our communities which require understanding of diversity to function, and to our economy which thrives on highly educated and trained workers. Education—public education—is also the door to economic opportunity for all citizens individually.

However, voucher proposals, like the one before us today, fundamentally undermine this ideal of public education.

Supporters of these programs never argue they will serve all children. They simply argue it is a way for some children to get out of public schools.

I do not argue that our public schools do not face challenges—violence, disinvestment and declining revenues plague some of our schools, just as they do many other community institutions.

And our schools are not ignoring these problems—even with limited resources.

Many are digging themselves out of these problems to offer real hope and opportunities to students. James Comer in Connecticut has led a revolution in public schools across the country by supporting parents and improving education through community involvement and reinvestment in the schools. Public magnet and charter schools are flourishing offering students innovative curriculum and new choices within the public school system. School safety programs, violence prevention curriculum and character education initiatives are making real gains in the struggle against violence in our schools and larger communities.

And these reform efforts are beginning to show results. Our schools are getting better. Student achievement is up in math, science and reading. The reach of technology has spread to nearly all of our schools. The dropout rate continues to decline.

We clearly have a ways to go before all our schools are models of excellence, but our goal must be to lend a

hand in these critical efforts, not withdraw our support for the schools that educate 90 percent of all students in America—public schools.

And there is no question about it, private school vouchers will divert much needed dollars away from public schools. Our dollars are limited. We must focus them on improving opportunities for all children by improving the system that serves all children—the public schools.

Proponents of private school choice argue that vouchers will open up new educational opportunities to low-income families and their children. In fact, vouchers offer private schools, not parent's choice. The private schools will pick and choose students, as they do now. Few will choose to serve students with low test scores, with disabilities or with discipline problems. Vouchers will not come close to covering the cost of tuition at the vast majority of private schools.

There are also important accountability issues. Private institutions can fold in mid-year as nearly half a dozen have done in Milwaukee leaving taxpayers to pick up these pieces—only the pieces are children's lives and educations.

Our public schools are not just about any one child; they are about all children and all of us. I do not have any children, but I pay property taxes and do so happily to support the education of the children I am counting on to be tomorrow's workers, thinkers, leaders, teachers and taxpayers.

Our future is dependent on nurturing and developing the potential of every child to its fullest. Investing in our public schools is the best way to reach this goal.

I urge my colleagues to join me in defeating this amendment.

Mr. McCONNELL. Mr. President, the scourge of illegal drugs is one of the greatest problems facing our nation today. We have all heard stories about the wreckage of crime and shattered lives that drugs leave in their wake. Tragically, after years of steady progress in the war on drugs we have seen a reversal in hopeful trend lines under the current administration. I believe that the Ashcroft-Hatch-Abraham amendment can be an important step towards reducing the trend of increased drug use and putting our nation back on the road to victory in the war on drugs.

I am pleased that this legislation takes special aim at methamphetamines. In recent years, ''meth'' as it is called, has emerged as the leading illegal drug of choice, replacing cocaine as the most popularly used drug. In some ways ''meth'' is even worse than cocaine. It is cheap, easy to produce, highly addictive, and it kills. This drug is proving especially devastating in rural America. In my State of Kentucky, ''meth'' labs have been springing up like a deadly cancer in our communities. The methamphetamines produced in these labs are addicting adults and children at an alarming rate. We need to do something to combat this threat to our families and communities.

This antidrug legislation contains some important provisions to strengthen the war on drugs. The increased sentences for methamphetamines related offenses will send a clear message to dealers, producers, and users that we will not tolerate the problems they are bringing to our communities. This legislation also directs the DEA to mount a comprehensive offensive against this drug. Finally, it will provide additional resources for hard hit areas—especially those in rural America—that are struggling with the rising tide of ''meth'' production and use. The legislation will help these areas combat methamphetamine trafficking and implement abuse prevention efforts.

Mr. President, methamphetamine production and use has become a very serious problem in our country. It is time that Congress took aim at this issue. I support this legislation and urge all of my colleagues to do likewise.

Mr. KYL. Mr. President. I rise in support of the Republican crime amendment (#2771) to the Bankruptcy Reform Act of 1999. This amendment takes a multi-faceted approach to combating the problem of drugs. However, I am particularly pleased with the methamphetamine component of the amendment, which will help my own state of Arizona combat a veritable meth epidemic.

Arizona law enforcement continues to seize a record number of meth labs. Meth lab seizures are up to 30 percent over last year, with over 400 labs projected to be dismantled by the end of this fiscal year. An average of 26 labs per month are seized—that's almost one lab per day.

Meth usage is up, I am sad to report. Phoenix has the second highest rate for meth emergency-room admissions in the United States, according to the Drug Abuse Warning Network (DAWN). Phoenix also has the second highest percent of arrestees testing positive for meth in the U.S. according to the Arrestee Drug Abuse Monitoring program (ADAM).

Meth prosecutions are up, as well. The number of meth cases prosecuted by the Maricopa County Attorney's office in the first five months of this year was equal to all of the cases prosecuted during 1990.

This amendment provides a well-balanced approach to tackling meth by not only increasing penalties for certain meth-related crimes but also providing money to law enforcement (DEA and HIDTAs) for training, personnel, and meth lab cleanups, and providing money for prevention. The amendment also pays special attention to the anti-meth needs of rural communities by providing funding so the DEA can assist rural law enforcement in meth investigations. Many rural counties in my state cannot afford the latest and safest equipment, so they use old and unsafe equipment. Limited personnel and expansive terrain hinder meth-lab seizures. For example, Mohave County law enforcement seized about one lab per week last year and could have seized double that if they had the resources.

Because of Arizona's meth problem, I have fought for additional funding for Arizona law enforcement. Last year, I secured $1 million for Arizona law enforcement to use for equipment, personnel, and training in order to combat meth. This was in direct response to a field hearing I held in Phoenix highlighting the problem of meth and meth labs. During the hearing I heard from urban and rural law enforcement on the dangers posed by meth labs as well as their drain on resources.

I support this amendment because it will give law enforcement the resources needed to combat the problem of meth in my state.

Mr. HUTCHINSON. Mr. President, I rise in support of Senate amendment 2771 to S. 625 because it will provide additional federal resources to combat the dramatic increase in the production, use and distribution of methamphetamine which I believe must be stopped.

Methamphetamine is particularly insidious because it is highly addictive, cheap, easy to produce and distribute, popular with youth, and tends to make its users paranoid and violent. Thus, crimes like burglaries, theft, shoplifting, robberies, and murder can be traced to methamphetamine use. In fact, the prosecuting attorney of my home county, Benton County, Arkansas, estimates that 70% of the felony court docket is directly or indirectly related to methamphetamine. Another, often-forgotten but tragic problem which accompanies methamphetamine use is child abuse. Children of methamphetamine users have specific problems associated with their parents' drug addictions: medical, environmental, and educational neglect; malnutrition; and sometimes physical abuse. According to child welfare workers, parents who use meth are more likely to physically abuse their children than parents who use other drugs.

Methamphetamine is a serious and growing problem in my home state of Arkansas because the state of Arkansas possesses many of the characteristics which allow drug trafficking to flourish: it is sparsely populated with remote areas; it suffers from a high rate of poverty and joblessness and a low per capita income; it has a large population of illegal immigrants; and it has two major interstate highways

which facilitate the transportation of drugs to Oklahoma City, Kansas City, Memphis, St. Louis, and throughout the rest of the nation.

The rapid increase and magnitude of the methamphetamine problem is illustrated in my home state's experience. In 1995, the Arkansas State Police seized 24 methamphetamine labs; in 1996, the number of labs seized more than tripled to 95, then more than tripled again to 242 in 1997, and doubled again to 434 labs in 1998. Recently, the DEA identified Arkansas as one of the top three methamphetamine-producing states in the nation, based on per-capita figures. The growth of the methamphetamine problem in my home state is also seen by the increase in the amount spent to clean up clandestine lab sites, which is one of the most dangerous activities law enforcement officers must undertake. In 1998, $567,000 was spent on clandestine lab cleanups associated with federal agencies in Arkansas whereas five years before, only $71,000 was expended.

I support this amendment because it provides an additional $15 million a year to the Office of National Drug Control Policy to facilitate the hiring of federal, state, and local enforcement personnel to combat methamphetamine trafficking in designated HIDTAs. It is my hope that such an increase will result in the designation of additional HIDTAs in areas, like my home state, where the greatest increase in the methamphetamine problem is occurring. I also support this amendment because of the additional $9.5 million it provides to enable the DEA to hire new agents to help state and local enforcement officials in the small and mid-sized towns with limited resources where methamphetamine is so often found to conduct more methamphetamine investigations. This amendment also will provide an additional $5.5 million for the DEA to train state and local law enforcement officials in one of their most dangerous duties, the cleanup of methamphetamine labs.

Finally, I wish to commend and thank Senators HATCH, ASHCROFT, GRASSLEY, and my other colleagues who have worked so tirelessly on this bill and to address the methamphetamine problem and urge my colleagues to pass this amendment.

Mr. FEINGOLD. Mr. President, I rise today to oppose the drug amendment to the bankruptcy reform bill introduced by my distinguished colleague from Utah, Senator HATCH.

S. 486, the Methamphetamine Anti-Proliferation Act of 1999, has been drastically altered to give us the amendment we are now debating. I was a proud cosponsor of that bipartisan bill. It would provide needed law enforcement training and resources to combat meth, as well as prevention and treatment resources for meth users, to my state, Wisconsin, and all states in the Midwest that have been overrun by this horrible drug. The Judiciary Committee explored the extent of the meth problem and the urgent need for federal resources and support to fight the spread of meth. Hearings and a markup of the Methamphetamine Anti-Proliferation Act were held. The bill was reported out of the Judiciary Committee only after extensive negotiations between members from both sides of the aisle.

Now, as we debate bankruptcy reform, I am greatly troubled to see that this well-crafted bill has been contorted into a bill with all sorts of provisions that have nothing to do with methamphetamine and are bad policy, pure and simple. First, the bill has been saddled with the Powder Cocaine Sentencing Act. The powder cocaine bill is objectionable because it raises powder cocaine penalties to extremely high levels—ensuring further prison overcrowding without offering any concrete effort to promote cocaine use prevention and treatment. The powder cocaine bill has been attached to this amendment, even though it has not been considered by the Judiciary Committee. The Committee hasn't even had a hearing this year on the bill. Second, the drug amendment is bad policy because it includes a voucher provision that would provide federal funding for some children to attend private school at taxpayer expense, without providing any resources to improve the overall quality of education for the children who remain in our public schools.

As a result, I cannot support the drug amendment to the bankruptcy reform bill. I want to be clear. I am committed to fighting the spread of meth in Wisconsin and across the country. But I cannot support an amendment that will do harm to our nation's schools and to our effort to punish cocaine offenders fairly. If the drug amendment passes, I urge the conferees on this bill to remove the troubling provisions relating to powder cocaine and school vouchers.

I yield the floor.

AMENDMENT NO. 2655

(Purpose: To provide for enhanced consumer credit protection, and for other purposes)

Mr. TORRICELLI. Mr. President, I ask unanimous consent to set the pending amendment aside and call to the floor amendment No. 2655, and that the Senate then return to the pending business.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mr. GRASSLEY, Mr. BIDEN, and Mr. LEAHY, proposes an amendment numbered 2655.

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

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

(The text of the amendment is printed in the RECORD of Friday, November 5, 1999, under ''Amendments Submitted.'')

Mr. TORRICELLI. Mr. President, at the outset of this debate for bankruptcy reform, I made clear my own feelings that, as important as I thought it was to reform the bankruptcy laws, in fairness, the legislation needed to be balanced by addressing some of the abuses in the credit industry.

In recent days, Senators DURBIN and DODD have come to the floor with their own variations to protect consumers and the credit industry's own excesses. Those amendments have not been successful.

I offer what I believe is a balanced and is clearly a bipartisan effort to include some consumer protection in this legislation. It is not based on a theory of government intervention or restriction on credit. It is based on the theory of giving consumers information to make their own judgments. I offer this amendment with Senator GRASSLEY, who has been both accommodating and has offered leadership in fair consumer protection, with Senator LEAHY and Senator BIDEN.

As I outline the amendment, I think it will be clear we borrowed heavily from ideas offered by Senators GRASSLEY, BIDEN, and LEAHY but also consumer protection initiatives in part previously offered by Senator SCHUMER, Senator REED, Senator HATCH, and Senator GRAMM. That is why it is all inclusive and why it is balanced.

There has been a great deal of attention on the rise of consumer bankruptcy in recent years. The numbers bear some repeating. Since 1980, there has been a 350-percent increase in bankruptcy filings. Indeed, there are many reasons for it. Part of the crushing debt forcing millions of Americans into bankruptcy clearly is the availability of credit. In the last 23 years, the debt burden by American families has quadrupled. Twenty percent of families earning less than $10,000 have consumer debt that is more than 40 percent of their income.

As this chart indicates, consumer bankruptcies and consumer credit debt are nearly identically tracking each other. One cannot separate the rise in bankruptcies from the level of consumer debt. They are one and the same problem.

Therefore, as certainly as we deal with other reasons for the abuse of bankruptcies, we must at least deal in part with this issue of availability of credit and whether consumers are fully informed.

In 1975, total household debt was 24 percent of aggregate household income. Today, the number is more than 100 percent. That bears repeating: Household income and household debt have

now matched each other in an extraordinary and dangerous statistic. Certainly, one of the factors that has led to this radical rise in household debt is the amount of solicitation of consumer credit card debt, which include both aggressive and dubious solicitation techniques.

In 1998, the credit industry sent out more than 3.5 billion solicitations. That is 41 mailings for every American household; 14 credit solicitations for every man, woman, and child in America. This does not simply represent aggressive marketing for Americans with high incomes who can afford this increase in credit; it includes high school and college students, a situation so serious, as Senator DODD pointed out yesterday on the floor of the Senate, that 450 colleges and universities have banned the marketing of credit cards on their campuses; so serious that credit card debt is a leading reason for college students dropping out of school.

I recognize the problem. Our amendment does not restrict access to credit, as many Senators would not support that. There is no mandatory control. All we are doing is simply ensuring that before people with low income or students incur this debt, they at least know the consequences of the debt they are accepting. If this is true for students, it is equally true for low-income people. Just in this decade, Americans below the poverty line have doubled their credit usage. Indeed, that is one of the reasons credit card debt now accounts for 31 percent of all consumer debt, putting not only students but low-income people on a treadmill from which they will never, ever escape.

Yet I recognize why many Senators would never accept restricting access to credit because the availability of credit to low-income people, even to students, in a free economy is part of how they make investments, make their own judgments. The answer is not to restrict credit to poor people or working people or students. The Senate has rejected that technique, and I do not offer it today. I offer full disclosure. Full disclosure means the 55 to 60 million households in America that carry a credit card balance on average, month to month, of $7,000, which incurs interest and fees of $1,000 a year, will understand the consequences of that debt before and during incurring that debt. Too few consumers understand making only the minimum payment means their balance will grow and they may never, in a reasonable amount of time, have that debt paid.

Specifically, what are we asking under this amendment? First, we are requiring a warning as appears on this chart which, in my own office, has modestly been dubbed ''the Torricelli warning.'' It has provisions in it specifically that will warn that, with a balance of $1,000 and 17-percent interest, if the consumer pays only the minimum payment, it will take 88 months to pay off the balance. Here is that warning:

Minimum payment warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2-percent minimum monthly payment on a balance of $1,000 at an interest rate of 17 percent would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance making only the minimum payments, call this toll-free number.

First, in this Torricelli warning, we put a 1–800 number that is available for people to call to get the specifics of how long it will take to pay down your account. That is one.

No. 2, we will require creditors to disclose that interest on loans secured by a dwelling is tax deductible only to the value of the property because too many consumers are being told if they secure their debt with their real estate, it is tax deductible, only then to find if they have a debt beyond the value of the property, it is not tax deductible. We want full disclosure of this fact.

This is based on an amendment previously offered by Senator REED. It has great merit. I have included it in this amendment that I offer with Senator GRASSLEY and others of my colleagues.

No. 3, we require that with credit solicitations containing an introductory or teaser rate, which is so popular, the date at which the introductory rate will expire must be clearly and conspicuously disclosed, so people understand these low interest rates will expire and when they expire, so they can make an informed judgment as consumers. This is based on legislation previously offered by Senator SCHUMER. I think it is invaluable.

No. 4, we require that disclosure of the standard truth-in-lending information now required for paper solicitations also be required for Internet solicitations. What we are already requiring on paper solicitations we simply apply to the Internet. This is also based on an amendment offered in committee by Senator SCHUMER. I think it is extremely valuable.

No. 5, we require prominent disclosure of the date on which a late fee will be charged and the amount of the fee. If people are subjecting themselves to late fees, that fact and what the fee would be must be disclosed in the amendment Senator GRASSLEY and I are offering. This, as well, is based on something Senator SCHUMER has done in the past, and we are very grateful for his valuable contribution to it.

No. 6, finally, we prohibit a creditor from terminating an account prior to its expiration date because a consumer has not incurred finance charges. To me, this is the most outrageous of the abuses of the credit industry. A person uses their credit card, they pay off the balance in full, therefore not availing themselves of the credit that could be used, and there is no interest rate because they are paying off their balance, and they are getting their credit card taken from them. We would prohibit that. Good consumers who use their credit card and do not incur any debt do not have to pay, and should not be penalized, for being responsible consumers. We prohibit that practice.

I believe, therefore, what we have done with Senator LEAHY and Senator BIDEN, under the leadership of Senator GRASSLEY, is balanced, it is fair, it is at this point the only chance in the bankruptcy bill to have real consumer protection. It is the only amendment being offered on a bipartisan basis. It is based on the very good work of Senator REED and Senator BIDEN, Senator LEAHY, Senator SCHUMER, and Senator DURBIN. I hope, based on that work, this amendment can be adopted.

I yield the floor and thank my colleagues for their contributions to this amendment.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 2650

(Purpose: To control certain abuses of reaffirmations)

Mr. SESSIONS. I ask unanimous consent to call up amendment No. 2650 proposed by Senator REED and myself, and I send a modification to the desk and ask that the amendment be agreed to as modified and the motion to reconsider be agreed to and laid upon the table.

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

The amendment (No. 2650), as modified, was agreed to, as follows:

SECTION 1. REAFFIRMATION.

In S. 625, strike section 203 and section 204(a) and (c), and insert in lieu of 204 (a) the following—

''(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) In subsection (c) by striking paragraph (2) and inserting the following:

''(2) the debtor received the disclosures described in subsection (i) at or before the time the debtor signed the agreement.

(2) by inserting at the end of the section the following—

''(i)(1) The disclosures required under subsection (c) paragraph (2) of this section shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement, statement, declaration, motion and order described, respectively, in paragraphs (4) through (8) of this subsection, and shall be the only disclosures required in connection with the reaffirmation.

''(2) Disclosures made under this paragraph shall be made clearly and conspicuously and in writing. The terms ''Amount Reaffirmed'' and ''Annual Percentage Rate'' shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases ''Before agreeing to reaffirm a debt, review these important disclosures'' and ''Summary of Reaffirmation Agreement'' may be equally conspicuous. Disclosures may be made in a different order and may use terminology

different from that set forth in paragraphs [(2) through (7)], except that the terms ''Amount Reaffirmed'' and ''Annual Percentage Rate'' must be used where indicated.

''(3) The disclosure statement required under this paragraph shall consist of the following—

''(A) The statement: ''Part A: Before agreeing to reaffirm a debt, review these important disclosures:'';

''(B) Under the heading ''Summary of Reaffirmation Agreement'', the statement: ''This Summary is made pursuant to the requirements of the Bankruptcy Code'';

''(C) The ''Amount Reaffirmed'', using that term, which shall be the total amount which the debtor agrees to reaffirm, and the total of any other fees or cost accrued as of the date of the reaffirmation agreement.''

''(D) In conjunction with the disclosure of the ''Amount Reaffirmed'', the statements

(I) ''The amount of debt you have agreed to reaffirm''; and

(II) ''Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure.

Consult your credit agreement'';

''(E) The ''Annual Percentage Rate'', using that term, which shall be disclosed as—

''(I) if, at the time the petition is filed, the debt is open end credit as defined pursuant to the Truth in Lending act, title 15 United States Code section 1601 et. seq., then

''(aa) the annual percentage rate determined pursuant to title 15 United States Code section 1637(b)(5) and (6), as applicable, as disclosed to the debtor in the most recent periodic statement prior to the agreement or, if no such periodic statement has been provided the debtor during the prior six months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor; or to the extent this annual percentage rate is not readily available or not applicable, then

''(bb) the simple interest rate applicable to the amount reaffirmed as of the date of the agreement, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed, or

''(cc) if the entity making the disclosure elects, to disclose the annual percentage rate under (aa) and the simple interest rate under (bb).

''(II) if, at the time the petition is filed, the debt is closed end credit as defined pursuant to the Truth in Lending Act, title 15 United States Code section 1601 et seq., then

''(aa) the annual percentage rate pursuant to title 15 United States Code section 1638(a)(4) as disclosed to the debtor in the most recent disclosure statement given the debtor prior to the reaffirmation agreement with respect to the debt, or, if no such disclosure statement was provided the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor; or to the extent this annual percentage rate is not readily available or not applicable, then

''(bb) the simple interest rate applicable to the amount reaffirmed as of the date of the agreement, the disclosure statement is given the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed; or

''(cc) if the entity making the disclosure elects, to disclose the annual percentage rate under (aa) and the simple interest rate under (bb).''

''(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given pursuant to the Truth in Lending Act, title 15, United States Code, section 1601 et seq., by stating ''The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower than your current obligation.'';

(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the obligations you are reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security then the original amount of the loan.''

''(H) At the election of the creditor, a statement of the repayment schedule using one or a combination of the following—

''(I) by making the statement: ''Your first payment in the amount $_____ is due on _____.'', and stating the amount of the first payment and the due date of that payment in the places provided;

''(II) by making the statement: ''Your payment schedule will be:'', and describing the repayment schedule with the number, amount and due dates or period of payments scheduled to repay the obligations reaffirmed to the extent then known by the disclosing party; or

''(III) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

''(I) The following statement: ''Note: When this disclosure talks about what a creditor ''may'' do, it does not use the word ''may'' to give the creditor specific permission. The word ''may'' is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirmation or what the law requires, talk to the attorney who helped you negotiate this agreement. If you don't have an attorney helping you, the judge will explain the effect of your reaffirmation when the reaffirmation hearing is held.'';

''(J) The following additional statements:

''Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

''1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

''2. Complete and sign part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

''3. If you were represented by an attorney during the negotiation of the reaffirmation agreement, the attorney must sign the certification in Part C.

''4. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, you must complete and sign Part E.

''5. The original of this Disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

''6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in part D.''

''7. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your agreement. The bankruptcy court must approve the agreement as consistent with your best interests, except that no court approval is required if the agreement is for a consumer debt secured by a mortgage, deed of trust, security deed or other lien on your real property, like your home.

''Your right to rescind a reaffirmation. You may rescind (cancel) your reaffirmation at any time before the bankruptcy court enters a discharge order or within 60 days after the agreement is filed with the court, whichever is longer. To rescind or cancel, you must notify the creditor that the agreement is canceled.

''What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation just as though you hadn't filed bankruptcy, it is not discharged in your bankruptcy. That means that if you default on your reaffirmed debt after your bankruptcy is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor is often permitted by the agreement and/or applicable law to change the terms of the agreement in the future under certain conditions.

''Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

''What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A ''lien'' is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your state's law or in certain other circumstances, you may redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.''

''(4) The form of reaffirmation agreement required under this paragraph shall consist of the following—

''Part B: Reaffirmation Agreement. I/we agree to reaffirm the obligations arising under the credit agreement described below.

Brief description of credit agreement:

Description of any changes to the credit agreement made as part of this reaffirmation agreement:

Signature:

Date:

Borrower:

Co-borrower, if also reaffirming:

Accepted by creditor:

Date of creditor acceptance:'';

''(5)(i) The declaration shall consist of the following:

''Part C: Certification by Debtor's Attorney (If Any)—I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

Signature of Debtor's Attorney:

Date:'';

(ii) In the case of reaffirmations in which a presumption of undue hardship has been established, the certification shall state that in the opinion of the attorney, the debtor is able to make the payment.''

''(6) The statement in support of reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following—

''Part D: Debtor's Statement in Support of Reaffirmation Agreement.

1. I believe this agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $_____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $_____, leaving $_____ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: _____.

2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'';

''(7) The motion, which may be used if approval of the agreement by the court is required in order for it to be effective and shall be signed and dated by the moving party, shall consist of the following—

''Part E: Motion for Court Approval (To be completed only where debtor is not represented by an attorney.) I (we), the debtor, affirm the following to be true and correct:

''I am not represented by an attorney in connection with this reaffirmation agreement.

''I believe this agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement above, and because (provide any additional relevant reasons the court should consider):

''Therefore, I ask the court for an order approving this reaffirmation agreement.''

''(8) The court order, which may be used to approve a reaffirmation, shall consist of the following—

''Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'';

''(j) Notwithstanding any other provision of this title—

''(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement with the court.

''(2) A creditor may accept payments from a debtor under a reaffirmation agreement which the creditor believes in good faith to be effective.

''(3) The requirements of subsections (c) and (i) shall be satisfied if disclosures required under those subsections are given in good faith.

''(k) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing and for cause, orders before the expiration of such period), it shall be presumed that the reaffirmation agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of the reaffirmation agreement required under subsection (i)(6) of this section is less than the scheduled payments on the reaffirmed debt. This presumption must be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds to make the payments as agreed upon under the terms of the reaffirmation agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove the agreement. However, no agreement shall be disapproved without notice and hearing to the debtor and creditor and such hearing must be concluded before the entry of the debtor's discharge.''

SEC. 2. JUDICIAL EDUCATION.

Add at the appropriate place the following:

''( ) JUDICIAL EDUCATION.—The Director of the Administrative Office of the United States Courts, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing the act, including the requirements relating to the 707(b) means test and reaffirmations.''

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2771

Mr. LEAHY. Mr. President, how much time is remaining under the control of the Senator from Vermont?

The PRESIDING OFFICER. Seventy minutes 28 seconds.

Mr. LEAHY. Seven-zero?

The PRESIDING OFFICER. Seven-zero.

Mr. LEAHY. I thank the Chair and my good friend from Montana.

Mr. President, I compliment the distinguished Senator from Alabama for his comments and others who have spoken on this. He and I belong to that great fraternity which I have always considered the best fraternity—former prosecutors. I have sometimes said the best job I ever had was as a prosecutor, although I must admit, when I told the U.S. attorney of our State, Charles Tetzlaff, who is a superb U.S. attorney, I often wanted to trade with him, he said: ''Yeah, sure you do.'' In my view, it is one of the best positions one can have in government, also one that requires the most concern for the public.

I wear both hats of a Senator and also as a former prosecutor in opposing this amendment. I am not opposing the motivation of Senators who want to stop what has become a scourge of drug use in our country. When I think of the young people in this country whose lives are damaged by drugs, when I think of families who are damaged, when I think of the people who are victims of crime from those seeking money to buy drugs, I fully appreciate what a scourge it is.

Right on Capitol Hill, one of the most beautiful parts of our Nation, we have seen people suffer burglaries, muggings, thefts, and assaults by people trying to get money for drugs. It is a problem our country, probably more than any other country, has to face because we are the wealthiest nation on Earth and we, as a nation, fuel the drug trade because of all the money we put into it.

It is ironic, in a way, that we send in troops and helicopters and chemicals to countries to stem the drug production and trade from their country, when the answer, of course, is within our borders. If we worked harder stopping the demand for drugs in the United States, that drug traffic would dry up. If you could turn off the drug production in a country in Central America and could somehow hermetically seal that country, as long as there are tens of billions, even hundreds of billions, of dollars willingly spent by U.S. citizens for drugs, drug production will just take place somewhere else. It is the ultimate example of supply and demand. The supply is always going to be there. We do far too little to stop the demand.

We are not going to stop the demand by this amendment because it takes the wrong approach to combating illegal drug use in this country. The amendment would dramatically increase mandatory minimum penalties for cocaine trafficking. It would throw the principle of federalism out the window by telling local schools and school districts how they must deal with illegal drug use by students. Frankly, how my State of Vermont may want to deal with this may be far different than the State of Montana, the State of Alabama, or any other State. I have to think we know our people the best within our States and they are capable of making those decisions.

The amendment attempts to solve the unfair discrepancy between sentences for powder and crack cocaine. There is an unfair discrepancy, and I do not think people are that far off when they say that discrepancy may have racist overtones. We should all agree the discrepancy is unfair. In solving that discrepancy between powder and crack cocaine, this amendment is

going about it in precisely the wrong way by increasing the use of mandatory minimums for those who manufacture, distribute, dispense, or possess with intent to distribute powder cocaine.

Under the current law—and this is how we get into the improper and unfair discrepancy—the quantity threshold to trigger mandatory minimum penalties for crack offenders is 100 times more severe than for powder cocaine offenders. Let me put this in a different way.

If you have an offender charged with a 5-gram-crack-cocaine offense, they would be subject to the same 5-year minimum sentence that would apply to somebody who was caught with 500 grams of powder cocaine. These harsher crack sentences have resulted in a disparate impact on the African American community. African Americans constitute 12 percent of the American population but account for 40 percent of our prison population. Anybody looking at those numbers know something has gone astray. Eighty-eight percent of those convicted of crack offenses are black and, of course, crack offenses always carry the higher penalties. In 1993, the number of African American men under the control of the criminal justice system was greater than the number of African American men enrolled in college. Something has gone dramatically astray in our country.

While it is true that Federal courts have held the disparate impact caused by the crack and powder cocaine mandatory sentencing thresholds does not violate constitutional protections, the fact existing laws fall within the judicially determined boundaries of constitutional acceptability does not absolve Congress of its ongoing responsibility to implement the most just and effective ways to combat drugs in America.

Just because an act of Congress may be constitutionally acceptable does not mean it makes sense. On national highways we could probably constitutionally set a $500 fine for somebody driving 5 miles an hour over the speed limit. It would probably be upheld constitutionally, but do we have any constituents who would say it made sense? Of course not.

I have repeatedly stated my objections to the shortsighted use of mandatory minimums in the battle against illegal drugs because of the way they are applied. My objections are all the more grave when an attempt is made to increase the use of mandatory minimums through provisions placed in the middle of—what?—an amendment to a bankruptcy bill offered as the adjournment bells are almost ringing at the end of the session.

We can debate whether mandatory minimums are an appropriate tool in our critically important national fight against illegal drugs. I believe they have not made that much difference. Others would believe otherwise. In my view, simply imposing or increasing mandatory minimums undercuts and even subverts the more considered process Congress set up with the Sentencing Commission.

The Federal sentencing guidelines already provide a comprehensive mechanism to mete out fair sentences. They allow judges the discretion they need to give appropriate weight to individual circumstances. In other words, sentencing guidelines allow judges to do their jobs.

The Sentencing Commission goes through an extensive and thoughtful process to set sentence levels. For example, pursuant to our 1996 anti-methamphetamine law, the Sentencing Commission increased meth penalties after very careful analysis of sentencing data, especially recent sentencing data. They studied the offenses. They had information from the Drug Enforcement Agency on trafficking levels, dosage unit size, price, and drug quantity. They took all those matters into consideration. Simply increasing arbitrarily, in the middle of a bankruptcy bill, mandatory minimums goes too far in taking sentencing discretion away from judges.

Would it not make far more sense if we set this amendment aside, and at the Judiciary Committee, which certainly has jurisdiction over this issue, have real hearings and have people discuss whether it is a good idea or bad idea? Bring in drug enforcement people, bring in local authorities, bring in everybody else involved, and have a real hearing. If we simply do it because it sounds good at the moment, I think we make a mistake.

That is why I have repeatedly expressed my concerns about creating new mandatory minimum penalties, including as recently as in August, when the methamphetamine bill that has contributed many of this bill's provisions was considered by the Judiciary Committee.

The meth bill, which was reported by the Judiciary Committee, is contained in this amendment to the bankruptcy bill. It contains a provision directing the Sentencing Commission to amend the guidelines to make penalties for amphetamine offenses comparable to the offense levels for methamphetamine.

Congress recently increased mandatory minimum sentences for methamphetamine. Stiff mandatory minimum penalties were slipped into last year's omnibus appropriations bill. As a result, now methamphetamine penalties are the same as crack penalties. This amendment in the bankruptcy bill would now order the Sentencing Commission to increase penalties for amphetamine crimes by a number of base offense levels so the same penalties apply to both meth and amphetamine offenses.

So what do we get for a result? Even without the question of mandatory minimums, you are going to have dramatic increases in the penalties for amphetamine offenses.

We ought to first pass a resolution saying, we are all against illegal drug use. We live in neighborhoods. We are parents or grandparents. We walk the streets of America. We have seen the dangers of illegal drug use—all Senators, Republican and Democrat. We are all against it. That should be a given. But do we need to stand up here, the 100 of us who are suppose to represent a quarter of a billion Americans, and prove over and over and over again that we are against illegal drug usage by imposing harsher and harsher penalties, without any regard to whether spending more taxpayer money on more prisons and more prison guards is really the most cost-effective way to address this problem?

In many parts of this country we spend far more money building new prisons than we do building new schools. We spend far more money increasing the number of prison guards and on their pensions and their pay, and everything else that goes for them, than we do in hiring new science teachers or math teachers or language teachers. We ought to ask ourselves: Does this picture make that much sense?

I agree with the distinguished Senator from Alabama, Mr. SESSIONS, that we have put a misplaced emphasis on long mandatory minimum penalties as the primary tool we use to fight illegal drug trafficking. When I was a prosecutor, I must admit, there were many times I asked for a stiff penalty, when the case called for it. But I also knew enough to know that stiffer penalties by themselves are not the whole answer. There are a whole lot of other things involved. For one thing, a lot of people committing a crime do not get too concerned about the penalty if they think they are not going to get caught.

So the example I have used before is, you have two warehouses side by side. One has all kinds of alarm systems and security personnel. The other has a rusted old padlock, no lights, and nobody around it. They both are filled with, say, television sets. The penalties for breaking in and stealing those TV sets are the same, whether you break into the warehouse that has its security system, the lights, and the guards, or if you break into the one with the rusty old padlock with no guards and no lights. It does not take a criminologist to know which one is going to get broken into. Why would somebody break into one where they might get caught when they can go into the one where they assume they will not get caught? The penalties are the same, so the penalty is not the deterrent.

We have to make drug dealers feel vulnerable and make drug dealing a risky business. We do this by making sure they are caught and prosecuted, not simply piling on lengthier prison terms with increased mandatory minimum penalties for the few on the fringes who do get caught.

These mandatory minimums also carry with them significant economic and social costs. According to the Congressional Budget Office, the annual cost of housing a Federal inmate ranges from $16,745 per year for minimum security inmates to $23,286 per year for inmates in high-security facilities.

Mr. President, you and I and every taxpayer is paying for that. It is critical that we take steps that will effectively deter crime, but we should not ignore the costs of this one-size-fits-all approach to mandatory minimums.

We also cannot ignore the policy implications of the boom in our prison population. Let me just tell you about this. In 1970—5 years before I came to the Senate—the total population in the Federal prison system was 20,868 prisoners, of whom 16.3 percent were drug offenders.

By 1997, the federal prison population had grown to almost 91,000 sentenced prisoners, approximately 60 percent of whom were sentenced for drug offenses. The cost of supporting this expanded federal criminal justice system is staggering. The portion of federal drug control spending attributable to the criminal justice system grew from $415 million in 1981 to over $8.5 billion in 1999. Imprudently lowering the cocaine sentencing threshold without considering the fiscal consequences would further encumber our already overworked system. We ignore at our peril the findings of RAND's comprehensive 1997 report on mandatory minimum drug sentences: ''Mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime.''

Reducing the disparity between sentences for powder and crack cocaine in the manner proposed in this amendment is simply wrongheaded. Sentencing parity at any cost is not the smartest way to wage our war on drugs. Drastically increasing the mandatory minimum penalties for powder cocaine in this hasty, end-of-session amendment will be costly to taxpayers far into the future, as we will have to build numerous new prisons to house non-violent drug offenders who are subject to lengthy federal prison terms under this amendment. Indeed, when a bill seeking to make identical changes to our powder cocaine laws was introduced in the last Congress, I wrote to the Attorney General requesting a prison impact assessment. I received a letter from the Justice Department on June 1, 1998, estimating that the total cost of this legislation over 30 years would be over $10.6 billion, including construction of nine new medium security federal prisons to house 11,000 more prison beds.

I ask unanimous consent that a copy of the letter be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 1, 1998.

Hon. PATRICK LEAHY,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: This is in response to the letter you and two colleagues wrote to the Attorney General requesting a prison impact assessment for S. 2033, which would alter federal sentences for crack cocaine and powder cocaine offenders. I hope the following information is helpful to you.

S. 2033 would mandate a 5-year mandatory minimum sentence for 50 grams of powder cocaine, instead of the current 500-gram threshold. In addition, the proposal would impose a 10-year mandatory minimum sentence for 500 grams of powder cocaine, instead of the current 5 kilogram threshold. The 5- and 10-year mandatory minimum thresholds for crack cocaine would remain at 5 and 50 grams, respectively.

Table 1 estimates the impact of the proposed change on prison costs and population for the 30 years following enactment. Using its 1996 data set, the U.S. Sentencing Commission produced estimates of the number of individuals who would be incarcerated under this scenario. These estimates, which were based on a review of all defendants sentenced for drug trafficking and related offenses (U.S.S.C. 2D1.1) involving a single drug type, were then used by the Bureau of Prisons to project prison costs. While our estimates assume a constant rate of prosecutions for the next 30 years, it is important to understand that changes in sentencing during that time period could alter prosecution practices, thus affecting the cost and population estimates we provide here. Additional cost analysis assumptions are contained in Enclosure A.

We estimate that, in the fifth year after enactment, S. 2033 would require us to provide over 5,500 additional prison beds than currently projected in order to handle those inmates who would be spending more time in prison. The cumulative additional cost over five years would be almost $794 million, including construction of seven new medium security federal prisons. In the thirtieth year after enactment, we would need approximately 11,000 additional beds. The total cumulative cost over thirty years would be over $10.6 billion, including construction of a total of nine new medium security federal prisons.

Please do not hesitate to contact our office if you have additional questions concerning this or any other issue. We have sent similar letters to Senators Biden and Kennedy.

Sincerely,

L. ANTHONY SUTIN,
Acting Assistant Attorney General.

Enclosures.

ENCLOSURE A: COST ANALYSIS ASSUMPTIONS

For crack cocaine and powder cocaine sentencing scenarios, the Bureau of Prisons (BOP) is assuming that these inmates will be housed in medium security facilities. BOP's projected construction and operating costs presented in this prison impact assessment are consistent with costs required by medium security facilities, which are designed for a capacity of 1,152 prisoners.

If the estimated impact of enacted legislation will result in fewer than 1,152 additional prisoners, the prisoners will be added to existing facilities and be charged at marginal costs. If the estimated impact of enacted legislation will meet or exceed 1,152 additional prisoners, construction of a new facility will be necessary. While construction is underway, space will be found in existing facilities. Once the prisoners are transferred to the newly built facility, those prisoners are charged at full per capita cost to meet the full expense of operating an additional facility.

The increase in costs over time due to inflation is assumed to be approximately 3.1% per year.

TABLE 1.—5/50 RATIO FOR FIVE YEAR MANDATORY MINIMUM THRESHOLD*

Year and number of inmates	Annual operating cost	Cumulative operating cost	Construction cost	Total cumulative cost
1: 358	$3,122,476	$3,122,476	$327,168,000	$330,290,476
2: 1,321	11,878,432	15,000,908	84,327,552	426,496,460
3: 2,777	25,745,567	40,746,475	86,941,440	539,183,467
4: 3,756	35,899,848	76,646,323	0	575,083,315
5: 5,529	126,303,054	202,949,377	92,415,744	793,802,113
10: 9,163	251,592,061	1,235,564,127	Yr 7: 98,234,496	1,924,651,359
20: 10,868	426,305,688	4,721,379,782	Yr 13: 117,980,928	5,528,447,942
30: 11,066	580,578,254	9,793,498,397	0	10,600,566,557

*Whenever a 5 year mandatory minimum threshold ratio is discussed, we are presuming that there is also a 10 year mandatory minimum threshold at a drug weight equal to 10 times the amount of the 5 year mandatory minimum threshold weight.

Mr. LEAHY. We are going to see the effects of this amendment much earlier than 30 years from now. Most of us won't be here 30 years from now to answer for it; some may be. We have to look at this and ask, do these costs justify what we wanted to do?

We also will be focusing a lot more Federal resources on lower-level drug dealers. We will have to hire a whole lot of new drug enforcement officers right off the bat, but we are going to be refocusing them on lower-level drug dealers. I do not believe this is the

most cost-effective allocation of Federal resources.

In addition to being costly, another consequence of lowering the powder cocaine threshold is that more federal resources will be focused on lower-level drug dealers. We must ask whether this is the most cost-effective allocation of federal resources. In adopting the federal sentencing scheme, Congress intended state and local drug enforcement personnel to investigate and prosecute small-time offenders, while the federal government was to use its more sophisticated law enforcement weapons to investigate and prosecute higher-level drug traffickers. Recently, Congress has made great strides toward balancing the federal budget and has opted to devolve many federal programs to states in the belief that certain programs can be more efficiently administered by state and local governments. Likewise, Congress should be wary of assuming the costs associated with federal intrusion into the traditional domain of the states in prosecuting criminal offenses. Ill-considered expansion of the federal criminal justice system has recently come under fire from Chief Justice Rehnquist, who criticized the Congress for federalizing the criminal justice system during a period in which the Senate has failed even to keep the federal bench adequately filled.

A 50-gram powder cocaine offense is a serious criminal charge. No one is debating whether a 50-gram powder cocaine dealer should be subject to the possibility of incarceration. What is debatable, however, is whether a 50-gram powder cocaine offender is the type of high-level dealer that should be dealt with harshly by federal rather than state authorities. It is inevitable that the possibility of harsh federal sentences will encourage more federal prosecutions. The question is whether a 50-gram powder cocaine dealer is the type of sophisticated drug trafficker that requires the expense of federal technical expertise. If not, then we should be looking very seriously at more cost-effective ways of distributing law enforcement, prosecution, and incarceration obligations between the federal and state governments in order to maximize the efficiency of our nation's drug control strategy. By restructuring the federal sentencing scheme, we can ensure that state and local governments can assume greater responsibility for the investigation and prosecution of low-level dealers, whose offenses are of particular local concern. Federal resources can then be freed to pursue traffickers higher in the distribution chain.

Other aspects of this amendment also turn principles of federalism on their head. For example, the amendment contains a federal mandate for the disciplinary policies of local schools. It would require local schools to adopt certain specific policies on illegal drug use by students, including mandatory reporting of students to law enforcement and mandatory expulsion for at least one year of students who possess illegal drugs on school property. This turns on its head our traditional idea that state and local governments should have the primary responsibility for education, even though that idea is one that is constantly put forward by my colleagues on the other side of the aisle, and indeed is currently being used by them to justify their opposition to the President's plan to provide funding for schools to hire additional teachers and reduce class size.

I am particularly concerned about this one-size-fits-all mandate on the expulsion of students. Expulsion is an option that schools need to have so they can deal with particularly intractable behavior problems among their students. But only local teachers and principals can know which students who violate policies or laws should be expelled, and which deserve a different punishment.

I can just see the school principal in Tunbridge, VT getting a directive from the Federal Government, based on something we passed in a bankruptcy bill, telling them how they are going to run disciplinary procedures in Tunbridge. We may find ourselves back to the days when Vermont decided they wanted to be a republic.

I am not willing to tell thousands of school principals and administrators around the country, the U.S. Congress will tell you when to expel your students. If I did that, I would almost expect a recall petition and expulsion petition from the people of my State.

Finally, I object to the provision in this amendment that authorizes the use of public funds to pay tuition for any private schools, including parochial schools, for students who were injured by violent criminal offenses on public school grounds. Such a provision obviously raises serious Establishment Clause questions that deserve a fuller airing than is possible in an end-of-session amendment. It also gives rise to the numerous policy questions surrounding the issue of school vouchers, which could cause significant damage to our public school system. As a practical matter, this provision also raises the very real possibility of fraud and collusion to manufacture injuries in order to attend a private school at the taxpayers' expense.

I do believe that there are good things contained in the parts of this amendment that deal with our methamphetamine and amphetamine problems, most of which are borrowed from a bill that was reported by the Judiciary Committee in August. That bill managed to help local law enforcement in its daily battle against drugs, provide funding for the hiring of new DEA agents, and increase research and prevention funding, all without imposing mandatory minimums. I supported each of those provisions. But the good things included within this amendment are outweighed by the amendment's return to the failed drug policies of the recent past and its unwise and likely unconstitutional educational policies. Therefore, I will vote against this amendment.

Mr. President, I know others wish to speak. I know the distinguished Senator from New York was waiting to speak.

Mr. SESSIONS. Is the Senator asking unanimous consent that he speak next? Otherwise, the Senator from Michigan is due.

Mr. LEAHY. How much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 45 minutes 59 seconds.

Mr. LEAHY. When next this side is recognized, I ask unanimous consent that Senator SCHUMER of New York be recognized. I know the distinguished Senator from Michigan is ready to be recognized on the other side.

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

Mr. LEAHY. I ask the distinguished Senator from New Jersey, Mr. LAUTENBERG, be recognized after the distinguished Senator from Michigan.

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

Mr. SESSIONS. Mr. President, I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I appreciate the opportunity to speak on the amendment offered by the Senator from Utah, Mr. HATCH, Senator ASHCROFT, and myself.

I wish to be somewhat responsive to a few of the statements made in some of the speeches in opposition to this amendment, as they pertain specifically to the issue of changing the mandatory minimum sentences on dealing with powder cocaine. I think it is important that we reflect on how we got to where we are today. There has been for some time, as reflected in actions of the U.S. Sentencing Commission, concern about the disparity between the mandatory minimum sentences for crack cocaine triggers of 5-year mandatory minimums for the dealing of 5 grams, of 10 years for dealings of 10 grams, and the mandatory minimums for powder cocaine, which are 100 times greater with the 5-year mandatory minimum trigger at 500 grams and the 10-year trigger at 1,000.

The Sentencing Commission has tried on a couple occasions to address this issue. The first time they tried this we were forced to take action as a Congress to stop their proposal from going into effect. I remind my colleagues that we overwhelmingly voted, I believe unanimously voted, to say no to the proposal of addressing this disparity by simply changing the powder

cocaine thresholds to the same as crack cocaine. We thought it was a big mistake to make the cost of doing business go down.

The President signed that legislation into law, making the very same statement, that the message we would be sending to young people, to drug dealers, to everybody, was the wrong message if we made crack cocaine sentences more lenient.

The Sentencing Commission came back with a second proposal—that was a proposal actually in response to a study we requested—that we would simultaneously make the crack cocaine mandatory minimum sentences more lenient while making powder tougher. The Sentencing Commission decided that a ratio of a 10-to-1 difference in the thresholds versus a 100-to-1 difference was the appropriate ratio.

A number of us found this second suggestion also unacceptable because, once again, it would require making the sentences for crack cocaine dealers more lenient. I speak for myself, but I think others who cosponsored this legislation share the view that we should not be making drug sentences more lenient, particularly for crack cocaine dealers.

I want to talk about why we should not do that because the only way to change the disparity between powder cocaine mandatory minimums and crack cocaine mandatory minimums is either make the mandatory minimums for crack cocaine more lenient and the mandatory minimums for powder cocaine tougher or do a little of each.

I think anything that changes the crack cocaine mandatory minimum threshold is a mistake, for several reasons. First, the current mandatory minimum with respect to crack cocaine, the 5-gram threshold, to trigger a 5-year mandatory, has been a very effective device in terms of getting the lower end drug dealers to begin giving up to prosecutors up the drug chain so we can begin prosecuting people higher on the drug chain. If we make those mandatory minimums more lenient, if in fact the sentences being confronted by people at the bottom end of the drug chain aren't very severe, they are not going to cooperate. They are not going to provide the evidence or finger the higher-ups in the drug chain itself.

A second argument not to change the crack cocaine thresholds is that we have differences in a lot of States already between what the State mandatory minimums punishments are and the Federal mandatory minimum punishments are.

In Michigan, we have a pretty tough set of State laws, similar to the Federal laws. They are sufficiently similar so that if somebody is being pursued for crack cocaine dealing, they don't really gain anything by playing off the State versus the Federal law enforcement officials. But if we begin to make crack cocaine thresholds for mandatory minimum sentences more lenient, in Michigan, what is going to happen—and I predict in a lot of other States—is that the crack cocaine dealer is going to begin to make a deal with the Federal prosecutors, as opposed to the State prosecutors, to get the lighter sentence. I can't imagine that is what we want to do here in the Congress of the United States.

The third issue I think is important is to understand exactly how crack cocaine is sold. I have talked to people who are in our drug task forces in Michigan. They have pointed out that you really can't increase the thresholds very much beyond 5 grams because people don't walk around with larger quantities of crack cocaine in their possession when they are dealing. They hide their stuff, and they deal in quantities smaller than 5 grams or slightly greater than 5 grams. If you change that as significantly as has been proposed by the Sentencing Commission, if you make the thresholds more lenient, you are not going to find anybody carrying around or being apprehended with sufficient levels of crack cocaine to be pursued under the mandatory minimum structure.

Fourth, if we make the sentences for crack cocaine more lenient, we are going to be sending a terrible message as well as providing incentive for people to pursue crack dealing in greater amounts. Do we really want to send the message to young people that we are getting less tough on crack cocaine dealers? Do we want to send the message to crack dealers that the cost of doing business just got cheaper? Do we want to tell the families that we want to, in fact, make it harder to pursue, prosecute, and ultimately confine and incarcerate crack cocaine dealers who are in their neighborhoods, their schoolyards and playgrounds, selling dope to their kids? Is that the message we want to send? I hope not.

Finally, of course, as we know, crack is both cheaper and more addictive than cocaine in powder form. That is the reason there is a disparity to begin with, much the same as between heroin and opium.

For all these reasons, it does not make a lot of sense to make the mandatory minimum threshold for 5-year or 10-year sentences for dealing in crack cocaine more lenient. If you rule out the notion of making crack cocaine sentences more lenient, then the only other way to address the disparity between powder and crack cocaine is to make the powder cocaine sentences tougher.

So if people are on the other side of this issue and want to simultaneously make the disparity between crack and powder closer, lower that disparity, and oppose this amendment, then the only thing they can be saying is they want to make sentences for crack cocaine dealers more lenient. I can't believe many Members of this body want to do that. That is the only option we have. That is why we have pursued an option that will reduce the disparity by making sentences for powder cocaine dealers tougher.

What we have done in setting the standard we have chosen in this amendment is to use the ratio that was agreed upon by the Sentencing Commission in their proposal, and by the administration, of a 10-to-1 ratio between the triggers of mandatory minimum sentences for crack dealers and for powder dealers. But we have reduced the disparity from 100-to-1 to 10-to-1 by making tougher sentences for powder cocaine dealers—the change in our proposal.

I want to address two or three other points that were made in some of the earlier speeches. First, we have heard talk about the cost of incarceration. I addressed this earlier in my first speech because I get frustrated when I hear people talking about how much it costs to keep crack dealers and drug dealers out of the playgrounds and neighborhoods of our communities. The impression is that the only cost on which we should focus is exclusively the cost of incarceration. But what is the cost to us as a society and of having larger numbers of children becoming addicted to crack cocaine, having these people not in prison but in our neighborhoods? What about those costs? Can we possibly equate the cost of someone who dies as a result of their drug addiction or kills somebody in pursuit of the resources to be able to meet their drug addiction? What are the costs of that?

So I think it is a little bit unfair to only add up the costs on one side of this equation. I think we should also be talking about the costs to our communities of allowing larger numbers of drug dealers to avoid sentencing and to stay in business.

The other point I make, as I did earlier today, is that we have seen a dramatic reduction in the last few years in both the number of murders and robberies and other numbers of violent crimes across the board in our country, in city after city. Those with expertise on this issue have consistently cited that the reason for these declines in the murder rates, the rates of armed robbery, and so on, is the effectiveness with which we are finally beginning to address the crack cocaine epidemic in America.

So, Mr. President, the notion that we would do anything that would reverse our course with regard to cracking down on the dealers of crack seems to me to be a mistake.

Finally, I say our goal should be to lower the disparity so that more people up the drug chain are subject to mandatory minimum sentences. That is a good reason, in my judgment, by itself,

to make tougher the threshold for mandatory minimum thresholds for the sale of powder cocaine.

In addition, by doing that, we will reduce this disparity that exists. I believe if we accomplish both objectives, we will make a greater impact on our fight against drugs in this country. But our colleagues should make no mistake about the fact that if we don't take this approach and want to reduce this disparity, their only option is to make the sentences for crack dealers lighter and more lenient. I don't believe the Members of this Chamber want to go on record as saying they want to move in that direction. So we have offered an amendment that constructively addresses the disparity without making crack sentences more lenient.

I think the other components of this amendment are also good—those that deal with methamphetamines, the increased amount of support for drug treatment programs, and the variety of other components of this amendment.

I say, finally, with respect to the question of why it should be in the bankruptcy bill, there are a lot of issues that were agreed upon when we moved to the bankruptcy legislation that were going to be included in the debate here, the so-called nongermane amendments, ranging from amendments dealing with East Timor, to agriculture, and so on, and this amendment as well. Perhaps this isn't the ideal spot for this debate. I only say that was the agreement that was reached by 100 Senators, that we would have amendments that were not specifically germane to bankruptcy as part of the final bill we will deal with on the floor this year.

I hope those who argue somehow that we shouldn't be dealing with this issue will be equally vocal in complaining about the insertion of other less germane issues in the bankruptcy debate because clearly we are going to hear it argued from both sides that some of the issues are inappropriate in this context. The fact is, I think the American people want us to take a tough stand on drugs and want us to take a tough stand in favor of tough drug sentences. Our amendment accomplishes that. I sincerely hope our colleagues will join us in supporting its passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, how is the time apportioned?

The PRESIDING OFFICER. The Senator from New Jersey has 45 minutes, and the other side has 16 minutes.

Mr. LAUTENBERG. I thank the Chair. I will try to save some time for my friend from Iowa.

Mr. President, I raise my voice in opposition to this amendment because I think it is a wrong-headed distraction from the real issue that parents all over this country care about—the epidemic of gun violence in our society at large and especially in our schools.

This amendment would allow Federal education funding to be shifted from special education, computer technology, bilingual education, and other key programs to provide vouchers to students who are victims of school violence.

In a way, I have to tell you that I think this amendment has a cruel twist to it because we all want to be of help wherever we can be to those who are victimized by violence. But look at the way the program is designed.

Vouchers to schools? It doesn't, in my view, really make a lot of sense when in fact, if we could keep guns away from our schools, we would not have to be thinking about vouchers but, rather, about how we educate our children. We could bring the teachers into the schoolrooms, as the President would like to have us do—100,000 teachers. Perhaps the workloads of many would be able to be confined to a serious review of the educational requirements.

This amendment is disturbing on many levels—so many that I am not sure where we begin.

Is this the answer to school violence—ignore the causes, do nothing to remedy the issue, but ship certain kids out of public schools?

Does the Republican majority really believe schools should cut special education and computer funding in public schools to fund voucher programs?

We are approaching the 21st century. Everyone knows that whatever the 20th century brought by way of technology, computers, et cetera, is likely to be dwarfed in the earliest years of the 21st century. It all starts with a computer base. Why we would want to take funds away from those programs is really hard to understand. It is not what America's parents want. They want answers. We had one of the answers on the floor of this Senate. It passed this body. They want to see a juvenile justice bill passed, but the majority has buried this legislation in conference and declared it dead for the year. It is hardly a way to respond to the anguished calls we hear all over this country.

It includes, yes, stricter punishments for those who would violate the rules of behavior in our society. But it also closed a gun show loophole that took the anonymous buyer out of the equation. It reduced the possibility that anyone who is on the 10 Most Wanted List of the FBI could walk into a gun show and buy a gun. As outrageous as that sounds, that is the truth.

I don't know when the Congress is going to catch up with the American people. The American people are so far ahead of Congress that it is embarrassing. Poll after poll after poll pleads with the Senate and pleads with the House to take away the availability of guns. At least, if you are not going to take it away, make sure that those who buy guns are qualified; that they know what to do; that they are mature; that they are not likely to use them for a violent ending.

The public is demanding an end to the gun violence. It has reached epidemic proportions. The events of last week prove no one is safe from maniacs who amass arsenals of deadly weapons and use them to gun down whole groups of people—people from Hawaii to Seattle, from Colorado to Texas to Kentucky.

Just think about it. Schoolchildren, high school children at Columbine—everyone remembers that and will never forget the picture of that child hanging out the window pleading for help before he fell to the ground. Then the next one is office workers running away from a gunman in Atlanta, GA; the next, a picture of youngsters gathering together to pray while being assaulted by a gunman and running for their lives.

We have to do something to stop this insanity. We have to do something about a system that makes it easier for someone to buy a gun than to get a driver's license.

We are about at the end of this legislative session. One thing is clear—we have given in to the extremists, to the gun lobby, the NRA that opposed even the most commonsense proposal to stop gun violence. If I were their adviser, or counselor, I would say: Listen, guys and women. Let's give in on this one. It doesn't hurt us a darned bit, and it makes us look as if we are in touch with the American people. But no; the extremists went out, and they have their hand in this place. They have their hand in the House, and they turned our programs away from public opinion and public demand.

Most Americans assumed that the horrific shootings in Columbine would be enough—the ultimate outrage. Most Americans thought that the vision of 2 high school students systematically killing 12 classmates and a teacher and wounding 23 others would finally spur Congress to action, would finally say ''that is enough,'' ''that is enough.''

After that terrible incident, 89 percent in one poll and 91 percent in another poll asked for the elimination of the gun show loophole. But it was ignored here. The public ought to look at why it was ignored.

The reason I think it was ignored is that campaign contributions overwhelmed the good judgment and the demand of the American people—campaign contributions. Get elected; that is what counts. There is more to it than that.

It was 7 months ago when that happened. Congress hasn't acted even while the body count rises. Just last week, nine more people were shot and killed in rampages by two gunmen. One of these gunmen owned 17 handguns.

In May of this year, the Senate—with Vice President GORE's help—passed my gun show loophole amendment as part of the juvenile justice bill. The gun show loophole amendment said that where gun shows, where so many guns are bought, traded, and sold, had a place for nonlicensed gun dealers, non-Federally-licensed gun dealers, anyone—it didn't matter who you were—could walk up to one of those gun dealers and say, ''Give me 20 guns, and here is the money.'' There would be no questions asked: What is your name? Where do you live? What do you do for a living? Have you been in jail? Have you been a drug addict? Have you been an alcoholic? Have you been known to have bursts of temper, outrage, beaten your wife, your children? Not one question. It is outrageous—not one question. We tried to close that loophole. It was a commonsense measure that would have stopped lawbreakers, underage children, and the mentally unstable from walking into a gun show and walking out with a small arsenal.

We passed it 51 to 50. But as soon as the Senate passed my amendment, the NRA sounded its alarm and its allies went to work to defeat the proposal in the House.

The gun lobby spent millions on radio and TV ads, but, of course, those ads didn't mention the gun massacres that followed Columbine. They didn't mention that. In the first week of July, a violent racist went on a shooting rampage in Illinois and Indiana killing two people and injuring nine. Or that a few weeks later, a deranged day trader in Atlanta shot 9 people to death in an office and wounded 13. Or that in August, a man with a .44-caliber Glock gun killed three coworkers in Alabama.

No State is safe. There is no group of people that is safe—no ethnic group, religious group, or otherwise.

Five days after that, a white supremacist killed a Filipino postal worker and shot four young people at a Jewish day-care center. Who will forget that scene—these little kids, like my grandchildren, being led by policemen out of the schoolhouse, where they went to learn and have fun, running away from a killer? Last month, a well-armed maniac walked into the Baptist Church in Ft. Worth, TX, and killed seven young people who were at a prayer gathering.

Day by day, the death toll mounts. Our family, children, friends, and neighbors are being gunned down in our schools, in our houses of worship, where we work and live.

More than 34,000 people are killed by guns every year, more than lost during the Korean war. Additionally, we wind up treating 134,000 gunshot wounds, and the cost to the country is over $2 billion; taxpayers pay almost half of that.

While the NRA may be on the Republican side, law enforcement is on our side. I worked with law enforcement drafting my gun show amendment, and I received numerous letters from law enforcement organizations supporting that amendment and other gun safety measures the Senate passed.

I ask unanimous consent copies of those letters be printed in the RECORD.

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

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS,
Alexandria, VA, September 15, 1999.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN HATCH: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union, AFL–CIO. The IBPO is the largest police union in the AFL–CIO.

On behalf of the entire membership of the IBPO I wish to express our strong support of the gun-related provisions adopted by the Senate as part of S. 254. The IBPO knows that passage of these measures will keep guns away from children and criminals.

The IBPO requests that the conferees continue to focus on the need for adequate time to conduct background checks at ''gun shows.'' As I am sure that you are aware, the Federal Bureau of Investigation has estimated that over 17,000 disqualified individuals would have been able to purchase a gun if a twenty-four hour time limit was required for a background check. Accordingly, if such time requirement is legislated 17,000 more felons will be able to purchase guns.

The IBPO is also in support of extending the requirements of the Brady Act to cover juvenile acts of crime. Our union has supported legislation which seeks to comprehensively control crime. The Brady Act is a major part of such efforts.

Thank you for your consideration of these issues that are significant to all law enforcement officers and the citizens of the United States of America.

Sincerely,

KENNETH T. LYONS,
National President.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
Alexandria, VA, September 14, 1999.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: On behalf of the more than 18,000 members of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for several vitally important firearms provisions that were included in S. 254, the Violent and Repeat Juvenile Offender Accountability Act of 1999.

As conference work on juvenile justice legislation begins, I would urge you to consider the views of our nation's chiefs of police on these important issues. Specifically, the IACP strongly supports provisions that would require the performance of background checks prior to the sale or transfer of weapons at gun shows, as well as extending the requirements of the Brady Act to cover juvenile acts of crime.

The IACP has always viewed the Brady Act as a vital component of any comprehensive crime control effort. Since its enactment, the Brady Act has prevented more than 400,000 felons, fugitives and others prohibited from owning firearms from purchasing firearms. However, the efficacy of the Brady Act is undermined by oversights in the law which allow those individuals prohibited from owning firearms from obtaining weapons, at events such as gun shows, without undergoing a background check. The IACP believes that it is vitally important that Congress act swiftly to close these loopholes and preserve the effectiveness of the Brady Act.

However, simply requiring that a background check be performed is meaningless unless law enforcement authorities are provided with a period of time sufficient to complete a thorough background check. Law enforcement executives understand that thorough and complete background checks take time. The IACP believes that to suggest, as some proposals do, that the weapon be transferred to the purchaser if the background checks are not completed within 24 hours of sale sacrifices the safety of our communities for the sake of convenience.

Requiring that individuals wait three business days is hardly an onerous burden, especially since allowing for more comprehensive background checks ensures that those individuals who are forbidden from purchasing firearms are prevented from doing so.

Finally, the IACP believes that juveniles must be held accountable for their acts of violence. Therefore, the IACP also supports modifying the current Brady Act to permanently prohibit gun ownership by an individual, if that individual, while a juvenile, commits a crime that would have triggered a gun disability if their crime had been committed as an adult.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me at 703/836–6767.

Sincerely,

RONALD S. NEUBAUER,
President.

ARAPAHOE COUNTY SHERIFF'S OFFICE,
Littleton, CO, September 15, 1999.

Chairman ORRIN HATCH,
Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN HATCH: As you and other conferees meet to craft juvenile justice legislation, I urge you to adopt the gun-related provisions adopted by the Senate as part of S. 254, The Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. We at the National Sheriffs' Association (NSA) appreciate your efforts to curb violent juvenile crime.

We feel that S. 254 combines the best provisions of each legislative attempt to reform and modernize juvenile crime control. As you know, sheriffs are increasingly burdened with juvenile offenders, and they present significant challenges for sheriffs. The so-called core mandates requiring sight and sound separation, jail removal and status offender mandates are so restrictive, that even reasonable attempts to comply with the mandates fall short. We welcome modest changes to the core mandates to make them flexible without jeopardizing the safety of the juvenile inmate. We agree that kids do not belong in adult jail and therefore we appreciate the commitment to find appropriate alternative for juvenile offenders.

Additionally, NSA supports the Juvenile Accountability Block Grant program. S. 254 sets aside $4 billion to implement the provisions of the bill and this grant funding will enable sheriffs to receive assistance to meet the core mandates. NSA is also hopeful that the prevention programs in the bill will keep juveniles out of the justice system. Kids that

are engaged in constructive activities are less likely to commit crimes than those whose only other alternative is a gang. We applaud the focus on prevention, and we stand ready to do our part to engage America's youth.

In addition, you may be asked to consider the following amendments that I support.

Four ways to close loopholes giving kids access to firearms:

1. The Child Access Loophole.

Adults are prohibited from transferring firearms to juveniles, but are not required to store guns so that kids cannot get access to them. This Child Access Prevention (CAP) proposal would require parents to keep loaded firearms out of the reach of children and would hold gun owners criminally responsible if a child gains access to an unsecured firearm and uses it to injure themselves or someone else.

2. The Gun Show Loophole:

So-called ''private collectors'' can sell guns without background checks at gun shows and flea markets thereby skirting the Brady Law which requires that federally licensed gun dealers initiate and complete a background check before they sell a firearm. No gun should be sold at a gun show without a background check and appropriate documentation.

3. The Internet Loophole Similar to the Gun Show Loophole:

Many sales on the internet are preformed without a background check, allowing criminals and other prohibited purchasers to acquire firearms. No one should be able to sell guns over the internet without complying with the Brady background check requirements.

4. The Violent Juveniles Purchase Loophole:

Under current law, anyone convicted of a felony in an adult court is barred from owning a weapon. However, juveniles convicted of violent crimes in a juvenile court can purchase a gun on their 21st birthday. Juveniles who commit violent felony offenses when they are young should be prohibited from buying guns as adults.

The National Sheriffs Association and I welcome passage of this legislation. We look forward to working with you to ensure swift enactment of S. 254.

Respectfully,

PATRICK J. SULLIVAN, Jr.,
Sheriff, Chairman, Congressional Affairs Committee and Member, Executive Committee of the Board of Directors, NSA.

NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS,
Boynton Beach, FL, September 16, 1999.

Chairman HATCH,
Senate Judiciary Committee,
Dirksen Senate Office Building,
Washington, DC.

DAER CHAIRMAN HATCH: The National Association of School Resource Officers (NASRO) is a national organization that represents over 5,000 school based police officers from municipal police agencies, county sheriff departments and school district police forces. On behalf of our entire membership nationwide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile justice legislation, NASRO urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough background check. Law enforcement officials need time to access records that may not be available on the federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a background check can be done but how thorough it is conducted. Without a minimum of three business days, this will increase the risk that criminals will be able to purchase guns.

NASRO is concerned that 72 or 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all NICS background check data in the last six months and estimated that—if the law had required all background checks to be completed in 72 hours—9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes didn't stop until 1998, when he shot his stepson and three police officers before turning a gun on himself.

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just hours after purchasing a gun from a licensed dealer. The dealer completed a NICS check, but the check failed to reveal that the man had a domestic abuse restraining order against him. If law enforcement had consulted local and state records using both computerized and non-computerized data bases than the man probably would have never been able to purchase the gun.

The other Senate passed provisions NASRO supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate-passed gun-related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

CURTIS LAVARELLO,
Executive Director.

NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, September 15, 1999.

Hon. ORRIN HATCH,
Chair, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: The National Organization of Black Law Enforcement Executives (NOBLE) representing over 3500 black law enforcement managers, executives, and practitioners strongly urge you to support the gun related provisions adopted by the Senate as a part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile legislation, NOBLE urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed dealer.

NOBLE is concerned that 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all National Instant Check Background System (NICS) data in the last six months and estimated that—if the law had required all background checks to be completed in 72 hours, 9000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set for 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchased points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes did not stop until 1998, when he shot his stepson and three police officers before turning the gun on himself.

The other Senate passed provisions NOBLE supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate passed gun related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

ROBERT L. STEWART,
Executive Director.

HISPANIC AMERICAN POLICE COMMAND OFFICERS ASSOCIATION,
Washington, DC, September 15, 1999.

Chairman HATCH,
Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN HATCH: The Hispanic American Police Command Officers Association (HAPCOA) represents 1,500 command law enforcement officers and affiliates from municipal police departments, county sheriffs, and state and federal agencies including

the DEA, U.S. Marshals Service, FBI, U.S. Secret Service, and the U.S. Park Police. On behalf of our entire membership nationwide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile justice legislation, HAPCOA urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough background check. Law enforcement officials need time to access records that may not be available on the Federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a background check can be done but how thorough it is conducted. Without a minimum of three business days this will increase the risk that criminals will be able to purchase guns.

HAPCOA is concerned that 72 or 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all NICS background check data in the last six months and estimated that—if the law had required all background checks to be completed in 72 hours—9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes didn't stop until 1998, when he shot his stepson and three police officers before turning a gun on himself.

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just hours after purchasing a gun from a licensed dealer. The dealer completed a NICS check, but the check failed to reveal that the man had a domestic abuse restraining order against him. If law enforcement had consulted local and state records using both computerized and non-computerized data bases then the man probably would have never been able to purchase the gun.

The other Senate passed provisions HAPCOA supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate-passed gun-related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

JESS QUINTERO,
National Executive Director.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, September, 14, 1999.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN HATCH: The Police Executive Research Forum (PERF) is a national organization of police professionals dedicated to improving policing practices through research, debate and leadership. On behalf of our members, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing children's and criminals' access to guns.

As you and other conferees meet to craft juvenile justice legislation, PERF urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials, we know from experience that it is critical to have at least three business days to do a thorough background check. While most checks take only a few hours, those that take longer often signal a potential problem regarding the purchaser. Without a minimum of three business days, the risk that criminals will be able to purchase guns increases. The FBI analyzed all NICS background check data in the last six months and estimated that, if the law had required all background checks to be completed in 72 hours, 9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have obtained guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

PERF also strongly supports measures that impose new safety standards on the manufacture and importation of handguns requiring a child-resistant safety lock. PERF helped write the handgun safety guidelines—issued to most police agencies more than a decade ago—on the need to secure handguns kept in the home. Our commitment has not wavered. I also urge you to clarify that the storage containers and safety mechanisms meet minimum standards to ensure that the requirement have teeth.

PERF also encourages the enactment of proposals that prohibit the sale of an assault weapon to anyone under age 18 and to increase the criminal penalties for selling a gun to a juvenile. PERF all supports banning all violent juveniles from buying any type of gun when they turn 18, and supports banning the importation of high-capacity ammunition magazines. PERF knows we must do more to keep guns out of the hands of our nation's troubled youth.

PERF supports strong, enforceable "Child Access Prevention" laws. Once again, we have witnessed the carnage that results when children have access to firearms. PERF has supported child access prevention bills in the past because we have seen first hand the horror that can occur when angry and disturbed kids have access to guns.

We must do more to keep America's children safe—not just because of recent events, but because of the shootings, accidents and suicide attempts we see with frightening regularity. It is important to adopt the Senate-passed gun-related provisions in order to protect our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals. Thank you for considering the views of law enforcement. We applaud your efforts to help make our communities safer places to live.

Sincerely,

CHUCK WEXLER,
Executive Director.

Mr. LAUTENBERG. Mr. President, some of my colleagues may recall that former President George Bush resigned from the NRA because the organization referred to law enforcement people as "jack-booted thugs." What a twist to refer to our law enforcement people courageously out there risking their own lives to protect others and referring to them as "jack-booted thugs." I saluted President Bush for that one.

We ought to be skeptical when the NRA says it supports law enforcement. We ought to be skeptical when they use the second amendment to promote extremist views. What does the second amendment say?

> A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

It doesn't say one ought to be able to buy it without a license. It doesn't say if someone is crazy, they ought to be able to buy a gun. It doesn't say if one is 12 years old, they ought to be able to buy a gun. It doesn't say one ought to be able to buy as many guns as they want. No matter how broadly one interprets that, there is nothing that says one shouldn't have to have a license to buy a gun.

The interpretation of the amendment has been broadened and the courts don't hold or support that. That is the kind of gobbledygook that accompanies that. It is like saying guns don't kill; people kill. Who pulls the trigger? Animals. I guess maybe in some ways they are.

We never hear the NRA talk about the first 13 words in that amendment:

> A well-regulated Militia, being necessary to the security of a free State . . .

They only cite the last 14 words when they argue that the amendment creates an unlimited right for individuals to bear arms.

Nonsense. The NRA knows the history of the second amendment doesn't support the organization's radical views. When the Constitution was being debated, each State had its own militia. Most adult males were required to enlist and to supply their own equipment, including their own guns. The second amendment was written in response to concerns that excessive Federal power might lead to the Federal Government passing laws to disarm those State militias.

The United States has changed a great deal since then. We no longer have State militias where citizens are required to provide their own arms. Thank goodness we have a National Guard—a State-organized military force—that is more limited and depends on government-issued weapons. They are there to respond to protecting the public.

If my colleagues are interested in reading more about reality and the myths surrounding the second amendment, I urge them to read some recent scholarly articles written by independent historians whose research has not been funded by the NRA. These include articles by Saul Cornell, a history professor at Ohio State University; an editorial by Garry Wills, a Pulitzer Prize-winning history professor at Northwestern University; and an article by historian Mike Bellesiles of Emory University.

I ask unanimous consent these articles be printed in the RECORD.

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

[From the New York Times, June 24, 1999]

REAL AND IMAGINED

(By Saul Cornell)

Three words are routinely invoked by opponents of gun control: the Second Amendment. So it was during the debate last week in the House.

In reality, however, the amendment was never meant to ban virtually all efforts to regulate firearms. Indeed, the Founding Fathers viewed regulation as not only legal but also absolutely necessary, and colonial America enacted all sorts of regulatory legislation governing the storage of arms and gunpowder.

The mythology of the Second Amendment, however, has turned history on its head. Herewith, the truth about the Second Amendment and its place in history.

Myth: The right to bear arms has always been an individual right.

Reality: States retained the right to disarm law-abiding citizens when the good of the community required such action.

In Pennsylvania, as much as 40 percent of the adult, white male population was deemed to lack the requisite virtue to own guns.

Myth: The armed citizen militia was essential to the cause of American independence.

Reality: If Americans had relied on their militia to achieve independence, we would still be part of the British empire. There were never enough guns in the hands of citizens to pose a threat to a well-equipped army. The Continental Army, not the militia, won the American Revolution.

Myth: The militia included all able-bodied citizens.

Reality: The list of groups excluded from the militia in Massachusetts ran to two paragraphs.

Myth: The militia was an agent of revolution.

Reality: While the militia became a powerful agent of political organization, it was invariably used by states to repress rebellions by citizens and slaves.

[From the Chicago Sun-Times]

SHOOTING HOLES IN AGE-OLD GUN MYTHS

(By Garry Wills)

For a number of years now, historian Michael Bellesiles of Emory University has been amassing a great body of evidence that demolishes the myths of the gun's role in American history. I have wondered by no one in the popular press has picked up on this work published in scholarly journals. Now that a news magazine finally has done that, the magazine, it turns out, is not an American one but the Economist, published in London. Its current issue runs a very full and important summary of Bellesiles' findings.

By a sophisticated bit of sleuthing, Bellesiles has put together probate reports on what people owned in the 18th and early 19th centuries, government surveys of gun ownership (something the NRA would go crazy at today), records of the number of guns produced in America and imported from abroad—all to establish this fact, which runs contrary to romantic notions of the frontiersman's reliance on his weapon: Up until 1850, fewer than 10 percent of Americans owned guns, and half of those were not functioning.

Guns were expensive in early days; they cost the equivalent of the average man's wages for a year. They were inefficient and hard to maintain. Few were made in America. Repairs were not readily executed (mainly by blacksmiths who worked on farm implements). How did people protect themselves then? Not by guns. Only 15 percent of the violent deaths inflicted in the period 1800 to 1845 were brought about by guns—about the same number as were caused by ax attacks and fewer than those caused by knives. The leading cause of violent death was being beaten or strangled (twice as many died that way as by shooting or stabbing).

So much for the NRA argument that if guns are taken away, people would just find other means of killing one another. People certainly will kill, but the rate just as certainly would drop. When is the last time you heard of a drive-by strangling, or the case of a school where a dozen children were mowed down with an ax? that is why the murder rate is so low in the countries that do have gun control.

Another myth that Bellesiles demolishes is that of the militias. Most militias did not have guns, or powder, or the training to use what few weapons they had. They were not made up of the whole male citizenry—how could they have been, when no more than 10 percent of the citizens had guns. Militias usually were mustered for immediate emergencies from the unemployed, the drifting or those too poor to buy substitutes for their service. One of the few exceptions to this condition was militias in the South that were kept in fighting condition in order to patrol the slaves. So far from being a great bastion of freedom, the militias were a support of slavery.

When Bellesiles' findings are put together with Robert Dykstra's study of the cowboy legend (towns such as Tombstone and Dodge City had gun control laws, so that only 1.5 deaths occurred annually during the cattle drives of their most famous years) and with Osha Gray Davidson's history of the NRA (which did not oppose gun control until the 1960s), there is nothing left standing to vindicate the myth that individually owned guns were a source of American freedom and greatness.

[From the Economist, July 3, 1999]

ARMS AND THE MAN

America's love affair with the gun is the eternal stuff of fiction. It has not always been the stuff of fact.

Richard Henry Lee, one of the signers of America's Declaration of Independence, wrote that ''to preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them.'' This association between guns and liberty seems hardwired into the American consciousness. It has produced a country with more guns than people. It has made national heroes of the armed frontiersman, the cowboy and Teddy Roosevelt, the president who carried a big stick and a hunting rifle. Above all it has engendered such a powerful cult of the gun that whether you glorify it, fear it or accept it as a necessary evil, hardly anyone questions its basis in fact. Have guns really been an essential part of American life for 400 years?

At first glance it seems absurd to doubt it. From the time of the earliest settlement on the James River, the English colonies required every freeman to own a gun for self-defence. More than a century and a half later, the notion of the citizen-soldier was enshrined in the constitution. ''A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed,'' holds the second amendment of the Bill of Rights, which establishes additional safeguards for Americans' freedom.

Yet in ordinary life people were not armed to the teeth a couple of centuries ago. Wills from revolutionary times present a different picture. Probate records that list the belongings passed on to heirs often give valuable insights into everyday activities and possessions. Michael Bellesiles, a professor at Emory University in Atlanta, has trawled through more than 1,000 probate records dating from between 1765 and 1850. Here is a typical finding: ''He takes note of his favourite chocolate pot [says Mr. Bellesiles]. The record notes broken bottles, bent spoons. It notes every scrap of land and every debt and credit he holds. There's not a single gun listed. And this is the commander of the Virginia militia.'' Between 1765 and 1790, fewer than 15% of probate inventories list guns of any kind (see chart 1 on), and more than half of those listed were broken. The larger-than-average proportion in the South was probably due to difficulties in persuading people to be slaves by peaceful means.

Official surveys of private-gun ownership show much the same thing. (Amazingly, to modern sensibilities, state and federal governments were able to undertake surveys of this sort without any debate in state legislatures about their right to do so.) The state of Massachusetts counted all privately owned guns on several occasions. Until 1840, at any rate, no more than 11% of the population owned guns—and Massachusetts was one of the two centres of gun production in the country. At the start of the War of 1812, the state had more spears than firearms in its arsenal. What was true at the state level was true nationwide. ''It would appear,'' says Mr. Bellesiles, ''that at no time prior to 1850 did more than a tenth of the people own guns.''

So, contrary to popular belief and legend, and contrary even to the declarations of the founding fathers, gun ownership was rare in the first half of America's history as an independent country. It was especially low in parts of the countryside and on the frontier, the very areas where guns are imagined to have been most important. By no stretch of the imagination was America founded on the private ownership of weapons.

But what about the civilian militias of the period, in which all adult men were supposed to serve? These included bodies such as the Minutemen of Massachusetts, embattled

farmers who agreed to turn out at a minute's notice and managed to take on the British at Lexington and Concord. Surely they at least exemplified the republican ideal of universal military service by the citizenry?

Not really. Most militias were a joke. Describing a shooting competition at a militia muster in Pennsylvania, one newspaper wrote cruelly: ''The size of the target is known accurately, having been carefully measured. It was precisely the size and shape of a barn door.'' The soldiery could not hit even this; the winner was the one who missed by the smallest margin. No wonder the militias of Oxford, Massachusetts, voted in 1823 to stop their annual target practice to avoid public humiliation. South Carolina fined people who heckled or disrupted the militia muster—to no avail.

Militias, it seems, were neither adept nor well-armed. In 1775 Captain Charles Johnson told the New Hampshire Provincial Congress that his company had ''perhaps one pound of powder to 20 men and not one-half our men have arms.'' The adjutant general of Massachusetts complained in 1834 that only ''town paupers, idlers, vagrants, foreigners, itinerants, drunkards and the outcasts of society'' manned his militias. Delaware was one of several states that fined people for non-attendance at musters. In 1816 it gave up the unequal struggle and repealed all the fines; and when the legislature dared to enact a new militia law in 1827, it was turfed out at the next elections and the law repealed. In the 1830s, General Winfield Scott discovered the Florida militia to be essentially unarmed—and this was during a war against the Seminole Indians.

These and other bits of information confirm the evidence of the probate records: guns were rare. Perhaps the fact should not surprise. Gunpowder and firing mechanisms had to be imported, so a gun cost about a year's income for an ordinary farmer. (For comparison, a basic rifle now costs the equivalent of three days' work at the average wage.) And guns were hard to maintain: muskets were made mostly of iron, which rusted easily and needed constant attention. Many busy farmers had better things to do with their time.

Even if farmers had wanted and been able to buy guns, they would usually have found them hard to obtain. Before the civil war, America had only two armouries, at Harper's Ferry, Virginia, and Springfield, Massachusetts (see chart 2). Their joint output was not enough even for basic national defense. In an attempt to equip the militias sufficiently to protect the newly independent country, Congress ordered the purchase of 7,000 muskets in 1793. A year later, it had managed to buy only 400.

Strikingly, the citizen-soldiers could not be bothered to arm themselves even when guns were both available and free of charge. In 1808 the government made its biggest attempt to arm and organise the citizenry, offering to buy weapons for every white male in the country. All the militias had to do to get guns was apply for them, reporting how many members they had. By 1839 only half the companies in Massachusetts had taken the trouble to do this.

Across the country, popular neglect was killing the militias. In 1839 the secretary of war complained that ''when mustered, a majority of [the militias] are armed with walking canes, fowling pieces of unserviceable muskets.'' Practically every militia commander reported that his members did not look after their guns properly. All complained of non-attendance. All worried about the low esteem in which the militias were generally held. In 1840 most states gave up filing militia returns altogether. Militias as the founding fathers had envisaged them were finished.

ARMING AMERICA BY MISTAKE

So when did mass ownership of guns begin to develop, if not at the start? It was during the civil war, from 1861 to 1865, and the agent of change was industrialisation. The American civil war was the first conflict in history in which the new techniques of mass production and transport played vital roles. Armies were ferried around by train and issued with the latest weapons from the most modern factories.

Naturally, weapons production soared. In the 12 months to July 1864, the state-owned Springfield armory produced over 600,000 rifles, nearly as many as in the whole of its 70-year history. The Union government's Ordnance Department spent $179m (about $2.5 billion at today's prices) from 1861 to 1866 on buying or making weapons.

Much of the money was collected by the dozens of new private factories that opened or grew to meet the increased demand. Chief among them was Samuel Colt's, the first private company to manufacture guns on a large scale. Between 1836, when Colt's factory first opened, and 1861, when the civil war began, production averaged a few thousand weapons a year. By 1865 Colt had become the largest private supplier to the Union army, selling 386,417 revolvers in the course of the conflict. Like other gun makers, Colt started to reap huge economies of scale, as the war went on, and the costs of production dropped sharply. In 1865 the Colt Peacemaker revolver cost $17 to buy—about two months' earnings for a labourer.

The civil war expanded not just the production but also the ownership of guns. At its outset the Union government owned 300,000 muskets and 27,000 rifles; the Confederacy had another 150,000 guns of various sorts; and there were tens of thousands of guns in private hands. During the war, the Ordnance Department of the Union government bought or made 3.5m carbines, rifles, revolvers, pistols and muskets, as well as over 1 billion cartridges and 1 billion percussion caps. In addition, it imported $10m-worth of rifles, muskets and carbines from Europe. In all, the Union issued at least 4m small arms to its soldiers in five years—perhaps eight times as much as the total stock of guns at the beginning of the war.

The men were not only issued with firearms but also taught how to use them. At its peak, the Union army counted around 1.5m enlisted men and the Confederate army another 1m. These were easily the largest military forces ever assembled. Most important, these weapons were left in the hands of the soldiers at the end of the war. Anxious to press ahead with reconstruction, the victorious Union government allowed all soldiers, including those of the Confederacy, to take their guns home. (In theory, soldiers were supposed to buy their guns but no one made any serious effort to collect the money that was due.)

The civil war thus transformed America from a country with a few hundred thousand guns into one with millions of them. it was this war, rather than any inherent belief in the right of individuals to carry guns, that first armed America—and then created the first crime wave to go with it. In the decade immediately after the war, murder rates soared, and guns became the murder weapon of choice (see chart 3). This crime wave was one important reason why the ownership and production of guns did not fall away after the ''late unpleasantness between the states'', as some Southerners put it.

* * * * *

Colt was a self-publicist of genius. When his brother, John, unfraternally chose a mere axe with which to commit murder in 1841, Samuel persuaded the court to let him stage a shooting display inside the courtroom to demonstrate the superiority of the new revolver over the axe as a murder weapon. Using these publicity skills, and displaying precocious evidence of lobbying ability (he gave President Andrew Jackson a handgun and pioneered the practice of wining and dining members of Congress), Colt aimed his campaign at the growing middle class. He devised advertising campaigns showing a heroic figure wearing nothing but a revolver defending his wife and children. His guns were given nicknames (Equalizer, Peacemaker and so forth). Since most of his customers did not know how to use a firearm, he printed instructions on the cleaning cloth of every gun. His initial success shows up in the probate records: the percentage of wills listing firearms among their legacies rose by half between 1830 and 1850.

* * * * *

The big industrial cities back East were actually far more violent than even the most notorious cowboy town. Robert Dykstra writes that ''during its most celebrated decade as a tough cattle town, only 15 persons died violently in Dodge City, 1876–85, for an average of just 1.5 killings per cowboy season.'' Towns such as Tombstone (in Arizona) and Dodge City (in Kansas) had very low murder rates, mainly because drovers had their guns confiscated at the town limits. Not so in the East. In 1872 the Missouri Republican, for example, called New York a ''murderer's paradise'' and criticized its ''chronic indifference'' in the face of ''the murdering business [that] is carried on with impunity.''

Nonetheless, by the end of the 19th century, two elements of America's present gun culture were in place: widespread individual ownership of guns, and large numbers of factories that were turning out affordable weapons to meet popular demand. More was required, however, to create a true ''gun culture'': in particular, as Mr. Bellesiles points out, ''there needed to be a conviction, supported by the government, that the individual ownership of guns served some larger purpose.'' The notion that the right to own firearms was somehow the quintessential American freedom had yet to come.

THE CULT OF THE GUN

* * * * *

After the second world war, the organization's character altered. It began to represent sportsmen more, organizing training courses for hunters, teaching classes in gun safety and even putting together a rifle team to represent the United States in the Olympic games. Though it did some lobbying, the question of influencing gun laws came low on its list of priorities. The NRA was, in fact, a little like the Boy Scouts.

Two developments changed that. The first was the Gun Control Act of 1968, which forbad selling guns by post after President Kennedy was assassinated by a weapon that had been bought in this way. The act was supported by the NRA's leaders but opposed by many of its members.

The other event was the appearance of Hanlon Carter at the head of a dissident group within the NRA. A tough Texan who had had a murder conviction overturned on

appeal, he transformed the NRA from a sporting club into what is widely seen today as one of the most powerful lobbying organizations in America. In 1997, incensed at plans for training in environmental awareness at the NRA's new national shooting range, Carter organized what was in effect a takeover of the association. When the smoke cleared, his headliners were in charge.

* * * * *

Mr. LAUTENBERG. The courts have interpreted the second amendment in a straightforward and commonsense way. In the United States v. Miller, decided in 1939, the Supreme Court ruled the amendment guarantees the right to be armed only in service to a well-regulated militia. In other words, no one has an automatic right to own a firearm.

The NRA is simply wrong. If they were right, anyone could carry a gun any time they wanted to. People could carry machine guns anywhere they wanted to—to work, restaurants, on airplanes. That is exactly why former Chief Justice Warren Burger, a conservative appointed to the Supreme Court by President Nixon, and a gun owner himself, called the NRA's distortion of the second amendment a fraud on the American public. That is a Chief Justice of the Supreme Court.

I hope my colleagues will put aside the false rhetoric of the extremist NRA and listen to other American people, people of every religion, race, color, creed, and profession coming together to try to stop gun violence, people joining together because the right to bear and raise children safely must come before the right to bear arms. People are joining together because there is no need for 200 million firearms in a civilized society. The people are joining together to say if citizens want a gun, they ought to prove they can use it safely.

Vouchers are not the answer; a voucher to go to different schools won't solve the problem. Ignoring the problem is not an answer. Instead of wasting our time today on this meaningless amendment, the Senate ought to be working to pass a gun safety bill to close dangerous loopholes. I hope the constituents back home will watch how their Senators vote on matters to control gun violence and compare it to what kind of vote we get on the school voucher issue.

On this issue, we will prevail because there is no force stronger than the people united to protect their children. There aren't enough gun lobby dollars to protect politicians who stand in the way. Lord help us.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Iowa.

Mr. HARKIN. I associate myself with the eloquent and erudite remarks made by my colleague, the Senator from New Jersey. He is right on target.

This amendment we are about to vote on misses the mark by a mile in terms of what we ought to do. The Senator from New Jersey has been the leading advocate on the Senate floor for focusing razor-like on the real problem, which is the proliferation of guns, the ready access to guns of the youth of this country. He is right on target. I compliment the Senator for his leadership in that area and the statements made today.

Again, the majority has taken a measure which has strong bipartisan support and added a poison pill—nothing more or less than a blatant political maneuver. Most of the provisions of this amendment provide critical resources to law enforcement and communities to battle the methamphetamine epidemic. This started as a strong measure, one I wholeheartedly endorsed and have cosponsored. We have in the Midwest, the West, the Southwest, a major problem with this dangerous and highly addictive drug. We need additional resources to stop the spread of meth in our rural communities and urban centers.

I am a cosponsor of the bill authored by Senators HATCH and ASHCROFT, including provisions to help law enforcement investigate and clean up highly toxic meth labs. It includes $15 million for meth prevention and education, $10 million for meth treatment, and authorizes funding for needed research on the treatment of meth. It also includes tougher penalties for meth lab operators and traffickers. Many of these provisions, about a third of them, are taken from the bill I introduced earlier this year called the Comprehensive Methamphetamine Abuse Reduction Act.

Over the past 3 years, I have worked very hard to increase the resources for law enforcement and communities to reduce the supply and demand of these illegal drugs through millions of dollars in grants for law enforcement, prevention, treatment, and research. So the methamphetamine bill is a good bill. It has strong bipartisan support. The methamphetamine amendment is a good amendment—until last-minute additions were included to undermine the bipartisan support. We now have a couple of poison pills added to it.

The first is a school voucher program, private school vouchers that will divert Federal education dollars from public schools to private schools. It says for a victim of a crime at a school—a situation that no one condones—that Federal education funds could be used to send that student to a private school anywhere in the State. That sounds good, but it doesn't do anything to make schools safer. Plus there is a big loophole in the amendment. If you read the amendment, it says here:

Notwithstanding any other provision of law [et cetera, et cetera] if a student becomes a victim of a violent criminal offense, including drug-related violence, while in or on the grounds of a public elementary school or secondary school that the student attends. . . .

Then they can use these funds to send the student to a private school, including a religious school, anywhere in the State, wherever the parent wants the student to go.

So, obviously, a student could be on the school grounds after school, in the evening, on the weekend, as most of these grounds are available as playgrounds, basketball courts, things like that, and if the violent act occurred then, which has nothing to do with the school whatsoever, these funds could be diverted. There is a big loophole in that amendment. Aside from that, that is not the way to address violence in schools. We should, instead, support violence and crime prevention programs in and around public schools, not divert resources from public to private schools. We should invest in initiatives such as the Safe and Drug-Free Schools Act and afterschool programs, since we know most juvenile crimes occur between 3 p.m. and 8 p.m.

I am on the Appropriations Committee for education. As soon as I finish my statement, I am going downstairs to continue negotiations. The President wanted $600 million for afterschool programs to keep these kids off the streets and put them into afterschool programs. The Republican leadership knocked that down in half, to $300 million. That is where we ought to be putting our money, not saying take money out of public schools and put them in vouchers. Let's do what the President wanted to do: Put $600 million in afterschool programs so these kids will be safe.

We also need more counselors in schools, especially in our elementary schools, to prevent problems before they start. Public tax dollars should be spent on public schools which educate 90 percent of our Nation's children. Taxpayers' money should not go to vouchers when public schools have great needs, including providing a safe environment.

Again, there is another part of this that is a poison pill, and that is the mandatory minimum provisions which were put in the amendment. The Department of Justice, all of the U.S. attorneys, including the two U.S. attorneys from the State of Iowa, oppose this provision. It does not fix the problem. Our prisons are already full. We are building new prisons. In fact, the most rapidly growing part of public housing today is our building of prisons. Yet what this amendment would do is crowd more people into those prisons and require us to build more prison cells. That is not the answer. Building more prisons, making mandatory minimum sentences, getting young people who may be first-time abusers into these prisons, is not the answer. We need more education; we

need more prevention; we need more treatment; and we need more counseling for kids in elementary and secondary schools.

With these two poison pills, I do not see how anyone could support this. The methamphetamine part was a good part when it started out. Then the majority decided to add some poison pills in a political maneuver. I understand the politics of it, but the politics does not mean we have to shield our eyes and cast a blind vote.

I am hopeful that sometime—probably not this year—next year we will be able to bring up again a targeted methamphetamine bill, one that gets to, yes, penalties but also gets to education, prevention, treatment, and research, and put this package together in an antimethamphetamine drug bill that we can bring up and pass without all these riders and poison pills.

I yield the remainder of the time on this side.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We also yield the remainder of the time on this side. I assume we can go to a vote.

The PRESIDING OFFICER. All time has been yielded back. Has someone requested the yeas and nays?

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2771. The yeas and nays were ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—50

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

NAYS—49

Akaka	Collins	Gorton
Baucus	Craig	Graham
Bayh	Crapo	Harkin
Biden	Daschle	Hollings
Bingaman	Dodd	Inouye
Boxer	Dorgan	Jeffords
Breaux	Durbin	Johnson
Bryan	Edwards	Kennedy
Chafee, L.	Feingold	Kerrey
Cleland	Feinstein	Kerry
Kohl	Moynihan	Schumer
Landrieu	Murray	Specter
Lautenberg	Reed	Torricelli
Leahy	Reid	Wellstone
Levin	Robb	Wyden
Lincoln	Rockefeller	
Mikulski	Sarbanes	

NOT VOTING—1

McCain

The amendment (No. 2771) was agreed to.

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

Mr. ASHCROFT. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, today I voted against the Hatch ''drug'' amendment. I voted against this amendment with some regret because I very much wanted to support one provision in this amendment—Senator HATCH's Methamphetamine Anti-Proliferation Act of 1999.

Senator HATCH's Methamphetamine Anti-Proliferation Act of 1999 is a bipartisan bill that would go a long way toward attacking the proliferation of methamphetamine trafficking and abuse that particularly plagues the Midwest. I know my friend Senator HARKIN and others have worked tirelessly with Senator HATCH to improve the bill and to ensure that prevention and treatment programs targeted at young people tempted by or addicted to methamphetamine are included in any solution to this problem. Because I feel strongly about this issue, I co-sponsored Senator HARKIN's bill the ''Comprehensive Methamphetamine Abuse Reduction Act,'' and many of the provisions of Senator HARKIN's bill are now included in this amendment.

We have a serous problem in South Dakota with the production, trafficking and use of methamphetamine. I have met with many members of South Dakota's law enforcement community about this problem, and I know that cracking down on meth traffickers and users has become more and more difficult as this highly addictive drug has increased in popularity, particularly among our young people. The number of methamphetamine arrests, court cases, and confiscation of labs continues to escalate. In the Midwest alone, the number of clandestine methamphetamine labs confiscated and destroyed in 1998 was nearly triple the number confiscated and destroyed in 1997.

It has become evident that methamphetamine is fast becoming the leading illegal drug in our region, and efforts to combat its spread are complicated by the fact that the drug does not discriminate. Its users range from teenage girls who use the drug to decrease their appetite in an effort to lose weight, to middle class men looking for a cheap high. This highly addictive drug can lead to devastating consequences for its users, and far too often methamphetamine use has been a major factor in a number of violent crime cases. In recent years, the Drug Enforcement Agency has registered an increase in the percentage of arrests due to methamphetamine in South Dakota from around 20% of the total arrest rate to 70%, and several high profile crimes, including murders, in South Dakota have been attributed to methamphetamine abuse.

Though, we have taken some important steps to combat methamphetamine abuse in recent years, such as securing targeted funding to fight methamphetamine production and trafficking in South Dakota, Iowa, Nebraska, Kansas and Missouri, I believe it is time to do more. Accordingly, I would have liked to support the provisions in this amendment that increase penalties for amphetamine manufacturing and trafficking and provide more money for law enforcement personnel to address the methamphetamine problem in high intensity drug trafficking areas. That is why I would have liked to support the provisions that provide needed funds for hiring and training law enforcement officers to combat methamphetamine trafficking and manufacture. And that is why I would have liked to support the provisions that would fund increased methamphetamine abuse research, grants to states and Indian tribes to expand treatment activities, and grants to schools and local communities for methamphetamine prevention activities. But unfortunately, I could not because the Republicans added, at the last minute, a poison pill provision aimed at weakening our public education system.

The Hatch amendment includes a provision allowing school districts to use federal funds to provide vouchers to students who have been victims of violent crime on school grounds. This means that money that is supposed to be used to help public schools improve technology, to develop charter schools, or that has been set aside for special education students, could be used on vouchers for private schools. The amendment does nothing to make schools safer for children and will do nothing to increase student achievement.

Let there be no mistake about what this amendment is trying to do. This is just a back-door attempt to take federal resources necessary to improve our public schools and squander them on vouchers to send a few children to private schools. While the proponents claim that parents could send their child to any school, this provision actually creates an incentive to send the child to private or parochial schools by disallowing transportation expenses for public school students, while allowing transportation expenses along with tuition and fees for private or religious schools.

Federal resources should be invested in improving public schools for all children through higher standards, smaller classes, well-trained teachers, modern facilities, more after-school programs, and safe and secure classrooms. They should not be frittered away on ineffective and unproven programs to help just a few children.

Mr. President, we all know that the education provisions in this amendment will necessitate that this amendment be dropped in conference. Thus, this is not a meaningful vote. I will continue to work to enact legislation to provide law enforcement officials the tools they need to combat the methamphetamine problem in this country. But I don't want to be part of an effort that may jeopardize the Bankruptcy Reform Act of 1999—a bill that is aimed, rightly, at reducing the abuses of the bankruptcy system. We should be focused on enacting meaningful bankruptcy reform, and not encumbering this bill with decisive partisan issues. We need to send a bankruptcy bill to the President which he can sign into law—this amendment, unfortunately, does not further that end.

Mr. LEVIN. Mr. President, the Republican drug amendment to the bankruptcy bill would authorize private school vouchers for students who are injured by offenses on public school grounds. It allows school districts to use funds from other Federal education programs, including IDEA funds, technology funds and others, to provide vouchers. I will vote against this amendment. I will do so because it will not make our schools safer and it will not invest in student achievement. Ninety percent of students are educated in our nation's public schools. Our public tax dollars should be used for improving public schools, through smaller class size, well-trained teachers, more after-school programs, modern facilities, higher standards, and safe and secure classes. I repeat, vouchers are the wrong way to go.

My decision to oppose this amendment is bitter-sweet because while I oppose the voucher provisions of this amendment, I strongly support a provision of the amendment which is, in fact, legislation which I co-authored and introduced with Senator HATCH, Senator MOYNIHAN and Senator BIDEN in January of this year—S. 324, the Drug Addiction Treatment Act. It addresses a long-time crusade of mine—that of speeding the development and delivery of anti-addiction medications that block the craving for illicit addictive substances. This is one way in which we can fight and win the war on drugs—by blocking the craving for illegal substances. The Drug Addiction Treatment Act is aimed at achieving this goal. It was originally reported out of the Judiciary Committee as Sec. 18 of the Methamphetamine Anti-Proliferation Act of 1999, and provides for qualified physicians to prescribe schedule IV and V anti-addiction medications in their offices, under certain strict conditions. I was pleased to have introduced S. 324 along with my distinguished colleagues. I regret that this vital legislation, which can be a tool for fighting and winning the war on drugs, is included in an amendment that I cannot support.

Mr. MOYNIHAN. Mr. President, I rise now to echo the sentiment of my friend and colleague from Michigan, Senator LEVIN, that the passage of the Republican drug amendment marks a bitter-sweet moment. I, too, regret that I had to vote against the Republican drug amendment today, because it contains a provision that is very important to me, which I will address in a moment. I voted against the Republican drug amendment as a whole because of the provision that would expand the number of people who would come within the reach of mandatory minimum sentences for certain offenses involving cocaine. I feel very strongly that the correct way to address the problem of addiction is not by increasing the reach of mandatory minimum sentences, but rather to increase access to treatment. And that is why passage of the Drug Addiction Treatment Act of 1999 (S. 324), in Subtitle B, Chapter 2, of the Republican drug amendment, marks a milestone in the treatment of opiate dependence. The Drug Addiction Treatment Act increases access to new medications, such as buprenorphine, to treat addiction to certain narcotic drugs, such as heroin. I thank my colleagues Senator LEVIN, Senator HATCH, and Senator BIDEN for their leadership and dedication in developing this Act, and regardless of the outcome of the Bankruptcy Reform Act, one way or another, I look forward to seeing the Drug Addiction Treatment Act of 1999 become law.

Determining how to deal with the problem of addiction is not a new topic. Just over a decade ago when we passed the Anti-Drug Abuse Act of 1988, I was assigned by our then-Leader ROBERT BYRD, with Sam Nunn, to co-chair a working group to develop a proposal for drug control legislation. We worked together with a similar Republican task force. We agreed, at least for a while, to divide funding under our bill between demand reduction activities (60 percent) and supply reduction activities (40 percent). And we created the Director of National Drug Control Policy (section 1002); next, ''There shall be in the Office of National Drug Control Policy a Deputy Director for Demand Reduction and a Deputy Director for Supply Reduction.''

We put demand first. To think that you can ever end the problem by interdicting the supply of drugs, well, it's an illusion. There's no possibility.

I have been intimately involved with trying to eradicate the supply of drugs into this country. It fell upon me, as a member of the Nixon Cabinet, to negotiate shutting down the heroin traffic that went from central Turkey to Marseilles to New York—''the French Connection''—but we knew the minute that happened, another route would spring up. That was a given. The success was short-lived. What we needed was demand reduction, a focus on the user. And we still do.

Demand reduction requires science and it requires doctors. I see the science continues to develop, and The Drug Addiction Treatment Act of 1999 will allow doctors and patients to make use of it.

Congress and the public continue to fixate on supply interdiction and harsher sentences (without treatment) as the ''solution'' to our drug problems, and adamantly refuse to acknowledge what various experts now know and are telling us: that addiction is a chronic, relapsing disease; that is, the brain undergoes molecular, cellular, and physiological changes which may not be reversible.

What we are talking about is not simply a law enforcement problem, to cut the supply; it is a public health problem, and we need to treat it as such. We need to stop filling our jails under the misguided notion that such actions will stop the problem of drug addiction. The Drug Addiction Treatment Act of 1999 is a step in the right direction.

Mr. LOTT. Mr. President, I ask unanimous consent that the remaining votes be limited to 10 minutes in length each.

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

EXECUTIVE SESSION

NOMINATION OF CAROL MOSELEY-BRAUN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND AND SAMOA

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Carol Moseley-Braun, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand and Samoa.

Mr. BIDEN. Mr. President, I am pleased that today the Senate is voting on the nomination of our friend and former colleague Carol Moseley-Braun to be U.S. Ambassador to New Zealand, as well as Ambassador to Samoa.

I am confident that Senator Moseley-Braun will be an excellent ambassador. She has all the requisite skills—political savvy, personal charm, and street smarts—to represent the United States

in the finest tradition of American diplomacy.

I would like to make a few comments about the remarks made yesterday by the chairman of the Foreign Relations Committee, the senior senator from North Carolina.

During yesterday's session, the chairman spoke on the floor about this nomination. While he essentially conceded that Senator Moseley-Braun will be confirmed by the Senate, he proceeded to make several arguments which I believe deserve a response.

First, the chairman stated that there had been a ''successful coverup'' of serious ethical wrongdoing. I believe such a loaded accusation should be supported by facts, yet the chairman offered not a shred of evidence that anyone has covered up anything.

On the contrary, during the consideration of the nomination, the Committee on Foreign Relations was provided with several thousand pages of documents requested by the Chairman, documents which were produced in a very short period of time. Included in these materials were several internal memoranda from the Department of Justice and the Internal Revenue Service; Committee staff members were even permitted to read the decision memos related to the IRS request to empanel a grand jury.

Second, the chairman suggested that Senator Moseley-Braun has ''been hiding behind Mr. Kgosie Matthews,'' her former fiancé, who, the chairman charged, is now ''conveniently a missing man.'' Mr. Matthews, it should be emphasized, is Senator Moseley-Braun's former fiancé, and it is ludicrous to suggest that she is somehow responsible for his whereabouts or actions.

Third, the chairman suggested that the request of the Internal Revenue Service for a grand jury to investigate the Senator was blocked by political appointees in the Justice Department, ''no doubt on instructions from the White House'' and that it was somehow odd that the request was blocked.

Here are the facts: in 1995 and 1996, the Chicago field office of the Internal Revenue Service sought authorization to empanel a grand jury to investigate allegations that Senator Moseley-Braun committed criminal violations of the tax code by converting campaign funds to personal use (which, if true, would be reportable personal income). The IRS request was based almost exclusively on media accounts and some FEC documents. When the first request was made in 1995, the Department of Justice urged the IRS to do more investigative work to corroborate the information that was alleged in the media accounts. Justice invited the IRS to resubmit the request.

The IRS resubmitted the request in early 1996; but it had not added any significant information to the request. In other words, it did not provide the corroborative information that the Justice Department had requested.

The decision to deny the request for authorization of the grand jury was made in the Tax Division, after consultation with senior officials in the Public Integrity Section.

Although it is not that common for grand jury requests to be refused, the Department of Justice is hardly a rubber stamp—for the IRS or anyone other agency. It is guided by the standard of the United States Attorneys' Manual, which requires that there be ''articulable facts supporting a reasonable belief that a tax crime is being or has been committed.'' (U.S. Attorneys' Manual, 6–4.211B). The committee staff was permitted to review, but not retain, the internal memos in the Tax Division rejecting the IRS request. From the trial attorney up to the Assistant Attorney General for the Tax Division—four levels of review—all agreed that there was not a sufficient predicate of information that justified opening a grand jury investigation. In short, there were not the ''articulable facts'' necessary for empaneling the grand jury.

There is no evidence—none—that this decision was influenced by political considerations or outside forces.

Last year, when the story became public that Senator Moseley-Braun had been investigated by the IRS—and that the requests for a grand jury had been denied—the Office of Professional Responsibility at the Department of Justice opened its own inquiry. They investigated not Sen. Moseley-Braun, but the handling of the case within the Department of Justice. Their inquiry concluded that there was no improper political influence on the process. So, far from the ''Clinton White House blocking the grand jury,'' all the proper procedures were followed, and there is no evidence of White House intervention in the case. Equally important, the Office of Professional Responsibility review concluded that the decision on the merits was appropriate.

Next, the chairman suggested that the decision to reject the grand jury request was somehow tainted because the senior official at the Justice Department who made the decision, Loretta Argrett, ''was a Moseley-Braun supporter, who had made a modest contribution'' to Senator Moseley-Braun's campaign, ''who had a picture of Ms. Moseley-Braun on her office wall'' and that the Senator had ''even presided over Ms. Argrett's confirmation in 1993.''

Here are the facts: Ms. Argrett, the Assistant Attorney General for the Tax Division, was the senior official at Justice who approved the decision not to authorize the grand jury request. It is true that Ms. Argrett gave money to the Senator's campaign: the grand sum of $25. It is also true that the Senator chaired Ms. Argrett's hearing, a hearing at which several other nominees also testified. I chaired the Judiciary Committee at that time. I routinely asked other members of the Committee to chair nomination hearings, just as Senator THOMAS chaired last week's hearing on Senator Moseley-Braun. Finally, it is also true that Ms. Argrett had a photograph of her and the Senator hanging in her office—a photo taken at that confirmation hearing.

All of these facts were disclosed to the Deputy Attorney General at the time, Jamie Gorelick, for a determination as to whether Ms. Argrett should be involved in the case. On June 2, 1995, Assistant Attorney General Argrett disclosed these facts to the Deputy Attorney General and concluded that, based on the minimal contact she had with the Senator, she believed she could act impartially in this case. Deputy Attorney General Gorelick —one of the most capable public officials I have known in my years in the Senate—approved Ms. Argrett's continued participation in the case.

Mr. President, I will not delay the Senate any further. The Committee did its job and gathered the available evidence. There is no evidence in the record that disqualifies Senator Moseley-Braun.

She will be an excellent ambassador, just as she was an excellent senator. We are lucky that she still wants to continue in public service. I urge my colleagues to vote to confirm Senator Carol Moseley-Braun.

Mr. FITZGERALD. Mr. President, I submit this statement in opposition to the nomination of former Senator Carol Moseley-Bruan as Ambassador of the United States to the governments of New Zealand and Samoa. The people of Illinois are intimately familiar with Senator Moseley-Braun's public career, as am I. Based on my extensive knowledge of her record, I cannot in good conscience support her nomination. While her tenure involved a significant number of controversies, many of which are troubling, her secret visits to, and relations with, the late General Sani Abacha and his regime are themselves a disqualifier for any kind of position that involves representing the United States in a foreign land. They demonstrate a lack of judgment and discretion that should be required of any ambassadorial nominee.

According to her written responses provided to the Senate Foreign Relations Committee on November 6, 1999, the Senator traveled to Nigeria in December, 1992; July, 1995; and August, 1996. According to the same documents, Senator Moseley-Braun met with Sani Abacha during all three trips. Abacha was one of the world's most brutal and corrupt dictators, an international pariah, widely reviled. After taking power in 1993, he jailed Nigeria's elected president, reportedly imprisoned as

many as 7,000 political opponents, hanged environmentalist Ken Saro-Wiwa and eight other activists and allegedly stole more than $1 billion in oil revenues while presiding over the nation's economic collapse.

During her appearance before the East Asian and Pacific Affairs subcommittee of the Senate Foreign Relations Committee, Senator Moseley-Braun likened her meetings with General Abacha to meetings between other Senators and Members of Congress with leaders of countries accused of violating human rights. This analogy is inappropriate; her visits were of a chilling and distinctly different nature. Senator Moseley-Braun's visits with Abacha were secret encounters, condemned by the U.S. State Department, hidden not just from the government but even from her own staff. Moreover, her former fiance, Mr. Kgosie Matthews, was at one time a registered agent for the Nigerian government. Mr. Matthews accompanied her to Nigeria, although it is not clear how many times he did so. In response to written questions, Senator Moseley-Braun stated that she was ''unaware of whether . . . Mr. Matthews 'directly or indirectly received any money or anything of monetary value' from the Nigerian government.'' To secretly visit a corrupt despot like Abacha, remaining unaware of whether a fiance, a one-time agent of the regime, is profiting in any way from Abacha or the Nigerian government, demonstrates a profound lack of judgment.

The confirmation hearing briefly touched upon areas of concern other than Senator Moseley-Braun's relations with Abacha. During her tenure, the Internal Revenue Service requested a grand jury investigation of Senator Moseley-Braun, suggesting a number of areas of inquiry. In her written responses to questions posed by the Foreign Relations Committee, the nominee stated that ''I was unaware that I was the subject of any criminal investigation by the Internal Revenue Service prior to the July, 1998 WBBM report.''

The WBBM–TV report, to which Senator Moseley-Braun referred, disclosed that the IRS twice sought to convene a grand jury to explore allegations concerning the personal use of campaign funds as well as allegations relating to ''possible bank fraud, bribery and other federal crimes.'' The committee record established that the Department of Justice rejected the requests for grand juries, citing a lack of sufficient evidence, thus halting the ability of the IRS to proceed with the very subpoena power necessary to acquire sufficient evidence. The circularity of this process—the IRS requests for grand juries and Department of Justice refusals—as well as the inability of these concerns to be probed to conclusion, leaves a host of unanswered questions. These questions should have been resolved prior to a vote on the confirmation.

Senator Moseley-Braun refers to an FEC audit report that she believes rebuts the IRS concerns. First, assuming for the sake of argument that the FEC audit refutes the personal use of campaign funds, it nevertheless clearly does not refute the other allegations reportedly raised by the IRS such as ''possible bank fraud, bribery and other federal crimes'' reportedly going back to her tenure as Cook County Recorder of Deeds.

Second, it is unclear to what extent the FEC investigated the personal use of campaign funds. There are countless ways a diversion of campaign funds for personal use could occur. Discussion in the confirmation hearing centered around just campaign credit cards. Section I. D. of the FEC audit report does not mention the diversion of campaign funds as being within the scope of the audit, but instead lists, in specific detail, eight other areas of inquiry. On the other hand, the last page of the audit report indicates that the FEC audited the activity of the campaign credit cards. FEC working papers provided to the Senate further indicate that the FEC found that the cards were used to pay $6,258.14 of Mr. Matthews' personal expenses, but that, after deducting sums which the campaign argued it owed him, these personal expenses totaled only $311.28. It is unclear whether the FEC probed the possible diversion of campaign funds by other, less blunt, more oblique means, such as by cash purchases or by cashier's checks purchased with cash, or by other mechanisms. To the best of our knowledge, major allegations of diversion, such as those discussed in the Dateline NBC report, did not arise until after the FEC audit was completed.

Third, the FEC itself pointedly said that no inferences should be drawn from its failure to resolve its examination of Senator Moseley-Braun's campaign fund. According to a Chicago Tribune article dated April 8, 1997, FEC spokeswoman Sharon Snyder mentioned ''a lack of manpower, a lack of time'' and cited the impending expiration of the statute of limitations. She went on to say: ''There's no statement here: no exoneration, no Good Housekeeping seal of approval, just no action.''

Thus, with respect to the FEC investigation, as with the IRS requests for grand juries, many questions remain unresolved. However, the visits with General Sani Abacha are undisputed and, in their context, they are so unusual and bizarre as to alone disqualify her as an ambassador.

Mr. President, I recognize the Senate must fulfill its constitutional obligation. This body has given Senator Carol Moseley-Braun a select responsibility. While I cannot in good conscience support her nomination, I wish her well in her new post.

Mr. KENNEDY. Mr. President, I strongly support our distinguished former colleague, Senator Carol Moseley-Braun, and I urge the Senate to confirm her as Ambassador to New Zealand. Senator Carol Moseley-Braun served the people of Illinois with great distinction during her six years in the Senate. She fought hard for the citizens of Illinois and for working men and women everywhere, and it was a privilege to serve with her. In her years in the Senate, she was a leader on many important issues that affect millions of Americans, especially in the areas of education and civil rights. She worked skillfully and effectively to bring people together with her unique energetic and inspiring commitment to America's best ideals.

Senator Moseley-Braun has been breaking down barriers all her life. She became the first African-American woman to serve in this body. Her leadership was especially impressive in advancing the rights of women and minorities in our society. As a respected former Senator, she will bring great stature and visibility to the position of Ambassador to New Zealand. That nation is an important ally of the United States, and it is gratifying that we will be sending an Ambassador with her experience and the President's confidence.

Mrs. FEINSTEIN. Mr. President, I rise today to express my strong support for the nomination of my friend and former colleague, Carol Moseley-Braun, to be Ambassador to New Zealand.

I had the pleasure of serving with Senator Moseley-Braun for six years and I know her to be a dedicated, caring, intelligent, and hard-working public servant. I am confident she will carry these qualities to her new post in New Zealand.

Prior to her service in the United States Senate, Senator Moseley-Braun distinguished herself as a member of the Illinois Legislature and as the Recorder of Deeds for Cook County, Illinois. From 1973 to 1977 she also served as Assistant District Attorney in the Northern District of Illinois.

In 1992, Carol Moseley-Braun made history by becoming the first African American female elected to the United States Senate. As a United States Senator, she dedicated herself to issues that would make a difference in the lives of ordinary Americans: increased funding for education, HMO reform and family and medical leave.

Following her service in the Senate, Senator Moseley-Braun continued to stay involved in the issues that mean most to her and become a consultant to the United States Department of Education.

On October 8, 1999, President Clinton presented her with a new challenge and

nominated her to be United States Ambassador to New Zealand. I am sure her tenure as Ambassador will only add to this long and distinguished career.

The overwhelming and bi-bipartisan vote in favor of her nomination by the Senate Foreign Relations Committee should answer any critic that questions her qualifications to be the next ambassador to New Zealand.

New Zealand is an important ally and a vital part of our relations in the Asia-Pacific region. We need an ambassador who will be able to handle all aspects of United States-New Zealand relations and best represent our interests. Carol Moseley-Braun is the right person for that job.

Mr. President, I was proud to serve with Senator Moseley-Braun, I am proud to call her a friend and I am proud to support her nomination to be Ambassador to New Zealand.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Carol Moseley-Braun, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand and Samoa?

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), and the Senator from Arizona (Mr. KYL) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. KYL) would vote ''yea.''

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

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 361 Ex.]

YEAS—96

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

NAYS—2

Fitzgerald Helms

NOT VOTING—2

Kyl McCain

Tne nomination was confirmed.

Mr. DURBIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be notified of the action taken by the Senate.

NOMINATION OF LINDA JOAN MORGAN, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2003.

Mr. HOLLINGS. Mr. President, I rise in support of the nomination of Linda J. Morgan. Today we are considering the nomination of Linda Morgan to be reappointed as the chairman of the Surface Transportation Board. I am proud to say that I have known Chairman Morgan for many years. Although we may not always agree, I have a great deal of respect for her and know that two qualities she possesses in abundance are fairness and integrity. Those qualities, coupled with her commitment to public service, make her an outstanding chairman.

Before I discuss Chairman Morgan's abilities and accomplishments, I would like to comment briefly on the agreement reached between railroad management and labor this week on the cram down issue. As many of you know, the carriers and their employees have been working on the terms of an agreement which would create new rules pertaining to the abrogation of collective bargaining agreements. Yesterday, the parties agreed to a moratorium on the filing of section 4 notices while the negotiations take place to establish new rules. I am pleased that the parties were able to reach a compromise on this important issue and urge the STB to look favorably on this agreement. In addition, I expect to address this issue legislatively next year when we take up the STB reauthorization bill.

As many of you know, Linda Morgan served as counsel for the Surface Transportation Subcommittee for 8 years and then as general counsel for the full Committee on Commerce, Science, and Transportation for seven years. During that time I found Linda Morgan to be one of the most intelligent and thorough professionals that I have worked with. She is smart and she cares about the issues—I know that she is committed to serving the public in her capacity as the chairman of the Surface Transportation Board.

Linda Morgan has served as chairman of the Surface Transportation Board (STB) since it was created in 1996. Prior to that, she served as chairman of the ICC. In 1996 she was responsible for implementing the changes that Congress envisioned in the Interstate Commerce Commission Termination Act. She pared down the ICC and established a new, more streamlined agency in its place, the STB.

Chairman Morgan is to be commended for her achievements and commitment to the mission of the STB during her first term. The STB operates with only 135 people, less than half the staff of it predecessor, but it is charged with regulating the entire railroad industry. Among her accomplishments, Chairman Morgan has facilitated creating a more efficient process for resolving rate disputes between shippers and carriers. Additionally, under her leadership, she has helped the private sector come to agreements on short line access and agricultural services arbitration which have benefited the entire transportation industry.

Chairman Morgan has done an outstanding job moving the agency through several different places. She successfully transitioned the agency from the ICC to the STB. She has seen the railroad industry through three very large merger transactions. She helped resolve the service issues in the west. And last year she ended the practice of using product and geographic competition in determining appropriate rates for shippers.

Linda Morgan has done a lot of heavy lifting during her tenure as chairman of the STB. She has my full confidence and I support her nomination.

Mr. BURNS. Mr. President, I rise today to oppose the nomination of Linda Morgan. During her tenure as the chairwoman of the Surface Transportation Board, Ms. Morgan has failed to achieve a primary goal of this independent agency—protecting the rights of shippers using rail transportation. Earlier this year, I along with a number of other colleagues, introduced a bill, S. 621, that would help to create competition among rail carriers where that competition does not currently exist due to regional monopolization.

This bill would resolve the economic inequities found around our nation. In my State of Montana, our farmers pay dramatically more for transportation costs than farmers anyplace else in the State. In fact, on a proportionate comparison, Montana's farmers pay more than most other shippers in the world.

Why? I'll tell you why—because nearly the entire State of Montana is captive to the Burlington Northern Santa Fe railroad. In the case of Montana farmers, Montana is captive to BNSF.

I cannot blame Ms. Morgan for this. The board's decision are based on misinterpreted statute that was legislated in the early 80's.

However, I cam blame Ms. Morgan for not recognizing this as the case before the shippers asked me and several of my colleagues for assistance. It is inexcusable to treat the Nation's shippers so pitifully. It is arrogant on behalf of the railroads to think that they can take advantage of small shippers using strongarm tactics to determine shipping costs. It should not cost more to ship from Montana to the Pacific Northwest than it costs to ship from the Midwest to the Pacific Northwest—over the same tracks. This is an absurd manner in which to allow a railroad to operate.

Back to Ms. Morgan. It is about time for Congress to recognize the inequities in the rail industry. Competition is based on choice. Without multiple competitors to choose from, we are left with a monopoly. BNSF has a monopoly in Montana and the four behemoths that have evolved since the early 80s when we had over 40 large railroads have monopolies all across this Nation.

Let me quote Ms. Morgan from hearings held earlier this year:

Ms. Morgan has stated, ''If Congress feels the statute doesn't work, it's up to Congress to provide a revision to the statute.'' Mr. President, Ms. Morgan is the chairwoman of the STB and a very intelligent woman. Ms. Morgan has recommended to this body that Congress would need to change the law in order to create an equitable environment. If the STB is saying this, if hundreds of shippers are saying this, if economists are saying this, why won't Congress react? I'll tell you why. Railroad interests in this city have a stronghold on legislation that would take away their ability to charge unchallenged rates.

Ms. Morgan has also stated the following:

''The role of the STB is to allow competition where it exists and protect those where it does not exist.'' Let me give you an example of where competition does not exist. Competition does not exist in the entire state of Montana. Competition does not exist in the entire state of North Dakota. With four major railroads in the country, regional rail monopolies are very common. Montana was one of the first—we've been captive since 1980.

Another statement from Ms. Morgan.

''The board is there to make sure that no rate is unreasonable. The equalization of rates is not inherent in the statute.'' A goal of the STB is to make sure that no rate is ''unreasonable''. The STB could define as unreasonable the rate paid by Montana's farmers. These rates are unreasonable! Lastly, Ms. Morgan has indicated that, ''The statute does not make competition a priority.'' I agree with her and that is why I am sympathetic, Her's is a thankless job and until Congress gives the STB the proper tools to decide cases in an equitable manner, it will continue to be a thankless job.

Mr. President, we have an opportunity to do what is right for America. I will not support Ms. Morgan but I will support reform of the STB.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I am pleased to vote to reappoint Surface Transportation Board, STB, Chairman Linda J. Morgan to serve another term on that panel even though I am troubled by some STB decisions concerning the CSX and Norfolk Southern acquisition of Conrail properties in New York State. I am encouraged, however, by Chairman Morgan's responsiveness to my requests, and those of my colleagues, to monitor the freight rail problems that have plagued New Yorkers since the June 1, 1999 implementation of the CSX/Norfolk Southern acquisition. Just last month, Chairman Morgan came to Buffalo to hear the concerns of local shippers.

As she begins her second term as Chairman of the STB, Linda Morgan has presided over the largest rail mergers in this Nation's history. Now the hard part begins. If service failures persist, Chairman Morgan must exercise her statutory authority to impose conditions upon the railroads. This will be no easy task. Revising one's work in the face of significant opposition requires courage. But I am confident that should the public interest so require, Chairman Morgan will respond boldly. Nothing short of the future of freight rail in the United States is at stake.

One additional thought is the role of organized labor in the freight rail industry. I would note that I do not find it fair that an interpretation of current Federal law permits the STB to revisit collective bargaining agreements dozens of years after a merger has been completed. There is a certain logic to providing the STB with the authority to abrogate local, State, and Federal laws to ensure the success of a merger. But the prospect that collective bargaining agreements—private contracts—can be the subject of renegotiation and mediation years after a merger has been consummated is troubling. In the 2nd session of the 106th Congress I will seek legislation to constrict the window of time following the approval of a merger in which unions can be compelled to renegotiate collective bargaining agreements.

In closing, Mr. President, the Surface Transportation Board faces extraordinarily difficult decisions in the next few years. I believe that Linda Morgan's experience as a trusted advisor and counsel to the Senate Commerce Committee and her chairmanship of the STB have prepared her well for the challenges that lie ahead. I yield the floor.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 362 Ex.]

YEAS—96

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

NAYS—3

Burns	Rockefeller	Specter

NOT VOTING—1

McCain

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 78

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consideration of the continuing resolution just received from the House, that there be 15 minutes under the control of Senator EDWARDS, and following

the conclusion or yielding back of time, the resolution be read for the third time and passed and the motion to reconsider be laid upon the table.

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

ORDER OF PROCEDURE

Mr. LOTT. So Members will know what they can expect the next few hours in the Senate, I ask consent that following the continuing resolution, the pending Kohl amendment No. 2516 be modified to reflect the text of amendment No. 2518 and that it be in order for the majority manager of the bill to withdraw the second degree amendment No. 2518, and Senators HUTCHISON and BROWNBACK be recognized to offer a second degree amendment and there be 1 hour for debate, equally divided in the usual form, and no other second degree amendments be in order to amendment No. 2516.

I further ask consent that a vote occur on or in relation to the Hutchison amendment to be followed immediately by a vote in relation to the first degree amendment, as amended, if amended, following the conclusion or yielding back of time.

I further ask consent that following the votes just described, Senator WELLSTONE be recognized to offer his amendment relative to agriculture.

Finally, I ask consent that following the votes relative to the Hutchison amendment, all amendments relative to homestead be withdrawn.

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

Mr. LOTT. Mr. President, basically we will have two votes with regard to the homestead issue after 1 hour, and then we will go to the Wellstone amendment, which has 4 hours. I hope there will be much less than 4 hours necessary for that. I assure Members there will be less than that.

That is the lineup of what will happen now for the remainder of the afternoon.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the clerk will report the continuing resolution.

A joint resolution (H. J. Res. 78) making further continuing appropriations for the fiscal year 2000, and for other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized for 15 minutes.

Mr. EDWARDS. Mr. President, we are about to pass a resolution to keep the Government operating for approximately a week. The question I ask is, What are we doing for the victims of Hurricane Floyd? Keeping this Government open is not important unless it does the things it should and needs to do for its citizens.

We keep telling the people of this country that this is their Government, it belongs to them. Every week they get their paycheck, and they have a huge deduction for Federal taxes. They wonder every time they get their paycheck and their paycheck stub where that money is going.

The truth is, now is the time, in the wake of the devastation of Hurricane Floyd, when they are entitled to expect their Government will respond and respond in a responsible way to what has been done to them.

The people of eastern North Carolina—I know because I have been there over and over, including this past weekend—are wondering how they are going to make it through the winter. They are completely and totally innocent. These are people who had a hurricane drop inches and inches of water on them. It devastated their homes and, thereby, devastated their lives. In many cases, it devastated their workplaces.

What they are saying to us now is: What is my Government to which I have been paying taxes for all these years going to do? The reality is, if the Government does not respond to this disaster and this terrible situation, the Government serves no purpose.

We had 50 people die in North Carolina as a result of this hurricane and 5 people are still missing. We have 3,000 people who are still in temporary housing. More than 30,000 homes have been damaged and approximately 20,000 have been completely destroyed. The damage estimate for housing alone is approximately $400 million, and that number will grow. We have eight counties that still have damaged water systems where people are required to boil their water to use it.

Over 2 months after this hurricane ravaged eastern North Carolina, our people are still struggling and suffering and will continue to struggle as we go forward.

I ask my colleagues these questions:

No. 1, do they take for granted the roof over their heads?

No. 2, do they assume when they turn the tap on that they will be able to drink the water that comes out of that tap?

And No. 3, do they assume their children will be able to go to school?

Let me tell my friends and colleagues in the Senate that there are tens of thousands of North Carolinians who no longer take those things for granted and no longer assume they are going to be able to do those things because they know they cannot. The question they ask me and, more important, the question they ask us as their representatives in this Government is, What are we going to do to respond to what has happened to them?

We have kids in eastern North Carolina who are going to school in small trailers in a gravel parking lot of the National Guard grounds in Tarboro. In order to go to the restroom, they have to leave these small trailers and travel to the one small trailer that has a restroom. They are already going to school in little trailers on a gravel parking lot, and there is not even a restroom in the trailer they are using for a classroom. In order to use the restroom, they have to leave their trailer and go down the parking lot to another small trailer.

The water rose in this area, for example, 88 inches in an elementary school in Tarboro. The school was completely destroyed.

Transportation—we have more than 90 sections of State roads and 12 bridges still washed out.

Agriculture—our farmers are hurting as they have never hurt before. Before this hurricane went through eastern North Carolina, our farmers were teetering on the edge from low crop prices and many years of having a very difficult time financially.

What is the effect of a hurricane coming through? This is the time of year when many of our farmers in eastern North Carolina would be doing the bulk of their work. They would be harvesting their crops. Not this year. Many of our farmers have lost all of their crops. The current crop loss estimate is $543 million—over $½ billion. The livestock loss is estimated at about $2 million. We have more than $200 million in damage to structures on farms, the structures that are necessary for these farmers to operate their farms day to day. Many of these structures have been destroyed.

In addition, they have lost the machinery that is necessary to operate their farms on a daily basis. In almost all cases, the structures are not covered by insurance, and, in many cases, the machinery is not covered by insurance.

The bottom line is we have many farmers in eastern North Carolina who have lost their crops. They have lost the buildings from which they operate and they have lost the machinery they use to farm. They are out of business. What they say to us in Washington is: What is my Government going to do to respond? I have paid my taxes. I have been a good, law-abiding citizen all these years, and I have always been told this is my Government. So my question to Washington now is, What is my Government going to do to respond?

The reality is, nobody in North Carolina is asking for a handout. Our people have responded heroically to this situation. Our businesses have been extraordinary.

They have made millions and millions of dollars worth of donations to

help the people who have been devastated by Hurricane Floyd. Our individual citizens have made contributions. They have not only made contributions with funds to help the victims of Hurricane Floyd, they have taken time off from work, with their employers' permission; they are taking their weekends and their time off to go to eastern North Carolina to work to try to help the folks who have been devastated. They have done everything they can. Every person in North Carolina is doing what they can to help our people who have been damaged by this storm.

That is not enough. We need this Government to respond in a way that addresses the needs.

No. 1, we need housing relief. We have thousands of families who have lost their homes as a result of this storm. They have no way to rebuild their homes and rebuild their lives without our assistance. It is assistance to which they are entitled. They have paid their taxes all these years, never knowing this disaster, this devastation was coming. Now that it has hit them, it is time for this Government to respond and to get them back into houses.

They do not need help 6 months from now or a year from now; they need help right now. Right now is the time they are living in small trailers, on gravel parking lots. They want to get back into a home, a real home, the kind of home they had before Hurricane Floyd came. We have a responsibility to do everything we can to put them in those homes.

Agriculture: We have over 25,000 farmers who desperately need help just to make it through the winter. I am talking about an intense and immediate financial crisis that our farmers are confronted with.

So we have two things we must do before we go home. We have to address the housing needs in North Carolina, people who are not going to be able to get through the winter unless we do something for them; and, secondly, we have to help our farmers who are already in trouble and have been completely devastated.

I want us to compare the needs and the devastation in eastern North Carolina to some of the things on which we spend money. While I am strongly in support of spending funds for the defense of this country, we have spent billions of dollars on projects the Pentagon did not ever suggest they wanted. We have spent hundreds of millions of dollars on relocating bureaucrats and renovating or restoring Federal buildings, millions on debt forgiveness for foreign governments, tens of millions on foreign cultural exchange programs, and on top of all that, a congressional pay raise.

Surely these folks in North Carolina, whose lives have been devastated—totally innocent victims of Hurricane Floyd—are entitled to at least that level of priority. Those are things we have already done. And we ought to do things for these Third World countries. We ought to do things to help other countries that are in need. But the reality is, we have North Carolinians and Americans who are in desperate straits. They do not have anyplace to live. We have farmers who are literally out of business. Their families have, for generations, farmed the land of eastern North Carolina, and they are now out of business.

It is time for their Government to step to the plate and do the responsible thing, to give them the help they need to put our folks in eastern North Carolina back into houses, to put our farmers back on their feet and back in business.

If we cannot do that, what function do we serve as a Government? For all those people who, for all these years, we have been saying, this is your Government; this is not some foreign thing up in Washington that has nothing to do with your lives, now they are asking us to make good on that promise and to make good on our responsibility to them for all their years—year in and year out—of doing the responsible thing: Paying their taxes and being good Americans.

So I close by saying, I understand that we are nearing the end of this session. I understand the needs and priorities on which we are all focused: Education, health care, responsible fixes for the BBA, and hospitals and health care providers around this country. We have many needs that need to be addressed.

But I want to make clear that when it comes to Hurricane Floyd and my people in North Carolina who do not have a place to live and are worried about getting through this winter, and our farmers who are literally out of business, that I intend to use absolutely everything at my disposal and to take whatever action is necessary to assure that our people in North Carolina are taken care of.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order, the clerk will read the joint resolution for the third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution is passed, and the motion to reconsider is laid upon the table.

The joint resolution (H.J. Res. 78) was passed.

BANKRUPTCY REFORM ACT OF 1999—Continued

AMENDMENT NO. 2516, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Kohl amendment No. 2516 is modified with the text of the amendment No. 2518.

The amendment, as modified, is as follows:

At the appropriate place in title III, insert the following:

SEC. 3 ___. LIMITATION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following:

''(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(C) a burial plot for the debtor or a dependent of the debtor.

''(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.''.

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''522(d),'' and inserting ''522 (d) or (n),''; and

(2) in paragraph (3), by striking ''522(d),'' and inserting ''522 (d) or (n),''.

The PRESIDING OFFICER. Under the previous order, the amendment No. 2516, as modified, is now pending.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2778 TO AMENDMENT NO. 2516, AS MODIFIED

(Purpose: To allow States to opt-out of any homestead exemption cap)

Mrs. HUTCHISON. Mr. President, I offer a second-degree amendment to the pending amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. BROWNBACK, and Mr. GRAHAM, proposes an amendment numbered 2778 to amendment No. 2516, as modified.

Strike the period at the end and insert the following: ''. The provisions of this section shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act.''

Mrs. HUTCHISON. Mr. President, if I could take a moment to explain the amendment. We have agreed to 30 minutes equally divided. I would then turn it over to Senator KOHL to explain the underlying amendment.

Basically, Senator KOHL and Senator SESSIONS are going to try to put a cap on the homestead exemption that would apply uniformly to every State. I think that is a mistake because every State is different. The valuation of property is different in every State. This does not make any allowance for those variations in property.

The Kohl-Sessions amendment has a $100,000 cap in bankruptcy proceedings on homestead exemptions, but the median value of a home in California is over $215,000; in Oklahoma it is $92,500. So right there you can see there are differences in America.

Secondly, 11 homestead exemptions around the country would be immediately overturned if we have a Federal standard for a homestead exemption. The States of Florida, Iowa, Kansas, South Dakota, Texas, Minnesota, Nevada, Oklahoma, California, Massachusetts, and Rhode Island would all have their caps lifted in favor of a Federal rule that would attempt to be one size fits all.

In my home State of Texas, it is actually a constitutional provision; it is not a statute. It does not refer to money at all. It refers to acreage. There is the urban acreage and there is the rural acreage. So I think it is very important that we have the ability to address this by every individual State.

For 130 years in our country, the Federal Government has allowed the States the ability to set its own laws in this area. The homestead exemption does differ State to State. For 130 years, the Federal Government has said the States may do this.

The Kohl-Sessions amendment would overturn the 130 years of precedence and have a national standard, a one-size-fits-all approach. That reminds me of a lot of other Federal Government programs. I am sure it rings true with other Americans because that is the Federal approach: One size fits all. We do not need one size fits all. For 130 years, we have not had it.

In this country the States have done very well in setting their own homestead exemptions—what works for them, what works for the elderly in their States, what works for families in my State of Texas—and they do not want to take homes away from the elderly who are most susceptible to having health crises. That would take away their savings. That might put them into financial difficulty. They do not want to throw the elderly people out of their homes, even if their homestead might be valued at over $100,000, the median value.

Secondly, what if it is a young family where the wage earner gets into financial difficulty? Do we want to put a family out on the streets? This has been sacrosanct in my State and in many other States; that whatever we were doing to try to make people pay their debts—and we do want people to pay their debts—we don't want to make them wards of the State. We want their families to be able to continue to have a roof over their heads while they are working out of their financial difficulties.

I support the concept of this bill. I commend Senator GRASSLEY for working hard to improve the bankruptcy laws in our country. But the amendment that is before us today would take away 130 years of preemption by the States to create their own homestead exemptions, especially rural States where farms may have a bigger valuation. They don't want to make people who are in financial difficulty wards of the State.

Let me show two very important letters from the State leaders of our country. The National Governors' Association, in a letter signed by Governor Jim Hodges and Governor John Rowland, wrote:

> We also urge you to resist efforts to impose a uniform nationwide cap on homestead exemptions. The ability to determine their own homestead exemptions has been a longstanding authority of states. Furthermore, the median price of a single family home varies widely from state to state. A one-size-fits-all approach is simply not appropriate when the median home price may be more than two-and-a-half times as high in one state as it is in another.

The second letter is from the National Conference of State Legislatures. It says:

> The [National Conference of State Legislatures] is concerned, however, that an amendment may be offered during Senate consideration that would preempt state laws by setting a cap of $100,000 on homestead exemptions, thus forcing debtors with over $100,000 in homestead equity to sell their homes and farms. Recent real estate trends have shown that in all but four states, the median price of a single family home is well over $100,000. While state legislators believe that the bankruptcy code should strongly encourage consumers to pay their debts to the extent possible, my colleagues and I would be equally concerned about the disruption to family life, particularly the harsh impact on the children of debtors that may result by the establishment of such a limit on homestead exemptions.

We have the National Conference of State Legislatures and the National Governors' Association speaking for the State leadership saying this is an area that should be left to the States. It has been left to the States for 130 years. We do not need to overturn 130 years of laws that are working in individual States.

I hope we can pass this bill. I certainly will support the Kohl amendment, if we have the State ability to opt out. That is the key. I think if we can have that kind of accommodation, then it will be a good amendment. Let the States decide for themselves if $100,000 is right for them.

Mr. President, I reserve the remainder of my time.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Wisconsin.

Mr. KOHL. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on both the HUTCHISON amendment and the Kohl-Grassley-Sessions amendment.

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

Mrs. HUTCHISON. Mr. President, I was diverted. I didn't hear the unanimous consent request.

Mr. KOHL. I asked that it be in order for the yeas and nays on both the Hutchison amendment and the Kohl-Grassley-Sessions amendment.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. It is in order that the Senator now make that request.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KOHL. Mr. President, I urge my colleagues to oppose the Hutchinson/Brownback ''opt-out'' amendment, then vote for the Kohl/Sessions/Grassley $100,000 cap. Let me tell you why; an opt-out doesn't change a thing. A few states have already basically ''opted out'' of reasonable homestead exemptions and that's a problem. This amendment would let these states continue to go on like nothing happened. The Kohl-Sessions-Grassley amendment, on the other hand, will stop this abuse, pure and simple.

You can not support our cap and also support an opt-out: It's either one or the other, Mr. President.

They say this is really just about states' rights. Nothing could be farther from the truth. Anyone who files for bankruptcy is choosing to invoke federal law in a federal court to get a ''fresh start,'' which is a uniquely federal benefit. In these circumstances, it's only fair to impose federal limits.

And don't take my word for it: just listen to one of Texas' leading newspapers, the Austin American-Statesman. It recently editorialized that: ''The U.S. Constitution gives the federal government supremacy over the states in bankruptcy matters, so arguments that the federal government should let states do as the wish on this particular fact of bankruptcy law make little sense.'' The editorial goes on to urge Congress to limit the homestead exemption.

Besides, we're only capping the homestead exemptions in states like Florida and Texas as they apply to bankruptcy and not for other purposes. That is, if you lose a multi million-dollar lawsuit in Texas and can't ''pay-up,'' you can still keep your expensive home if you don't file for bankruptcy. While that may not seem right, what state courts do is a matter of state law—and we do not touch it. On the other hand, anyone who wants to take advantage of the federal bankruptcy system should live with a federal $100,000 cap.

Now let's turn to why our proposal is so important to effective bankruptcy reform. Our proposal closes an inexcusable loophole that allows too many debtors to keep their luxury homes, while their legitimate creditors—like children owed child support, ex-spouses

owned alimony, state governments, small businesses and banks—get left out in the cold. Last year, the full Senate unanimously went on record in favor of the $100,000 cap and emphasized that ''meaningful bankruptcy reform cannot be achieved without capping the homestead exemption.''

Curently, a handful of states allow debtors to protect their homes no matter how high their value. And all too often, millionaire debtors take advantage of this loophole by moving expensive homes in states with unlimited exemptions like Florida and Texas, and declaring bankruptcy—and then continue to live in style. Let me give you a few of the literally countless examples:

The owners of a failed Ohio S&L, who was convicted of securities fraud, wrote off most of $300 million in bankruptcy claims, but still held on to the multimillion dollar ranch be bought in Florida.

A convicted Wall Street financier filed bankruptcy while owning at least $50 million in debts and fines, but still kept his $5 million Florida home—with 11 bedrooms and 21 bathrooms.

And just last year, movies star Burt Reynolds wrote off over $8 million in debt through bankruptcy, but he still held into his $2.5 million Florida estate.

Unfortunately, those examples are just the tip of the iceberg. We asked the GAO to study this problem and, based on their estimates, 400 homeowners in Florida and Texas—all with over one hundred thousand dollars in home equity—profit from this unlimited exemption each and every year. While they continue to live in luxury, they wrote off annually an estimated $120 million debt owned to honest creditors.

Mr. President, this is not only wrong, I believe it is not acceptable. Without our amendment, the pending bill falls far short. Instead of a cap, it only imposes a 2-year residency requirement to qualify for a State exemption. And while that is a step, it will not deter a savvy debtor who plans ahead for bankruptcy, and it won't do anything about instate abusers such as Burt Reynolds. This $100,000 cap will stop these abuses without affecting the vast majority of States.

Let me make one final point. Some opt-out supporters have circulated misleading information about how many States would be affected by this cap. While a few States would be impacted, they are mistaken about eight States in particular; they are: Alabama, Colorado, Louisiana, Michigan, Mississippi, Nebraska, Oregon, and Rhode Island. We asked the Congressional Research Service to take a look, and CRS concluded that our cap would have ''no effect'' on these States.

I ask unanimous consent that the memorandum from CRS be printed in the RECORD.

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

MEMORANDUM

To: Sen. Subcommittee on Antitrust, Business Rights, and Competition. Attention: Brian Lee.

From: Robin Jeweler, Legislative Attorney, American Law Division.

Subject: Effect of proposed amendments to S. 625 on selected state homestead exemptions.

This responds to your request for a legal opinion on the effect of language that may be offered as an amendment to S. 625, 106th Cong., 1st Sess. 1999, the Bankruptcy Reform Act of 1999.

The proposed language would add a new subsection (n) to 11 U.S.C. §522 governing bankruptcy exemptions to provide that the aggregate value of homestead exemptions in op-out states may not exceed $100,000 in value.[1]

You have asked what effect this provision, if enacted, would have on the homestead exemptions in Alabama, Colorado, Louisiana, Michigan, Mississippi, Nebraska, Oregon and Rhode Island. For the reasons discussed below, we conclude that the proposed federal cap on state homestead exemptions would have no effect in these states.

Several of these states provide for the possible exemption of a substantial amount of real property, for example, up to 160 acres of land, which could theoretically exceed $100,000 in value. In each case, however, the scope of the exemption is limited by a monetary cap on its aggregate value:

Alabama Code §6–10–2 (1993): homestead ''with the improvements and appurtenances, not exceeding in value $5,000 and in area 160 acres[.]''

Colorado Rev. Stat. §38–41–20 (1997): homestead shall be exempt ''not exceeding in value the sum of thirty thousand dollars in actual cash value in excess of any liens or encumbrances.]''

Louisiana Rev. Stat Ann., Title 20, §1 (West. 1999 supp.): homestead consists of ''a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres. . . . This exemption extends to fifteen thousand dollars in value[.]''

Michigan Comp. Laws. Ann. §600.6023 (West 1999 supp): ''A homestead of not exceeding 40 acres of land and the dwelling house and appurtenances . . . not exceeding in value $3,500.''

Mississippi Code Ann. §85–3–21 (West 1999): ''[A] householder shall be entitled to hold exempt . . . the land and buildings owned and occupied as a residence by him, or her, but the quantity of land shall not exceed one hundred sixty (160) acres, nor the value thereof, inclusive of improvements, save as hereinafter provided, the sum of Seventy-five Thousand Dollars ($75,000.00[.]''

Nebraska Rev. Stat. §40–101 (1997 supp.): ''A homestead not exceeding twelve thousand five hundred dollars in value shall consist of the dwelling house in which the claimant resides . . . not exceeding 160 acres of land[.]''

Oregon Rev. Stat. Ann. (1998 supp., part 1) §§23.240, –250: ''The homestead mentioned in ORS 23.240 shall consist, when not located in any town or city laid off into blocks and lots, of any quantity of land not exceeding 160 acres, and when located in any such town or city, of any quantity of land not exceeding one block. However, a homestead under this section shall not exceed in value the sum of $25,000 or $33,000, whichever amount is applicable under ORS 23.240.''

Rhode Island Gen. Laws §9–26–4.1 (1998 supp.): In addition to exempt property, ''an estate of homestead to the extent of one hundred thousand dollars ($100,000) in the land and buildings may be acquired[.]''

Although several of the state provisions cited above couch their exemptions in terms of acreage, in all cases, the monetary cap is a limitation which qualifies the value of the land permissibly exempted. With the exception of Rhode Island, the state laws cited above have monetary caps substantially less than the proposed federal cap of $100,000.

Several states, such as Florida, Iowa, Kansas, South Dakota, and Texas define their homestead exemptions by reference to quantities of land or acreage without a monetary cap. But those states which define the exemption in terms of land and value do so conjunctively, not disjunctively. Hence, a federal cap of $100,000 on the value of a homestead exemption would not appear to have any effect on the extant state exemptions cited above.

Mr. KOHL. Mr. President, the facts speak for themselves. Simply put, the Hutchison-Brownback amendment is a bad idea, a backdoor way to allow rich deadbeats to continue to live as kings while their honest creditors go to the poor house. I urge my colleagues to oppose it and to support our bipartisan $100,000 cap instead.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am proud to join with Senator KOHL on this amendment. We have spent over 2 years now working to reform the abuses in bankruptcy law. Senator KOHL has served on the Judiciary Committee. As we have gone through it, we have tried to eliminate a lot of the abuses.

The PRESIDING OFFICER. Is the Chair correct that the Senator is under time yielded by Senator KOHL?

Mr. SESSIONS. That is correct.

Mr. President, we have been trying to eliminate abuses that are in the bankruptcy system. There are many of them. We have some things in this bill that are good and true and honest and fair. It says right now that a person making $70,000 a year who owes $100,000, under Federal bankruptcy law, can go into chapter 7, wipe out all their debts, and still be living with a $100,000-a-year income and not have to pay the people from whom they receive benefits and to whom they owe money. We are saying if you have a certain level of income, then you ought to pay a part of your debt, and you would be

[1] Specifically, proposed subsection (n)(1) states:

Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

(C) a burial plot for the debtor or a dependent of the debtor.

required by the judge to develop a repayment plan for 30 percent, 50 percent, or 100 percent of the money, if you can pay it back. It is not just automatically wiping out all your debt.

Some have said this is abuse on the poor. But it would not affect anybody whose income did not fall below the median American income, which today for a family of four is $49,000. So this is for high-income people, and only if you make above that can you be required to pay back some of your debts. We think that is an abuse, and we think it ought to be ended.

Another abuse—one that may be the greatest abuse in the whole bankruptcy system—Elizabeth Warren, a Harvard professor, said is ''the single biggest scandal in the consumer bankruptcy system.'' It is the unlimited homestead exemption. She said it is a scandal, and I agree. It is an absolute scandal.

First of all, bankruptcy law is handled in Federal court. It is all done in a Federal bankruptcy court. All the laws and all the rules are Federal laws. In one area, the Federal law says, for the purpose of bankruptcy homestead exemptions, that will be left to what the State law is. But that is a Federal law.

What we found is that the Bankruptcy Commission, after 3 years of study, which included judges and other experts, recommended that we take this exemption to $100,000 and it be uniform across the country. There is no reason, or history, or logical justification for a State having an unlimited bankruptcy exemption—a fact recognized, as the Senator said, by the Austin American Statesman newspaper, which said this is clearly a matter of Federal law. The scholars do not dispute it. All other aspects of bankruptcy law are determined by the Federal law. I wanted to say that first.

Second, we are having serious problems and abuses—a Federal bankruptcy judge in Miami, FL, one of the States that has such an unlimited exemption, like Texas, has been very critical of this. The current system ''is grossly unfair,'' said A. Jay Cristol, the chief Federal bankruptcy judge in Miami. ''This law was written to give everyone a fresh start after bankruptcy, not to allow people to keep luxury homes.''

How has this abuse been playing out? Here is an article in the New York Times listing some of the examples of what we are talking about:

> The First American Bank and Trust Company in Lake Worth, FL, closed in 1989.

This is in the New York Times of last year:

> . . . its chief executive, Roy Talmo, filed for personal bankruptcy in 1993. Despite owing $6.8 million, Mr. Talmo was able to exempt a bounty of assets.

Exempt—that means those assets could not be used to pay people to whom he lawfully owed debts. It goes on:

> During much of the bankruptcy proceeding, Mr. Talmo drove around Miami in a 1960 Rolls Royce and tended the grounds of his $800,000 tree farm. . . .
>
> Never one to slum it, Mr. Talmo had a 7,000-square-foot mansion with five fireplaces, 16th-century European doors and a Spanish-style courtyard, all on a 30-acre lot. Yet, in Mr. Talmo's estimation, this was chintzy. He also owned an adjacent 112 acres, and he tried to add those acres to his homestead. The court refused.

Another example:

> Talmadge Wayne Tinsley, a Dallas, TX, developer, filed for chapter 7 bankruptcy in 1996 after he incurred $60 million in debt, largely bank loans. Under Texas law, Mr. Tinsley could keep only one acre of his 3.1-acre estate.

Texas recently had laws up to change that 1-acre limitation if you live in a city to which you can exempt from 8 to 10 acres. At any rate, he wanted to exempt more than that. He wanted the whole 3.1-acre estate.

> His $3.5 million, magnolia-lined estate included a five-bedroom, six-and-a-half-bath mansion with two studies, a pool and a guest house. All that fit snugly onto one acre.
>
> Yet, when the court asked Mr. Tinsley to mark off two acres to be sold to pay off his debts, his facetious offer was for the trustee to come by and peel off two feet around his entire property.

He signed off for that debt. At any rate, he was able to sell his house for $3.5 million, and he used the proceeds of this sale, after declaring bankruptcy, to write a $659,000 check to the IRS, whose debt still continues to be owed after bankruptcy, and another for $1.8 million to pay off his mortgage. That left him $700,000 after all his expenses, and he could spend that on whatever he wanted to, without paying legitimate people to whom he owed money. That is not a fair deal, I submit.

There are other examples of this. There is Dr. Carlos Garcia-Rivera, who filed for bankruptcy protection. He lives in Florida. The State law gives him an unlimited deduction, and he was able to keep a $500,000 residence, which is pictured in the newspaper article, free and clear.

The problem is this. A lot of people can see bankruptcy coming. They can see the problems coming down the road. They live in a State such as Alabama or New Jersey, where the laws don't give them these values. In fact, two-thirds of all the States limit your homestead value to $40,000 in equity. So what do they do? They can see the bankruptcy coming. They can move to a State such as Texas or Florida, buy a beautiful home on the beach, take every asset they have, quit paying any of the people to whom they owe money, collect all their money, put it in that house, and then file bankruptcy and say: You can't take my home. It is my homestead, and I don't have to give you anything.

That is a problem. That is a national problem, and it is a growing problem. We have increased bankruptcies. Lawyers are more sophisticated. People are more willing to move today than they used to be. That is why Senator KOHL and I feel so strongly about this.

I want to mention a couple more important things. The New York Times, in an editorial in August of 1999, argued against protecting rich bankrupts and criticized this very provision in law.

There were other complaints made in previous remarks suggesting this change would require States to change their constitution or their existing State law. That is not the case. The homestead exemption in Texas or Florida would be valid for every other State law purpose the State chose to apply it for. It simply would not be valid in the Federal bankruptcy court if that law called for an exemption to exceed $100,000, the amount the Bankruptcy Commission, after 3 years' study, concluded was the appropriate amount. It certainly strikes me as a fair and legitimate amount.

This is not the sale price of the house but the equity in the house. If an individual owned a mansion with $500,000 of equity in that mansion, they would not be able to live in that mansion and stop paying their creditors, the people they duly and lawfully owed money to, but would be able to keep $100,000 of it. They could keep $100,000 in equity. They would end up better than a person who files bankruptcy in Alabama or most other States who have less than $100,000. We think that is fair, just, and appropriate and ought to be confronted. I know some believe it is somehow an advantage for a State to not have this cap, to have unlimited exemptions, but I argue it hurts local creditors in those States, too, because they are not being paid back their debts.

A man living in a mansion in downtown Dallas who is not paying his Dallas creditors and all the people he owes in Dallas, TX, he gets to live in the mansion, is not an advantage for Texas. For years, the Texas legislators, Members of Congress, have believed passionately they should defend this as being a part of their constitution.

I think that is a misunderstanding of the role of Federal bankruptcy law. The goal of a good bankruptcy law is to make sure a person who owes debts pays all he can, liquidates all his assets, is able to keep a reasonable home, and work in the future without having any debts, but that he not be able to abuse the system and defeat creditors who he could legitimately pay.

I enjoyed working with Senator KOHL.

I yield the floor.

Mr. KOHL. I thank Senator SESSIONS.

I yield 2 minutes to Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, I thank the Senator for yielding. Second,

I thank the Senator for being a very cooperative member of the Judiciary Committee to help Members move the bill out of committee, particularly on this very issue that he has brought to the floor. He was hoping to bring this up in committee. It would have been very divisive in committee. It probably would have kept Members from getting the bill out of committee. He cooperated fully. I said when he brought it to the floor I would speak for and support his amendment. I am here to do that. But I think it is more important I tell him and his constituents who are interested in bankruptcy reform that he has been very helpful through this process.

One of the most unfair aspects of the bankruptcy code is the ability of very wealthy people to shield large amounts of assets in homesteads. As do many parts of our bankruptcy laws, the homestead exemption has a noble purpose. I don't deny that. That noble purpose is to protect the poorest of the poor from being thrown out into the streets to pay creditors. Everybody is entitled to a roof over their head.

As so many parts of our bankruptcy laws, this noble idea has been perverted by rich scoundrels and well-paid bankruptcy lawyers. Obviously, we need to do something about any part of the law that lets people hide money while paying nothing to their creditors.

We said one of the motivations of this legislation is to make sure that the people who have the ability to pay who go into bankruptcy are not going to get off scot-free. Allowing people to shield assets while paying nothing to their creditors creates perverse incentives for wealthy scoundrels.

A recent General Accounting Office study on this subject confirms the homestead exemption is used by a select few to avoid paying their bills. Unlike other areas where Congress attempts to regulate with very little constitutional basis for doing so, the text of the Constitution in this instance gives Congress the authority to set uniform bankruptcy laws, one of the specific powers of Congress in article I.

A homestead cap with a provision allowing some States to opt out and to have unlimited homestead will continue the unfairness of current law and will run counter to our constitutional mandate to have uniform bankruptcy laws. I support a strong cap and oppose a State opt-out. I urge my colleagues to do the same.

Our colleagues should also be aware the underlying bill deals with very wealthy people in bankruptcy by pushing them in chapter 11 with special modifications designed to deal with individuals instead of corporations. Allowing the super rich to live high on the hog is a more widespread problem than homestead abuse.

I thank the Senator from Wisconsin for his leadership in this area.

Mr. KOHL. I thank Senator GRASSLEY.

I ask unanimous consent to add Senator HARKIN as a cosponsor to this amendment.

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

Mr. KOHL. I ask unanimous consent to reserve the remainder of our remaining time.

I yield the floor to Senator BROWNBACK whose time is charged to the other side.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. BROWNBACK. I yield myself 10 minutes.

Mr. President, I think there are a number of things that need a response. Let me first set this in the context of being from Kansas. Kansas has in its constitution a provision allowing for the homestead to be protected. That homestead is defined in Kansas law as a home in town on 1 acre or in the country on 160 acres. It is based on original Federal law. That Federal law was the Homestead Act that settled much of the Midwest. The Federal Government said the Federal Government owned this land, but if you could go out there and work those 160 acres and stay there for 5 years, the 160 acres was yours. That was the homestead.

There is a sanctity about the issue of the homestead. That is why it was built into our State constitution. That is why it has been so protected in the past and why I rise in support of the Hutchison-Brownback amendment and its amendment to what Senator KOHL would do. I will support the Kohl amendment if the Hutchison-Brownback amendment passes but not otherwise. This is an important part of our State.

What is being attempted by Senator KOHL and others—and I have great respect for them and their desires for what they are putting forward—is to take a right away from States that they have had for over 100 years. Bankruptcy law is in the Federal Constitution, but for over 100 years they have allowed States to set that homestead provision and said they would allow the States to determine the homestead issue. Now we would be taking that right that the States have had for over 100 years and federalizing it. That is wrong. It is contrary to the devolution of States' rights. It is contrary to the Homestead Act that the Federal Government set, and it is harmful to farmers.

I used to practice agricultural law. I taught agricultural law. I have written books on this subject. The homestead provision in my State and many others has helped save family farmers.

These are not cases that make the newspaper or that are quoted here on the floor. Those, unfortunately, have happened as well. But listen to some of these cases that have occurred in Kansas.

A farm couple—the husband is age 52, and the wife is age 66—are cattle ranchers in eastern Kansas. They have been farming the same ranch since 1965. In 1997, the husband was cleaning out a swine lagoon and received a staph infection in his eye. He lost nearly 80 percent of his vision and became legally blind. At this time, his wife was also forced to take her mother in for health care reasons. She had to stay with them. This brought on numerous hardships for the family. It forced them into chapter 12 bankruptcy in December 1997. It doesn't sound very glitzy or a high-profile, newspaper-type case at this point.

Under chapter 12, they were not required to sell the homestead and 160 acres because of that homestead provision. These were paid for. They had these paid for. They were entitled to them under Kansas statute and under the Kansas Constitution. If not for this exemption, this family would have been forced to sell everything and would have been forced out onto the street and from their farm for which they worked so hard. The wife's exact words describing the homestead exemption were ''a godsend.''

After an extensive reorganization, they are rebuilding their cattle herd. They are still repaying debts from the bankruptcy according to the reorganization. They have currently applied for a loan from Farm Credit to purchase more cattle and are very optimistic about the future.

That doesn't sound like a case that would make the newspaper.

This is a very practical thing that has happened throughout the history of Kansas that I can cite for you at various times. Typically, when we have the prices of farm commodities dropping and dropping substantially, farmers are caught with too much credit and too low prices. They will get in the squeeze, and the only thing they can save is the homestead. I have read abstracts of land titles across the State of Kansas, where this has been used time and time again, and none of those make the newspaper. Yet it is a part of their being able to build back. In this case, and many others, it is a part of them being able to pay their creditors in the future. This isn't about them moving to Florida or to Texas to bilk this law.

Here is another case. I will read to you about a farming couple from eastern Kansas. He is now 71. The wife is 55. They declared chapter 12 bankruptcy. They had trouble with their bank because of low commodity prices and many other typical struggles of a family farm. This is a typical case. Their homestead-exempted property consists of 160 acres valued at approximately $800 an acre, including the house and

buildings. With the exemption, they were able to retain all of their property for use as equity to start farming again.

Listen to what happened. The situation 3 years later is that this couple is about to pay off all of their creditors under the chapter 12 plan within the next few months and are now able to continue profitably with their farming operation. It is a happy ending that would have sadly ended without this sort of homestead provision.

There is a lot of talk about fraud that has taken place. I want to point out something in addressing this issue.

Currently in bankruptcy law, if there is a fraudulent transaction of taking money that should go to a creditor and placing it in an exempt property, the court can come in and set that aside and get that money back. That is under current bankruptcy law.

Also, in the base bill there is a provision that if you purchase a home within 2 years of bankruptcy, that can be brought back into the creditor estate so that the creditors can get hold of that.

There is a lot already built into the bankruptcy law as it is currently practiced, and as it has been interpreted by the courts. I have practiced in front of bankruptcy courts. There is also built into this change that within 2 years of purchasing a homestead, you can come back and get those assets.

What about some of these high-profile cases? In many of those cases, I think you will find that the courts go after and later set aside the transaction as a fraudulent transaction. But particularly, let's look at the case of Burt Reynolds, who has become kind of a poster boy in this situation.

He has not filed under chapter 7 bankruptcy. He is not in chapter 7 where you have this homestead provision. He is in chapter 11, which is a reorganization in bankruptcy usually reserved for corporations. But there are also some higher income individuals who can qualify for chapter 11.

An amendment offered in the Judiciary Committee by Senator GRASSLEY would close this chapter 11 loophole for wealthy individuals. Fortunately, that much needed amendment was passed during the markup despite some opposition from the others.

Mr. President, my simple plea is on a couple of fronts.

No. 1, this is contrary to what this Congress has been committed to do, which is devolution of power and authority to States and local units of government. Here we have an area of law that has been devolved to the States for over 100 years, and we are going to grab it. And we are going to pull it up here back from the States that built it into their constitutions, such as Kansas and Texas. We are going to grab it. The Federal Government is going to say this is ours. We are taking it away. That is completely contrary to devolution.

No. 2, this is very harmful to family farmers, many of whom have used these homestead provisions during times of bad commodity prices—in my State, and in others—to protect that 160-acre homestead, which is, as I mentioned at the outset, the sacrosanct unit—the family farm, to be able to protect it.

No. 3, it is already taken care of if these are fraudulent transactions that are occurring, that can be set aside by the bankruptcy judge under current law. If they were planning to go into bankruptcy and move those assets, they can come within 2 years and still get that asset back. So this has taken care of it.

It is harmful to family farmers. It is against devolution. It is against States rights, and this is the wrong way for us to go. It is going to hurt a lot of family farmers who use this day in and day out and don't make the newspaper but are just simply trying to make a decent living and they get caught in a bad commodity cycle.

During the 1980s, I worked with a lot of family farmers who got caught in a bad commodity cycle and used this homestead provision. They did not make the newspaper. But today, many of them are still farming simply because of the possibility of doing this, and they worked extra hard to pay their creditors even over and above what was required in bankruptcy law because they felt this is the honorable thing to do.

There are abuses under bankruptcy law. I would like to be able to support this bill at the end of the day. But this is not the right way to go for us. It is harmful for us to do this to family farmers and to States.

I support strongly the Hutchison-Brownback amendment and hope that it can be added to the Kohl amendment so that we can press forward with this bankruptcy reform. Otherwise, this Senator will certainly have to oppose the amendment.

Mr. President, I reserve the remainder of our time.

Mr. President, may I inquire as to how much time remains on our side?

The PRESIDING OFFICER. The Hutchison amendment has 11 minutes 46 seconds under the control of the Senator from Texas, and Senator KOHL has 7½ minutes.

The Senator from Wisconsin.

Mr. KOHL. Mr. President, I yield 4 minutes to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, one thing we have raised is the situation of the farm person.

First of all, Senator GRASSLEY has been a champion of the new bankruptcy laws. And we have made those permanent in this bill to give added protections to farmers, unlike the kind of protections that are given a manager of a restaurant, a gas station, or a small factory that goes bankrupt. They have a number of good protections.

But what I want to say to you is that a person who owes a lot of debt, who has received legal benefits and owes money, and then goes into bankruptcy, will be able to keep up to $100,000 in equity. The house can be a $500,000 house. The farm can be $1 million farm—whatever. But the equity simply has to be no more than $100,000. I think that is as generous as we can possibly be. I don't see how we could be more generous than that. Why should a businessman, or any person, be able to have unlimited assets?

Let me make no mistake about it, the Hutchison amendment that is filed today would allow an individual in Texas or Florida to maintain a $50 million mansion and not pay the people they owe just debts to—$50 million in equity that they own and paid into that house, and not pay people they owe. That is the kind of disparity I do not believe we can accept and is what the Bankruptcy Commission has rejected. That is what professors have called a national scandal.

I have been pleased to work on this because I believe we owe it to the working Americans who go through bankruptcy, who will never ever have the possibility of claiming these kinds of great equities and do not live in mansions—I don't see why we need to be providing special protections for the rich in these circumstances. It is time to end this process. It is time for Congress to act.

I yield back my time and yield the floor.

Mr. KOHL. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to be notified in 5 minutes because I have two other speakers who have asked for time. I know we are running the clock down now.

Let me just refute a couple of the points that have been made. First of all, for over 100 years in this country, States have been able to determine what the homestead exemption would be. In some States a homestead would be valued at $15,000 while in other States it might be $215,000. California and Florida have higher valuations on homesteads. So I think a one-size-fits-all approach is not in anyone's best interests.

The Senator from Alabama, who is my friend, talks about a $50 million mansion. I do not know of anyone who has a $50 million mansion on one acre of land, because the standard in Texas happens to be on the number of acres rather than on valuations. That was put in our Constitution.

This would be overriding our Constitution. It would override the Kansas

Constitution. There are other States that believe so strongly in the right of a person to be able to keep a homestead for children or for an elderly person that they do not put in a dollar valuation, they put in an acreage valuation. In Texas, it is one acre. That is for urban homesteads. I think you can talk about a $50 million mansion, but that is not reality here.

What I think we ought to do, when we are making policy that is this important, is say: How much damage are we going to do to people who are trying to restructure their lives in order to get a few people who may abuse the system? We have had GAO studies, we have had all kinds of studies, that have showed that maybe 1 percent of the people are not doing right by the system. But we have taken one important step to stop that abuse, which will apply in this bill if it is passed, and that is that you cannot declare a homestead exemption on a home that is bought within 2 years of declaring bankruptcy.

So the idea is if someone is going to leave all their debts in Florida and move to Alabama to buy a house and claim bankruptcy, there are safeguards against that by requiring that the person live there 2 years before they can declare bankruptcy. So they cannot flee bankruptcy to go buy a homestead and be protected. And, second, the bankruptcy laws today and in the new law always provide for fraud, that you can go after someone who has fraudulently transferred assets. I do think we have fraud addressed in this bill.

We get down, though, to the bottom line. That is, this has been a States rights issue for 132 years. People in Alabama may do it differently from people in Florida. People in Wisconsin may do it differently from the way they do it in Texas. What is wrong with that? What is wrong with people in Idaho having the ability to set their own standards for homestead exemptions? What is wrong with a rural-dominated State having a different standard from an urban-dominated State? This country was formed with the thought that States would have the right to make State laws where they are closest to the people. Only a very few laws are made at the Federal level. I think that is a good standard. I think it is good the Federal Government has allowed the States, for over 132 years, to set homestead exemptions.

I hope we will keep that 132-year precedent. I think it has worked. I would love to support this bill. I want debtors to have to pay the people they owe. I have been in a small business, and I have had people stiff me. I know what it is. I know what it is to have to pay my workers regardless of the fact that I am not being paid by people to whom I have supplied products.

I will not support this bill unless we allow the States the right to have the homestead exemption be set State by State. I want to tighten up the laws. I think that is the right thing to do. But we do not have to preempt the States rights in this area. I think it will be a better bill if we do not.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. I inquire of the Senator from Texas if I could have just 2 minutes to explain an item that has been coming up in this debate.

Mrs. HUTCHISON. Mr. President, how many minutes remain on our side?

The PRESIDING OFFICER. The Senator has 6 and a half minutes.

Mrs. HUTCHISON. I yield 2 minutes.

Mr. BROWNBACK. Mr. President, I wanted to point out two things. No. 1, there is a recent study of U.S. bankruptcy filings by the Executive Office of the United States Trustees. The Trustees are the people who actually do the bankruptcies. They are the ones who handle the financial transactions. They concluded that the homestead abuse is—and this is their quote—''a rare phenomenon.'' That was a quote from the United States Trustees, Executive Office of the United States Trustees.

The second point I wanted to make is, my State of Kansas has a homestead provision under the State constitution that dates back to 1859. Kansans have used this for a long time. However, in the U.S. bankruptcy code, many small family farmers would not qualify for what is defined as a family farmer because they or their spouse have earned off-farm income. Because of that, under this particular provision, in farming States such as mine with similar homestead provisions, they would be impacted because they would not be able to qualify there. I want to make the point, that adds doubly to the difficulty we have here.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, let me inquire of the Senator from Wisconsin if he is ready to finish. I will go ahead and close out the debate if we are ready to close earlier. What was his intention?

Mr. KOHL. I say to the Senator from Texas, we have, I think, 5 minutes. I will not use all of it. If the Senator wants to conclude, I will speak for a couple of minutes, Senator SESSIONS for 1 minute, and then we are finished. If the Senator would like to go first.

Mrs. HUTCHISON. Would it be possible for the Senator to let me have 2 minutes, perhaps, toward the end, in case Senator GRAHAM of Florida and Senator GRAMS from Minnesota, who have both requested time, arrive? We are getting down to the end, so I do not want to foreclose them if they do show. If they do not, I think we should go forward.

Mr. KOHL. I will be happy to wait.

The PRESIDING OFFICER. Is the Senator requesting an additional 2 minutes at the end reserved from her time?

Mrs. HUTCHISON. No. I am only saying I will stop 2 minutes ahead in order to reserve that time for the Senator from Florida or the Senator from Minnesota. If they are not able to come, then I think we should close the debate because Members are waiting to vote.

The PRESIDING OFFICER. The Chair will notify the Senator when 2 minutes remain.

Mrs. HUTCHISON. Mr. President, let me say, the Governors of our country have written a very powerful letter saying: Do not do this. Do not set a Federal standard for homestead exemptions. The Governors wrote very clearly:

> We urge you to resist efforts to impose a uniform nationwide cap on homestead exemptions. The ability to determine their homestead exemptions has been a longstanding authority of States. Furthermore, the median price of a single family home varies from State to State.

This is not something that should be a Federal approach. It has not been a Federal approach. Every Governor in our country is saying: Let us handle it.

If the people of Wisconsin do not like the way they handle it in Texas, that does not hurt the people of Wisconsin. That should be a decision made at the local level based on local value, local traditions, and local law.

Secondly, the National Conference of State Legislatures has written a letter along the same lines saying they are concerned that setting a law that would preempt State laws on homestead exemptions would not be in the best interest of the American people.

I hope our Members will not break 130 years of precedent in this country to set yet another one-size-fits-all Federal solution. This is something very important to States, so important that some States have put it in their constitutions, and today voting against the Hutchison amendment for the Kohl-Sessions amendment will most certainly damage our ability to let the States make these determinations.

Senator BROWNBACK, Senator GRAHAM of Florida, and Senator Rod GRAMS from Minnesota are cosponsors of this amendment. Many people are very concerned about this 130 years of precedent being overturned.

I yield 2 minutes to Senator GRAMS.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. GRAMS. Mr. President, I thank the Senator from Texas and also the Senator from Kansas for their work on this issue.

Mr. President, I rise today to speak in opposition to the bankruptcy homestead cap proposed as an amendment to the bankruptcy bill. I appreciate the fact that the sponsors of this amendment are attempting to curb abuse of

the system, but I fear that in these difficult times for family farmers the homestead cap amendment could disproportionately impact struggling producers.

I will remind my colleagues that the Senate recently unanimously approved extension of chapter 12 of the bankruptcy code, which in part allows farmers to stay on their land if they are able to make rental payments to creditors. Just as farmers have needed extension of chapter 12 to weather the current economic downturn, they also need an adequate bankruptcy homestead exemption that will protect their homes and livelihoods from foreclosure as well.

I am aware that the Sessions/Kohl amendment exempts ''family farmers'' from the homestead provision, but many farmers will not qualify because of off-farm income earned by the family. This off-farm income has become necessary for survival for may farm families, and as long as such families are not eligible for the exclusion, I must oppose the amendment.

As the Senator from Texas mentioned, in Minnesota, the current homestead exemption is $200,000 property value and 160 acres. This is a reasonable, time-tested level of protection. We must remember that this property is not merely where the farmers make their home, but also where they earn their living. Congress recently passed $8.7 billion in emergency farm assistance to help family farmers continue the tradition of producing America's most basic needs, and we should not simultaneously undermine the position of these same farm families by denying them important bankruptcy protections.

Again, I know that the amendment sponsors are trying to stop abuse of the system by those who have irresponsibly accumulated debt, but I am afraid many hard working Minnesota farmer who are barely covering their families necessities may be adversely impacted.

I urge my colleagues to support the Hutchison-Brownback amendment allowing states to affirmatively opt out of the cap on the homestead exemption.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I do not think we should be misled by the Hutchison-Brownback amendment that it will save the family farm. No one has done more for family farmers, as we all know, than Senator GRASSLEY and Senator HARKIN, and they are supportive and cosponsors of our amendment.

Our amendment does have a specific exemption for farmers in each State so that the family farmer, whether they come from Texas, Iowa, or Wisconsin, can be specifically dealt with in that State in the event of a bankruptcy.

If we are serious about reform, now is the time to stop the most egregious abuse of our bankruptcy laws—by capping the homestead exemption and supporting the Kohl-Sessions-Grassley amendment. But don't take my word for it. Listen to voices from across the country.

For example, the New York Times recently editorialized that: ''Like a bill that passed the House, [the Senate bill] would do nothing to limit the ways that the formerly wealthy have of stiffing creditors, of which the unlimited homestead exemption is only the best known. . . . [If the bill] is to be passed, it should at least be amended to keep Texas and Florida from providing such blatant protection to once-wealthy deadbeats.''

Of course, the New York Times may not be the most unbiased source. So I took a look at my home state paper, the Wisconsin State Journal. That newspaper says the same thing. According to its recent editorial, the House and Senate bankruptcy bills: ''deserve criticism for what they fail to include. Neither bill took a step toward closing the loophole that allows bankrupt' wealthy to shelter assets in an expensive home. Irresponsible but shrewd debtors sneak assets through bankruptcy via a provision permitting them to take advantage of state homestead exemptions.'' It adds that our $100,000 cap is a ''sound'' measure.

Finally, even leading papers from Texas and Florida—the two states most invested in this issue—find the case for reigning in the unlimited homestead exemption compelling. In an editorial earlier this year, the Austin American-Statesman praised the recent GAO report for pointing out that the unlimited homestead exemption: ''[p]rimarily . . . is the refuge of a few high-living debtors, not the schoolteachers and small farmers it was intended to protect.''

The Austin newspaper went on to dismiss appeals to states' rights as a false defense for the unlimited exemption, explaining that: ''The U.S. Constitution gives the federal government supremacy over the states in bankruptcy matters, so arguments that the federal government should let states do as they wish on this particular facet of bankruptcy law makes little sense.''

Indeed, even this Texas opinion-maker is supportive of reform, declaring that: ''State officials in Austin and Washington should be at least willing to discuss limiting homestead protection. A few well-heeled and clever bankruptcy filers shouldn't be able to mess over a state law designed to protect average Texans. That mocks the state's much-celebrated populist image.''

And the Tampa Tribune echoed these sentiments, complaining that the Senate bill does not go ''far enough toward closing the loophole that allows debtors unlimited homestead exemptions that protect the wealthiest from having to repay a significant portion of their debt.''

Everyone recognizes that this abuse must be stopped, including leading papers from the two states that traditionally have stood by the unlimited exemption. I ask unanimous consent that these editorials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1.)

Mr. KOHL. Mr. President, indeed, even Senator GRASSLEY and Senator HARKIN, who have cosponsored our $100,000 cap, also recognize that we are in the right, even though their home state of Iowa is one of the few states with an unlimited exemption.

Let me make one final point: some opt-out supporters, especially those from Texas, cite history as a justification for their position. But just because something has historical ''significance'' doesn't mean it's right. For example, we don't have debtors' prison anymore. We don't have sweatshops for children anymore. And Texas, as a matter of fact, is no longer part of Mexico. All of these changes altered something of ''historical significance;'' all were for the better. And getting rid of the unlimited homestead exemption in bankruptcy would also be a change—a dramatic change—for the better.

Mr. President, you can't support our cap and also support an opt-out: It's one or the other. I urge my colleagues to oppose the Hutchison/Brownback amendment and to support our bipartisan $100,000 cap instead.

I yield the floor.

EXHIBIT 1

[From the New York Times, Aug. 13, 1999]

PROTECTING RICH BANKRUPTS

If you are going to go bankrupt in America, the best places to do it are in Florida and Texas. Both states have unlimited homestead exemptions, meaning that bankrupts can protect their homes from creditors no matter how much they are worth.

Now, with the little public debate, Texas is on the verge of making its bankruptcy protections even more generous. Currently a bankrupt person can shelter from creditors a home and no more than one acre of land in an urban area. But a proposed amendment to the Texas Constitution would raise that limit to 10 acres. The limit would remain at 200 acres in rural areas.

Even more generously, the amendment, which has passed the Texas legislature and goes to the voters in November, provides that if you operate your business from your home, the business property is also protected. Advocates say that would protect small family businesses, but it is written so broadly that it could allow a Houston property developer to shelter a huge office building, so long as he lived in an apartment in it.

In Washington, the Senate is expected to consider a bankruptcy reform bill next month. Like a bill that passed the House, it would do nothing to limit the ways that the formerly wealthy have of stiffing creditors,

of which the unlimited homestead exemptions is only the best known. But the bill would be a boon to the credit card companies, which have pushed hard to get it enacted. It would help them by making it much harder for bankrupts to get our from under credit card debt. That would primarily affect middle-income and poor people forced into bankruptcy by a job loss or large medical bills.

The bill deserves to be defeated, but if it is to be passed, it should be at least be amended to keep Texas and Florida from providing such blatant protection to once-wealthy deadbeats.

[From the Wisconsin State Journal, Sept. 7, 1999]

BANKRUPTCY BILL NEEDS WORK

If credit card issuers want to protect themselves from deadbeats, let them do it with sound lending practices—not by rigging federal bankruptcy law in their favor. It's time for Congress to stop letting the credit card industry call the shots on legislation to reform federal bankruptcy law.

It's time instead to listen to a couple of guys from Wisconsin: Senator Herb Kohl, sponsor of an amendment to the reform bill that would close an outrageous loophole, and Madison lawyer Brady Williamson, chairman of the National Bankruptcy Review Commission, which spent two years studying the state of bankruptcy.

Unless Congress pays attention to Kohl, Williamson and others who speak up for balance in bankruptcy law, Americans are going to get a law tilted to give the credit card industry carte blanche.

The House already has passed such a proposal, and the Senate is to consider its version this month.

The campaign to reform bankruptcy law is based on evidence showing that the number of people filing for protection from creditors under bankruptcy law has been skyrocketing, despite a strong economy. In 1981 about 300,000 consumers filed petitions for bankruptcy. Last year the total was 1.4 million.

Furthermore, there is evidence that a few people are abusing the law to escape debts while they live it up on wealth protected from creditors' reach.

In response, Congress began work on bankruptcy reform legislation. For guidance, the House and Senate had before them 172 recommendations from the National Bankruptcy Review Commission, led by Madison's Williamson. But the senators and representatives were also heavily influenced by the lobbying of the credit card industry.

The industry's goal was selfish. The banks and retailers that issue credit cards make money when their card holders run up large balances and pay the cards' high interest rates. That's why the card issuers try to put their cards in the hands of as many people as possible, even people who are poor credit risks.

But there's a consequence for credit card issuers: Sometimes people file for bankruptcy protection, and their debts are reduced or discharged.

The credit card industry wants to escape that consequence. Card issuers want to design the law to keep people out of bankruptcy court, so the debts can be collected and, moreover, so the issuers can escape the expense of being careful about whom they issue cards to.

To satisfy the credit industry, the House and Senate included in their bills provisions to make it harder for people to file under Chapter 7 of the bankruptcy law, which basically allows a filer to wipe away debts and start fresh, or harder to file for bankruptcy at all.

By caving in to the credit card industry, the Senate and House violated a principle of bankruptcy law that Williamson of the Bankruptcy Review Commission has championed: Balance. The law must work for creditors and debtors. It should not become a creditors' collection aid.

For including the pet provisions of the credit card industry, the House and Senate bills deserve rebuke. But the bills also deserve criticism for what they fail to include. Neither bill took a step toward closing the loophole that allows the ''bankrupt'' wealthy to shelter assets in an expensive home.

Irresponsible but shrewd debtors sneak assets through bankruptcy via a provision permitting them to take advantage of state homestead exemptions. Wisconsin's homestead exemption is a modest $40,000. But five states—Texas, Florida, Iowa, Kansas and South Dakota—have unlimited exemptions. That's how actor Burt Reynolds, former Major League Baseball Commissioner Bowie Kuhn and others have held on to luxurious homes while leaving millions in unpaid bills.

Sen. Kohl, D–Wis., has offered an amendment to limit homestead exemptions to $100,000. The amendment allows states to offer an exception for family farms.

Kohl's provision is sound. The Senate ought to take its bankruptcy bill back to the drawing board, incorporate the homestead exemption limit and revise other provisions until the result is balanced between the interests of creditors and debtors.

If credit card issuers want to protect themselves, let them do it with sound lending practices, not by rigging the law in their favor.

[From the Austin American-Statesman, July 25, 1999]

HOMESTEAD PROTECTION POPULAR, NOT POPULIST

When it comes to their homesteads, don't mess with Texans.

Texas congressional leaders vigorously oppose federal attempts to limit an unusual state law that prevents debtors from losing the equity in their homes in bankruptcy proceedings.

Texas is one of five states that offers unlimited homestead protection to the bankrupt. The century-old constitutional exemption reflects Texas' historic support of private property rights and its populist past.

But a recent federal study by the federal General Accounting Office indicates that the exemption is more popular than populist. Primarily it is the refuge of a few high-living debtors, not the schooteachers and small farmers it was intended to protect.

Texas political leaders need to heed the report and consider some limits.

Last year, the Task Force congressional delegation helped defeat a $100,000 limit on the home equity (market value minus mortgage debt) that could be sheltered during bankruptcy. A uniform limit, of $100,000, is being proposed in the U.S. Senate. Such a limit would adequately protect all but a tiny percentage of Texas debtors.

Of the approximately 14,000 Chapter 7 bankruptcy cases closed in the Northern District of Texas in 1998, about half involved a homestead exemption claim, GAO found. But only 83 of those claims, or just over 1 percent, involved more than $100,000 in home equity.

Texas' unlimited protection is subject to abuses, such as the case of a bankruptcy attorney who protected $386,000 in homestead assets while seeking to escape $1.5 million in debts. Some debtors who plan to file for bankruptcy preemptively shield assets from seizure by investing in an expensive home.

While even the bankrupt need and deserve a roof over their heads, gross abuses of the bankruptcy system shouldn't be tolerated. Besides the unfairness, overly generous state laws threaten lenders, who then raise lending rates for other consumers.

The U.S. Constitution gives the federal government supremacy over the state in bankruptcy matters, so arguments that the federal government should let states do as they wish on this particular facet of bankruptcy law make little sense.

Congress has long declared reform of federal bankruptcy laws, which debt-happy consumers have been using in large numbers. American consumer debt totals more than $1 trillion, according to the Federal Reserve. And uncollected debt is rising.

Consumer advocates have criticized bankruptcy reform legislation for being skewed in favor of creditors and high-rolling debtors.

Though he supports the state exemption for homesteads, Sen. Phil Gramm, R-Texas, says it should be modernized to prevent abuses. ''I do not support allowing people to go by real estate office to buy a $7 million house before they go by the law office to declare bankruptcy,'' he said in an interview with the American-Statesman last week.

Gramm says one solution would be to allow the exemption only if the home purchase preceded the bankruptcy filing by a certain length of time.

The state's homestead protection law has bipartisan support, from Gov. George W. Bush to U.S. Rep. Sheila Jackson Lee, D–Houston.

State officials in Austin and Washington should at least be willing to discuss limiting homestead protection. A few well-heeled and clever bankruptcy filers shouldn't be able to mess over a state law designed to protect average Texans.

That mocks the state's much celebrated populist image.

[From the Tampa Tribune, July 6, 1999]

CONGRESS IS ON THE RIGHT TRACK IN ACTING TO REFORM BANKRUPTCY LAW

Even during the unprecedented economic good times of the past year, some 1.39 million individuals and 44,000 businesses have sought protection from creditors in federal bankruptcy courts—more than ever before. The majority of these debtors, faced with medical emergencies or other crisis, had no other choice. Others, however, used the system to escape debts they knowingly built up, costing the average family $550 a year and American companies billions.

That's why it is time to reform the nation's bankruptcy laws and return the concepts of fairness and responsibility to the system. Last year, with elections looming, Congress failed to reach an agreement. This year, however, it looks like Congress will finally act, potentially by a veto-proof margin. The House passed its version of reform in May, and the Senate is scheduled to take up its bill this month. There is bipartisan support among the senators for reform, and compromise with the House is likely to result in new law. That is good news for all of us.

Those supporting reform include retailers, banks and other lenders, as well as many responsible consumers sick of having to pick up the tab for those who default on their debts. Those opposed include some in the bankruptcy bar, who contend the legislation

favors big business at the expense of consumers who truly need help, and consumer groups, which blame the ease with which consumers receive credit for increased bankruptcy filings.

Much has been written and said about who is to blame for this ''bankruptcy crisis.'' Consumer groups blame banks, credit card companies and retailers who tempt borrowers to live beyond their means. Indeed most Americans, whether they can afford credit cards or not, know what it's like to open a mailbox filled with applications guaranteeing lines of credit.

''Credit-card issuers are shameless to lobby for personal bankruptcy restrictions while they aggressively market and extend credit,'' says Stephen Brobeck, the Consumer Federation's executive director.

But access to credit has not been altogether bad. For decades the federal government has encouraged industry to make credit and financial services available to a broader segment of society. As a result, strapped Americans have been able to buy what they need when they need it. It has allowed for emergency purchases and long-term investments. Ultimately it has benefited the American economy.

But the benefits of credit are not free, and that is what Congress has recognized in pushing reform of the bankruptcy system.

Consumers share the blame. Filings are up in part because bankruptcy no longer carries with it a sense of shame, and debtors have failed to act fiscally responsible. Too many of these debtors equate plastic with money-in-hand. They use one credit card to pay off another or play a continuing and sloppy game with balance transfers, all the while watching their debts increase. For them, walking away from their responsibilities is an easy answer.

The parallel bills making their way through Congress would make it harder for debtors to escape scot-free. Both encourage personal responsibility by requiring those who are able to pay their debts to do so. At the same time no suggested changes are so drastic as to crush hard-working debtors who have had a run of bad luck.

The most controversial part of the House bill would block most middle- and upper-income debtors from using the bankruptcy courts to walk away from their debts. Those with annual family incomes above $51,000 who have the resources to pay at least 20 percent of what they owe over five years would be prohibited from wiping the slate clean. This means they would have to restructure their debts under Chapter 13 of the bankruptcy code rather than the more lenient Chapter 7, which erases debts.

Significantly, the bill allows bankruptcy judges to take into account a debtor's account a debtor's ''extraordinary circumstances,'' such as a decline in income or unexpected medical expenses, before making the decision to shift a debtor into Chapter 13.

Nevertheless, opponents say the provision is unfair because the debtor has the burden of proving those circumstances exist. In our view that is not unfair. The debtor is the one receiving the benefit of the bankruptcy.

The Senate bill is less stringent and would give greater discretion in the matter to the bankruptcy judge, who would have to consider a debtor's ability to repay his debts. The Senate's version requires only a showing of ''special circumstances'' for a debtor to avoid a transfer to Chapter 13.

Both bills recognize the obligation of a parent to pay child support. Both make sure a debtor cannot put off collection efforts or delay making child support payments simply by filing for bankruptcy. And child support payments have been made a top priority when determining which debts will be paid first.

Unfortunately, neither bill goes far enough toward closing the loophole that allows debtors unlimited homestead exemptions that protect the wealthiest from having to repay a significant portion of their debt. Last year's Senate bill would have made it impossible for states to let a bankrupt person keep more than $100,000 equity in a home, which would certainly hurt a lot of debtors who headed to Florida to live in their multi-million-dollar mansions.

But the conference committees threw out the provision and instead said simply that states could let a bankrupt person retain any house owned for at least two years before filing, no matter what its value. Both 1999 versions retain this language. We would prefer Congress cap the amount of equity a debtor can retain in a home.

In a consumer-friendly mode, House lawmakers adopted an amendment requiring credit-card companies to clearly disclose their fees for late payments and how long it would take customers to pay off balances when they make only minimum monthly payments. The House would also require companies to clearly reveal the expiration dates of introductory ''teaser rates'' and the higher interest rates replacing them.

Although we have only mentioned some of the proposed changes, the basic thrust of the legislation in both the House and Senate is the same—requiring at least some repayment by those who have the ability to pay. The differences in the two measures are not beyond compromise, and either approach would be an improvement over current law.

As we said last year, the goal of the bankruptcy system is to match bankruptcy relief to debtor need. Chapter 13 repayment plans accomplish this objective and restore personal responsibility to the system.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I yield 1 minute to Senator SESSIONS.

The PRESIDING OFFICER. One minute remains.

Mr. SESSIONS. Mr. President, Senator KOHL and I asked earlier this year for a GAO report on these cases. According to the Washington Post, ''Homestead exemptions aid well-off feud'':

> Findings suggest the unlimited homestead exemption is not the popular shield it has often been cracked up to be but a convenient protection for a few affluent people.

Judge Edith Jones on the Fifth Circuit Court of Appeals from Texas said recently as a member of the Bankruptcy Commission:

> I agree with cap supporters that debtors have used liberal homestead laws, like that of my home State Texas, to shelter large amounts of wealth from their creditors.

She went on to add:

> In principle, I do not oppose a $100,000 cap on homestead exemptions, particularly if it were indexed to account for inflation.

This will be indexed, and I think Judge Jones is correct.

I yield the floor.

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

Mrs. HUTCHISON. How much time is on our side?

The PRESIDING OFFICER. One minute 8 seconds.

Mrs. HUTCHISON. Mr. President, let me make a statement and then I am going to yield the remainder of my time to the cosponsor of the amendment, Senator GRAHAM of Florida.

The GAO report said that 1 percent may be trying to use the bankruptcy laws. Are we going to throw seniors out on the streets? Eighty-one percent of Americans 65 years or older are homeowners. Are we going to throw them out on the streets to try to get one person who is not using the system fairly? I do not think that is good policy.

I yield the remainder of my time to the Senator from Florida.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

Mr. GRAHAM. Mr. President, it has been said that the core issues in politics are: Who wins, who loses, and who decides. Historically, the decision as to the level of exemption of a person's homestead has been set by the States.

In my State, it has been set in a constitutional amendment which required a vote of a majority of the citizens of Florida. I believe that is where the decision should continue to rest.

The amendment that is being offered by the Senator from Texas, and her supporters, would provide for the States to continue to exercise that authority, by making an affirmative election to opt out of the arbitrary $100,000 limit which is being proposed by the advocates of the underlying amendment.

I urge adoption of the second-degree amendment.

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 2778

The PRESIDING OFFICER. Under the previous order, the question now is on agreeing to the Hutchison second-degree amendment No. 2778. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

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

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

The result was announced—yeas 29, nays 69, as follows:

[Rollcall Vote No. 363 Leg.]

YEAS—29

Allard	Gramm	Roberts
Bennett	Grams	Shelby
Brownback	Gregg	Smith (NH)
Bunning	Hagel	Specter
Burns	Helms	Stevens
Campbell	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Lautenberg	Thurmond
Domenici	Mack	Torricelli
Graham	Nickles	

NAYS—69

Abraham	Edwards	Lincoln
Akaka	Enzi	Lott
Ashcroft	Feingold	Lugar
Baucus	Feinstein	McConnell
Bayh	Frist	Mikulski
Biden	Gorton	Moynihan
Bingaman	Grassley	Murkowski
Bond	Harkin	Murray
Boxer	Hatch	Reed
Breaux	Hollings	Reid
Bryan	Hutchinson	Robb
Byrd	Inouye	Rockefeller
Chafee, L.	Jeffords	Roth
Cleland	Johnson	Santorum
Cochran	Kennedy	Sarbanes
Collins	Kerrey	Schumer
Conrad	Kerry	Sessions
Coverdell	Kohl	Smith (OR)
Daschle	Kyl	Snowe
DeWine	Landrieu	Voinovich
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—1

McCain

The amendment (No. 2778) was rejected.

Mr. NICKLES. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3516

The PRESIDING OFFICER (Mr. BUNNING). The question is on agreeing to amendment No. 2516. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—76

Abraham	Durbin	Lott
Akaka	Edwards	Lugar
Ashcroft	Enzi	McConnell
Baucus	Feingold	Mikulski
Bayh	Feinstein	Moynihan
Biden	Frist	Murkowski
Bingaman	Gorton	Murray
Bond	Grassley	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Bryan	Hollings	Rockefeller
Bunning	Hutchinson	Roth
Burns	Inhofe	Santorum
Byrd	Inouye	Sarbanes
Campbell	Jeffords	Schumer
Chafee, L.	Johnson	Sessions
Cleland	Kennedy	Shelby
Cochran	Kerrey	Smith (OR)
Collins	Kerry	Snowe
Conrad	Kohl	Stevens
Coverdell	Kyl	Voinovich
Daschle	Landrieu	Warner
DeWine	Leahy	Wellstone
Dodd	Levin	Wyden
Domenici	Lieberman	
Dorgan	Lincoln	

NAYS—22

Allard	Gramm	Lautenberg
Bennett	Grams	Mack
Brownback	Gregg	Nickles
Craig	Hagel	Roberts
Crapo	Helms	
Graham	Hutchison	
Smith (NH)	Thomas	Thurmond
Specter	Thompson	Torricelli

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—1

McCain

The amendment (No. 3514) was agreed to.

Mr. LOTT. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the Senator from Minnesota, Mr. WELLSTONE, is recognized to offer an amendment relative to agriculture, and there are 4 hours of debate provided.

Mr. WELLSTONE. Mr. President, my understanding is—let me see if I get this right—that we are in the process of trying to work out some kind of arrangement which may work better for colleagues in terms of their schedules, in which case soon we would start on this debate. We might very well finish up when we come back with a final vote.

If that is the case, I would agree to Senator ASHCROFT speaking now for 7 minutes while we are working out this agreement; with the understanding that after Senator ASHCROFT speaks for 7 minutes, then the pending business would be this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object, and when people understand what we are up to, there will not be any objection. We have a unanimous consent request on the managers' amendment that will take 30 seconds. I would like to get that out of the way.

Mr. REID. Mr. President, I ask unanimous consent that the Wellstone amendment be set aside for purposes of this managers' amendment.

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

The Senator from Iowa is recognized to offer his amendment.

AMENDMENT NO. 2515, AS MODIFIED

(Purpose: To make technical and conforming amendments, and for other purposes)

Mr. GRASSLEY. Mr. President, I will be somewhat repetitive of what Senator REID has said, but I ask unanimous consent that the pending amendment be laid aside, and that the Senate now proceed to amendment No. 2515, and following the reporting by the clerk, the amendment be modified with the text I now send to the desk, and that the amendment be agreed to, and the motion to reconsider be laid upon the table.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] for himself, Mr. TORRICELLI, and Mr. LEAHY, proposes an amendment numbered 2515, as modified.

The amendment, as modified, is as follows:

On page 6, line 12, insert ''11 or'' after ''chapter''.

On page 6, line 24, insert ''11 or'' after ''chapter''.

On page 12, lines 21 and 22, strike ''was not substantially justified'' and insert ''was frivolous''.

On page 14, strike lines 8 through 14 and insert the following:

''(C)(i) No judge, United States trustee, panel trustee, bankruptcy administrator, or other party in interest shall bring a motion under section 707(b)(2) if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national or applicable State median household monthly income calculated (subject to clause (ii)) on a semiannual basis of a household of equal size.

''(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus $583 for each additional member of that household.''.

On page 14, in the matter between lines 18 and 19, insert ''11 or'' after ''chapter''.

On page 14, after the matter between lines 18 and 19, insert the following:

SEC. 103. FINDINGS AND STUDY.

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike ''103'' and insert ''104''.

On page 15, line 12, strike ''104'' and insert ''105''.

On page 15, lines 9 and 10, strike ''credit counseling service'' and insert ''nonprofit budget and credit counseling agency''.

On page 17, line 19, strike ''105'' and insert ''106''.

On page 18, lines 3 and 4, strike ''credit counseling service'' and insert ''budget and credit counseling agency''.

On page 18, line 5, insert ''(including a briefing conducted by telephone)'' after ''briefing''.

On page 18, line 12, strike ''credit counseling services'' and insert ''budget and credit counseling agency''.

On page 18, line 12, strike ''are'' and insert ''is''.

On page 18, line 15, strike ''those programs'' and insert ''that agency''.

On page 18, line 21, insert after the period the following: ''Notwithstanding the preceding sentence, a nonprofit budget and credit counseling service may be disapproved by the United States trustee or bankruptcy administrator at any time.''.

On page 19, lines 4 and 5, strike ''credit counseling service'' and insert ''budget and credit counseling agency''.

On page 21, lines 6 and 7, strike ''credit counseling service'' and insert ''approved nonprofit budget and credit counseling agency''.

On page 21, lines 10 and 11, strike ''credit counseling service'' and insert ''approved nonprofit budget and credit counseling agency''.

On page 21, line 16, strike ''**Credit counseling services**'' and insert ''**Nonprofit budget and credit counseling agencies**''.

On page 21, line 19, strike ''credit counseling services'' and insert ''nonprofit budget and credit counseling agencies''.

On page 21, line 25, strike the quotation marks and the final period.

On page 21, after line 25, insert the following:

''(b) For inclusion on the approved list under subsection (a), the United States trustee or bankruptcy administrator shall require the credit counseling service, at a minimum—

''(1) to be a nonprofit budget and credit counseling agency, the majority of the board of directors of which—

''(A) are not employed by the agency; and

''(B) will not directly or indirectly benefit financially from the outcome of a credit counseling session;

''(2) if a fee is charged for counseling services, to charge a reasonable fee, and to provide services without regard to ability to pay the fee;

''(3) to provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

''(4) to provide full disclosures to clients, including funding sources, counselor qualifications, and possible impact on credit reports;

''(5) to provide adequate counseling with respect to client credit problems that includes an analysis of their current situation, what brought them to that financial status, and how they can develop a plan to handle the problem without incurring negative amortization of their debts; and

''(6) to provide trained counselors who receive no commissions or bonuses based on the counseling session outcome.

''(c)(1) In this subsection, the term 'credit counseling service'—

''(A) means—

''(i) a nonprofit credit counseling service approved under subsection (a); and

''(ii) any other consumer education program carried out by—

''(I) a trustee appointed under chapter 13; or

''(II) any other public or private entity or individual; and

''(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

''(2)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

''(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

''(i) any actual damages sustained by the debtor as a result of the violation; and

''(ii) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.''.

On page 22, strike the matter between lines 3 and 4, and insert the following:

''111. Nonprofit budget and credit counseling agencies; financial management instructional courses.''.

On page 30, line 11, insert '', including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title,'' after ''under this title''.

On page 30, lines 14 and 15, strike ''or legal guardian; or'' and insert '', legal guardian, or responsible relative; or''.

On page 30, line 21, strike ''or legal guardian''.

On page 31, line 10, strike ''or legal guardian'' and insert '', legal guardian, or responsible relative''.

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

''(1) First:

''(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

''(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.''.

On page 33, line 4, strike all through page 37, line 6 and insert the following:

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

''(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.'';

(2) in section 1208(c)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(3) in section 1222(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.'';

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;'';

(5) in section 1225(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.'';

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan'';

(7) in section 1307(c)—

(A) in paragraph (9), by striking ''or'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(8) in section 1322(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding in the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan

will be applied to make payments under the plan.'';

(9) in section 1322(b)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and'';

(10) in section 1325(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed.''; and

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan''.

On page 37, strike lines 10 and 11 and insert ''amended by striking paragraph (2) and inserting the''.

On page 37, lines 14 and 15, strike ''of an action or proceeding for—'' and insert ''or continuation of a civil action or proceeding—''.

On page 37, line 16, insert ''for'' after ''(i)''.

On page 37, line 19, insert ''for'' after ''(ii)''.

On page 37, line 21, strike ''or''.

On page 37, between lines 21 and 22, insert the following:

''(iii) concerning child custody or visitation;

''(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

''(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following:

''(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order;

''(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

''(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

''(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

''(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).'';

On page 38, line 12, strike all through page 39, line 25.

On page 40, between lines 13 and 14, insert the following:

(i) by inserting ''to a spouse, former spouse, or child of the debtor and'' before ''not of the kind''.

On page 40, line 14, strike ''(i)'' and insert ''(ii)''.

On page 40, line 16, strike ''(ii)'' and insert ''(iii)''.

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 41, line 4, strike ''(5)'' and insert ''(4)''.

On page 41, line 7, strike ''(5)'' and insert ''(4)''.

On page 41, line 12, strike ''(5)'' and insert ''(4)''.

On page 43, strike lines 16 through 20 and insert the following: Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

On page 43, strike line 22 through page 44, line 2, and insert the following:

Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

On page 44, line 14, strike ''for support'' through line 16, and insert ''for a domestic support obligation,''.

On page 45, line 23, strike ''and''.

On page 45, between lines 23 and 24, insert the following:

''(III) the last recent known name and address of the debtor's employer; and

On page 45, line 24, strike ''(III)'' and insert ''(IV)''.

On page 46, strike lines 6 through 11 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike ''(b)'' and insert ''(a)''.

On page 46, line 20, strike ''(5)'' and insert ''(6)''.

On page 46, line 22, strike ''(6)'' and insert ''(7)''.

On page 47, strike lines 1 through 6 and insert the following:

''(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).''; and

On page 47, line 8, strike ''(b)(7)'' and insert ''(a)(7)''.

On page 48, line 7, strike ''and''.

On page 48, insert between lines 7 and 8 the following:

''(III) the last recent known name and address of the debtor's employer; and''

On page 48, line 8, strike ''(III)'' and insert ''(IV)''.

On page 48, line 11, strike ''(4), or (14A)'' and insert ''(3), or (14)''.

On page 48, strike lines 15 through 20 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

''(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).''; and

On page 50, line 16, strike ''and''.

On page 50, insert between lines 16 and 17 the following:

''(III) the last recent known name and address of the debtor's employer; and''.

On page 50, line 17, strike ''(III)'' and insert ''(IV)''.

On page 50, line 20, strike ''(4), or (14A)'' and insert ''(3), or (14)''.

On page 50, strike line 24 and all that follows through page 51, line 4 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

''(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d).''; and

On page 52, line 24, strike ''and''.

On page 52, after line 24, add the following:

''(III) the last recent known name and address of the debtor's employer; and''.

On page 53, line 1, strike ''(III)'' and insert ''(IV)''.

On page 53, line 4, strike ''(4), or (14A)'' and insert ''(3), or (14)''.

On page 53, strike lines 8 through 12 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 76, line 15, strike ''523(a)(9)'' and insert ''523(a)(8)''.

On page 82, strike lines 4 through 9 and insert ''title 11, United States Code, is amended by adding at the end the following:''.

On page 82, line 10, strike ''(19)'' and insert ''(18)''.

On page 83, between lines 4 and 5, insert the following:

SEC. 225. PROTECTION OF EDUCATION SAVINGS.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, as amended by section 903, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (6) as paragraph (8); and

(B) by inserting after paragraph (5) the following:

''(6) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

''(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

''(B) only to the extent that such funds—

''(i) are not pledged or promised to any entity in connection with any extension of credit; and

''(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

''(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

''(7) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

''(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

''(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

''(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000; or''; and

(2) by adding at the end the following:

''(g) In determining whether any of the relationships specified in paragraph (6)(A) or (7)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 105(d), 304(c)(1), 305(2), 315(b), and 316 of this Act, is amended by adding at the end the following:

''(k) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).''.

On page 91, between lines 18 and 19, insert the following:

(c) MODIFICATION OF A RESTRICTION RELATING TO WAIVERS.—Section 522(e) of title 11, United States Code, is amended—

(1) in the first sentence, by striking ''subsection (b) of this section'' and inserting ''subsection (b), other than under paragraph (3)(C) of that subsection''; and

(2) in the second sentence—

(A) by inserting ''(other than property described in subsection (b)(3)(C))'' after ''property'' each place it appears; and

(B) by inserting ''(other than a transfer of property described in subsection (b)(3)(C))'' after ''transfer'' each place it appears.

On page 91, line 23, strike ''105(d)'' and insert ''106(d)''.

On page 92, line 17, strike ''(C)'' and insert ''(D)''.

On page 92, line 18, strike ''(b)'' and insert ''(c)''.

On page 94, line 25, strike ''105(d)'' and insert ''106(d)''.

On page 95, line 16, strike ''(c)'' and insert ''(d)''.

On page 109, line 13, strike ''by adding at the end'' and insert ''by inserting after subsection (e)''.

On page 111, line 18, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike ''(4)'' and insert ''(3)''.

On page 112, line 20, strike ''(3)(B), (5), (8), or (9) of section 523(a)'' and insert ''(4), (7), or (8) of section 523(a)''.

On page 116, line 16, strike ''(d)(1)'' and insert ''(e)(1)''.

On page 117, line 5, strike ''(e)'' and insert ''(f)''.

On page 118, line 1, strike ''(A) beginning'' and insert the following:

''(A) beginning''.

On page 118, line 5, strike ''(B) thereafter,'' and insert the following:

''(B) thereafter,''.

On page 118, line 8, strike ''(f)(1)'' and insert ''(g)(1)''.

On page 118, strike line 23 and insert the following: ''subsection (h)''.

On page 118, line 24, strike ''(g)(1)'' and insert ''(h)(1)''.

On page 119, line 21, strike ''(h)'' and insert ''(*i*)''.

On page 120, line 11, strike ''(*i*)'' and insert ''(j)''.

On page 124, strike lines 7 through 14 and insert the following:

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

''§ 1115. Property of the estate

''In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

''(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

''(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

''1115. Property of the estate.''.

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.''.

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

''(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

''(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.''.

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: '', except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)''.

(d) EFFECT OF CONFIRMATION—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''The confirmation of a plan does not discharge an individual debtor'' and inserting ''A discharge under this chapter does not discharge a debtor''; and

(2) by adding at the end the following:

''(5) In a case concerning an individual—

''(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payment under the plan; and

''(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

''(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

''(ii) modification of the plan under 1127 of this title is not practicable.''.

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

''(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

''(2) extend or reduce the time period for such payments; or

''(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.

''(f)(1) Sections 1121 through 1128 of this title and the requirements of section 1129 of this title apply to any modification under subsection (a).

''(2) The plan, as modified, shall become the plan only after there has been disclosure under section 1125, as the court may direct, notice and a hearing, and such modification is approved.''.

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: ''On its own motion or on request of

a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.''.

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) A committee appointed under subsection (a) shall—

''(A) provide access to information for creditors who—

''(i) hold claims of the kind represented by that committee; and

''(ii) are not appointed to the committee;

''(B) solicit and receive comments from the creditors described in subparagraph (A); and

''(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).''.

On page 145, between lines 15 and 16, insert the following:

SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 147, line 15, strike ''title)'' and insert ''title and excluding a person whose primary activity is the business of owning and operating real property and activities incidental thereto)''.

On page 150, line 14, insert ''and other required government filings'' after ''returns''.

On page 150, line 19, insert ''and other required government filings'' after ''returns''.

On page 152, strike lines 19 through 21 and insert the following:

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike ''1115'' and insert ''1116''.

On page 153, line 7, strike ''3'' and insert ''7''.

On page 154, line 9, strike the semicolon and insert ''and other required government filings; and''.

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

''1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike ''150'' and insert ''175''.

On page 156, line 20, strike ''150-day'' and insert ''175-day''.

On page 162, strike lines 14 through 20 and insert the following:

''(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike ''reason is'' and insert ''grounds include''.

On page 162, line 22, strike ''that''.

On page 162, line 23, insert ''for which'' before ''there exists''.

On page 163, line 1, strike ''(ii)(I)'' and insert ''(ii)''.

On page 163, line 1, strike ''that act or omission'' and insert ''which''.

On page 163, line 3, strike '', but not'' and all that follows through line 8 and insert a period.

On page 163, line 22, insert after ''failure to maintain appropriate insurance'' the following: ''that poses a risk to the estate or to the public''.

On page 164, line 3, insert ''repeated'' before ''failure''.

On page 165, line 2, strike ''and''.

On page 165, line 3, insert ''confirmed'' before ''plan''.

On page 165, line 4, strike the period and insert ''; and''.

On page 165, between lines 4 and 5, insert the following:

''(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

On page 165, line 23, insert ''or an examiner'' after ''trustee''.

On page 167, after line 21, insert the following:

SEC. 435. TECHNICAL CORRECTION.

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking ''penalty rate or provision'' and inserting ''penalty rate or penalty provision''.

On page 183, line 20, strike all through line 13 on page 187.

On page 187, line 14, strike ''703'' and insert ''702''.

On page 187, line 20, strike ''704'' and insert ''703''.

On page 189, line 9, strike ''705'' and insert ''704''.

On page 190, line 13, strike ''706'' and insert ''705''.

On page 190, line 17, strike ''707'' and insert ''706''.

On page 190, line 22, strike ''708'' and insert ''707''.

On page 191, line 8, strike ''709'' and insert ''708''.

On page 192, line 3, strike ''710'' and insert ''709''.

On page 193, line 13, strike ''711'' and insert ''710''.

On page 193, line 21, strike ''712'' and insert ''711''.

On page 196, line 1, strike ''713'' and insert ''712''.

On page 196, line 11, strike ''714'' and insert ''713''.

On page 197, line 12, strike ''715'' and insert ''714''.

On page 197, line 15, strike ''703'' and insert ''702''.

On page 197, line 18, strike ''716'' and insert ''715''.

On page 201, line 3, insert a semicolon after ''following''.

On page 202, line 4, strike ''717'' and insert ''716''.

On page 202, line 18, strike ''718'' and insert ''717''.

On page 248, line 15, strike ''718'' and insert ''717''.

On page 266, line 13, insert ''and family fishermen'' after ''farmers''.

On page 268, insert between lines 16 and 17 the following:

SEC. 1005. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

''(7A) 'commercial fishing operation' includes—

''(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

''(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);'';

''(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;'';

(2) by inserting after paragraph (19) the following:

''(19A) 'family fisherman' means—

''(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquiculture for purposes of chapter 12)—

''(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

''(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

''(B) a corporation or partnership—

''(i) in which more than 50 percent of the outstanding stock or equity is held by—

''(I) 1 family that conducts the commercial fishing operation; or

''(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

''(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

''(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

''(III) if such corporation issues stock, such stock is not publicly traded;''; and

(3) by inserting after paragraph (19A) the following:

''(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;''.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting ''or family fisherman'' after ''family farmer''.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting ''**OR FISHERMAN**'' after ''**FAMILY FARMER**'';

(2) in section 1201, by adding at the end the following:

''(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

''(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.'';

(3) in section 1203, by inserting ''or commercial fishing operation'' after ''farm'';

(4) in section 1206, by striking ''if the property is farmland or farm equipment'' and inserting ''if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)''; and

(5) by adding at the end the following:

''§ 1232. Additional provisions relating to family fishermen

''(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

''(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

''(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

''(b) A lien described in this subsection is—

''(1) a maritime lien under subchapter III of chapter 313 of title 46, United States Code, without regard to whether that lien is recorded under section 31343 of title 46, United States Code; or

''(2) a lien under applicable State law (or the law of a political subdivision thereof).

''(c) Subsection (a) shall not apply to—

''(1) a claim made by a member of a crew or a seaman including a claim made for—

''(A) wages, maintenance, or cure; or

''(B) personal injury; or

''(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46, United States Code.

''(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.''.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

''12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

''1232. Additional provisions relating to family fishermen.''.

On page 277, line 22, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 281, line 21, strike ''714'' and insert ''713''.

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

(d) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

''(c)(1) Except as provided in subsection (d) of this section, and except as provided in subsection (c) of section 507, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of the business of the seller, to reclaim such goods if the debtor has received such goods within 45 days prior to the commencement of a case under this title, but such seller may not reclaim any such goods unless the seller demands in writing the reclamation of such goods—

''(A) before 45 days after the date of receipt of such goods by the debtor; or

''(B) if such 45-day period expires after the commencement of the case, before 20 days after the date of commencement of the case.

''(2) Notwithstanding the failure of the seller to provide notice in a manner consistent with this subsection, the seller shall be entitled to assert the rights established in section 503(b)(7) of this title.''.

(e) ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) the invoice price of any goods received by the debtor within 20 days of the date of filing of a case under this title where the goods have been sold to the debtor in the ordinary course of such seller's business.''.

On page 147, line 19 strike ''4,000,000'' and insert ''3,000,000''.

The PRESIDING OFFICER. Without objection, the amendment is agreed to and the motion to reconsider is laid upon the table.

The amendment (No. 2515), as modified, was agreed to.

Mr. REED. Mr. President, I rise in strong support of the Reed-Sessions amendment to the manager's amendment to S. 625, the bankruptcy reform legislation we have been considering over the past few days. I urge my colleagues to support the passage of this important amendment.

The Reed-Sessions amendment deals with the reaffirmation of one's debt, and it reflects a compromise that has been worked out at length between myself, Senator SESSIONS, the Treasury Department and consumers. I believe it is a fair and balanced amendment that seeks to treat those who enter into reaffirmation agreements with their creditors in a fair and just manner, and to provide them—as well as the bankruptcy courts—with the greatest amount of information they need in order to make the wisest decisions possible.

For those of my colleagues unfamiliar with these agreements, a reaffirmation is an agreement between a debtor and a creditor in which the debtor reaffirms his or her debt and willingness to pay the creditor back, even after many of the other debts may have been discharged during bankruptcy. The creditor must then file this reaffirmation agreement with the bankruptcy court. The court then has the opportunity to review this agreement, but in most cases, for one reason or another, does not.

Recently, there have been some documented cases in which creditors have used coercive and abusive tactics with consumers in order to persuade them to reaffirm their debt, when in many of these cases there is no question that the individual can in no way afford to do so. The most visible of these cases occurred with Sears, in which the company did not even file these reaffirmation agreements with the court, therefore negating even the option of the court to review these cases.

The Reed-Sessions amendment would essentially provide for clear and concise disclosures when a debtor chooses to enter into a reaffirmation agreement with a creditor. Our amendment would create a uniform disclosure form, whereby everyone who is filing a reaffirmation agreement must fill this form out. Based on the information provided on the form, certain situations will then obligate the court to review such agreements in order to determine if the reaffirmation agreement is truly within the debtor's best interests.

In constructing this compromise amendment, I think we have achieved some very important goals. First and foremost, we want everyone to recognize that a reaffirmation agreement is a very weighty decision, and that the individual needs to understand—whether they are represented by counsel or not—all the ramifications of the agreement into which he or she is entering. In fact, the individual needs to understand that they in no way need to file a reaffirmation agreement.

Another vital issue is to have the court review such cases in which the debtor wants to reaffirm his or her debt, but in calculating the difference between the person's income and all their monthly expenses, it remains impossible for the debtor to do so. In other words, there exists a presumption of undue hardship upon the person. It is at that point that we want the court to have the ability to step in and say to this person, that either they have the ability to repay some of this

debt because of other sources of funds—such as a gift from the family—or that they do not, and therefore the reaffirmation cannot be approved by the court.

Without this amendment, we are concerned that the abuses in the reaffirmation system that we have seen will continue to occur, and the courts may continue to be left in the dark with respect to the existence of these agreements, let alone have the option to review them. This amendment is not perfect, and if given the choice, I probably would have preferred to go even further than we have in our language. With that said, I think it's still important to note that with this amendment, we have given our courts and consumers the appropriate tools that will provide them with the necessary information to make decisions that are in the individual's best interests, not the creditor's. That is a crucial point that I wanted to emphasize.

I appreciate all the efforts of those involved in the process that went into constructing this compromise amendment, and I am confident that it strengthens the hands of our courts, and more importantly, the minds of our consumers as they make decisions that will weigh upon them for the rest of their lives.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota yields to the Senator from Missouri for 7 minutes.

Mr. WYDEN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I would like to ask unanimous consent to speak for up to 5 minutes after the Senator from Missouri has spoken.

Mr. WELLSTONE. Mr. President, I am going to have to object. I am willing to let some people speak, but I have been waiting for 3 days to get this amendment up and to get this debated.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, if I could direct an inquiry, through the Chair, to the manager of the bill, it is my understanding that the majority leader has asked—and he has spoken to the Senator from Minnesota—that his amendment be set aside for purposes of the senior Senator from Connecticut to offer an amendment. The debate time on that would be——

Mr. GRASSLEY. Five minutes on our side and 5 minutes on the other side.

Mr. REID. Following the disposition and a vote on the Dodd amendment, Senator WELLSTONE, who has been waiting all week to offer his amendment, would get the floor to which he is now entitled.

The PRESIDING OFFICER. At the present time, there is a unanimous consent agreement for the Senator from Missouri to speak for 7 minutes.

Mr. REID. Objection. I object, and I do so, Mr. President, on the basis of——

The PRESIDING OFFICER. That was already agreed to.

Mr. REID. No, it wasn't.

The PRESIDING OFFICER. I am afraid it was. Senator ASHCROFT has 7 minutes.

Mr. REID. OK, the Senator from Missouri.

Following that, is Senator DODD going to be recognized? Has the unanimous consent request been accepted?

The PRESIDING OFFICER. There has not been an agreement to that effect. The Chair will entertain one.

Mr. WELLSTONE. I would object. The only thing I agreed to is Senator ASCHROFT being allowed to speak for 7 minutes; then I retain the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Missouri is recognized for 7 minutes.

Mr. ASHCROFT. I thank the Chair. And I thank my colleagues for allowing me this time.

DAKOTA WATER RESOURCES ACT

Mr. ASHCROFT. Mr. President, I am here on the floor today to talk about one of Missouri's most important natural resources, and that is the Missouri River. There is a bill that another Member is trying to pass by unanimous consent that would threaten the Missouri River. I am making it clear that I have an objection to this bill, and I am firm on this issue.

On Friday around 4 p.m., 52 bills were hot-lined to be passed by unanimous consent in the Senate. Most of the time, Members pass bills by unanimous consent that are noncontroversial. However, buried in this list of 52 bills was one that I am opposed to, S. 623, the Dakota Water Resources Act. I am opposed to it because it would divert a substantial amount of water out of the Missouri River. The bill that I am objecting to authorizes $200 million to divert additional water from the Missouri River system to the Cheyenne River and the Red River systems. This is an inter-basin transfer of water which could have substantial impacts all along the Missouri River basin. I do not blame the North Dakota Senators for fighting for this, but it hurts my State and it hurts other States, and I cannot consent to its approval by unanimous consent. Apparently, this bill has broad opposition by many different parties along the Missouri River. It is a very controversial provision and should not be passed in the dead of night on a consent calendar with a lot of noncontroversial bills.

This is opposed strongly by the Governor and the Department of Natural Resources in Missouri. It is opposed by Taxpayers for Common Sense. It is opposed by a host of environmental groups—including the National Wildlife Federation, the National Audubon Society, Friends of the Earth, and American Rivers. The Canadian Government opposes this bill and has opposed the program it authorizes for decades, claiming that it violates a 1909 United States-Canada Boundary Waters Treaty. The Governor of Minnesota opposes this measure. The Minnesota State Department of Natural Resources opposes it, and the list goes on.

It is too early in the process for me to clear this bill. There are too many questions that remain to be answered. There are too many related issues that the States are negotiating at this time. We are awaiting the recommendations of the Corps of Engineers on how much additional water they intend to reserve for Dakota purposes. The senior Senator from Missouri and I will continue to object. As a result of our objections, the sponsor of the bill is holding up 51 other unrelated bills.

Let me be clear. These 51 holds are not related to the longstanding dispute between North Dakota and Missouri and many other parties over the water allocation in the Missouri River. Therefore, Senator BOND and I will not be pressured into lifting our hold on a bill that will harm the livelihood of the people of Missouri. These types of interstate river disputes that have been going on for years simply should not be resolved without all interested parties involved and without adequate consideration given to the ecological and commercial effects.

From the farm to the factory, the Missouri River creates jobs in the Midwest. The Missouri River is a stable water supply and a source of hydro power for major cities. We must be very cautious about changing water levels along the Missouri River in order to maintain the recreational opportunities for local communities, as well as hatcheries for fish and flyways for migratory birds.

I regret that important unrelated and noncontroversial measures are being held up by the sponsors of S. 623, but I cannot consent to passage of this bill at this time. The water flow of the Missouri River is too important to the livelihood of numerous metropolitan areas and small cities, and transportation and industry not only in Missouri but all along the waterway. We must deal with this measure reasonably and in the context of real negotiations, not as a matter of consent to be undertaken without full discussion by the parties.

I thank the Senate for my opportunity to reference my position on this issue. I yield the remainder of the time.

BANKRUPTCY REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from

Minnesota is recognized to introduce an amendment.

AMENDMENT NO. 2752

(Purpose: To impose a moratorium on large agribusiness mergers and to establish a commission to review large agriculture mergers, concentration, and market power)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. DASCHLE, Mr. DORGAN, and Mr. HARKIN, proposes an amendment numbered 2752.

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

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

(The text of the amendment is printed in the RECORD of Friday, November 5, 1999, under ''Amendments Submitted.'')

Mr. WELLSTONE. Mr. President, I say to colleagues that I will start out—though my guess is that very soon we will probably have an agreement that will enable us to go to an amendment that will be 10 minutes altogether and then a vote for those who need to leave town. I will start out. I want to say to colleagues, this isn't going to be a long debate, and we'll go back to it on Wednesday. Several colleagues have questions and I will start out that way.

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

Mr. WELLSTONE. Yes.

Mr. DORGAN. Mr. President, I must respond to the comments made by our distinguished colleague from Missouri and comments made by his colleague from Missouri yesterday, as well, with respect to the Dakota Water Resources project in North Dakota. The legislation that was being referenced is profoundly misunderstood. In fact, the Dakota Water Resources Act (S.623) reduces the authorization of the water project. It doesn't expand it; it dramatically reduces it—cutting authorized irrigation from 130,000 to 70,000 acres and deauthorizing several project features.

It also fully protects the interests of the State of Missouri. Nevertheless, one letter from the State of Missouri, written today and delivered to us, complains about the Dakota Water Resources project. In so doing, the letter describes a completely separate and unrelated project (the Devils Lake outlet), which has nothing to do with this at all. So there is a profound misunderstanding here about the facts and circumstances affecting two distinct projects.

I might say, additionally, that the Dakota Water Resources Project is not some dream somebody just had in the last day or two. My State has a Rhode Island-sized flood that has visited us permanently, forever. The Federal Government said, if you will keep a flood forever, you can move some of the water behind the dam around North Dakota for your beneficial purposes. Why did the Government want the permanent flood in North Dakota? The reason was to prevent Missouri River flooding at St. Louis and dozens of other downstream communities.

North Dakota said, fine. The downstream states have flood protection and a lot of the benefits. We agree with that. We support that.

But we have not gotten the benefits, after these many decades, that we were promised, in turn, from a multi-purpose water project. It has been pared back and back, and the legislation just discussed on the floor by my colleague from Missouri shrinks it even further. In fact, we have proposed further protection for Missouri, because one of the objections by the Senator from Missouri was that this project would use water from the Missouri River and Missouri really wants that water. He doesn't feel that the equivalent of one-tenth of a foot off the Missouri River at St. Louis should be used in North Dakota. So we have proposed there be no reduction in water going through St. Louis. We would manage the water impounded by the Garrison Dam in a way that guarantees there would be no reduction in the Missouri River water for St. Louis.

I make the point that the comments made by the Senator from Missouri and his colleague from the same State, in my judgment, and with great respect, profoundly misstate what we are doing. This bill shrinks the authorized project dramatically and would not produce anything like the kind of results that have been alleged. In fact, we believe this project is good for Missouri and all of the States in the Missouri Basin and in the region.

Several Senators addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. WELLSTONE. I am pleased to yield for a unanimous consent request. I ask unanimous consent that I regain the floor following the agreement.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the pending consent regarding the Wellstone amendment be temporarily suspended and the Senate now resume the Dodd amendment No. 2532, and there be 10 minutes remaining and a vote occur on or in relation to the amendment at the end of that time. I further ask consent that the Senate then turn to the Wellstone amendment and that all debate but 1 hour equally divided be used during the session of the Senate today. I also ask that 1 hour of debate occur on Wednesday, November 17, and a vote occur on or in relation to the amendment at the conclusion or the yielding back of time, provided that a vote in relation to the Wellstone amendment occur prior to a cloture vote, if cloture is filed on the bill.

Mr. REID. Reserving the right to object, Mr. President, it is my understanding there would be a vote on the Dodd amendment this evening, is that correct?

Mr. GRASSLEY. Yes.

Mr. CONRAD. Reserving the right to object. Mr. President, I would like 5 minutes before we go to the vote to have a chance to also respond to statements made by the Senators from Missouri over the last couple days with respect to the water project in North Dakota. If I could get that consent, I certainly would not object.

Mr. REID. Mr. President, reserving the right to object, if I could say to the proponent of the unanimous consent request, it has been brought to my attention that instead of 10 minutes, we will need 15 minutes equally divided. I am sure he would have no objection to that. We have no objection, I say to the Senator from North Dakota. Does anybody else need to respond to that?

Mr. ASHCROFT. I have no objection to the statements of the Senators from North Dakota. I made my position clear. This issue has been well known for a couple of decades now.

Mrs. FEINSTEIN. Mr. President, reserving the right to object, I have two amendments that have been moved and laid aside. I would like to have a time when I might take those amendments off the desk and have a brief period of debate and a vote.

Mr. REID. Mr. President, if I may respond, I say to my friend from California that we are now using the good graces of the Senator from Minnesota to get this agreement. One reason the two leaders want us to come back for a vote in 15 or 20 minutes is so they can advise the Senate as to what is going to transpire in the next few days. I don't know, under the present framework, how—this may be the last vote. I would assume this would be the last vote tonight.

Mrs. FEINSTEIN. What I am concerned about is, I have made this known for a number of days now. I have been patient and I have tried to get in the queue. I have waited. I have no objection if this is Wednesday or Wednesday afternoon, but I would appreciate having some time. I am prepared to object if I can't get that time.

Mr. REID. I say to my friend, objecting doesn't help her cause. It just prevents us from having everybody gathered to know what is going to happen. Otherwise, there will be no vote and

Senator WELLSTONE will argue his amendment, and we will be out of here anyway. On the Democratic side, we probably have 8 or 9 Senators on the same position that the Senator from California is in. They have offered amendments, and they are waiting to have a vote on those amendments. I have worked with——

Mrs. FEINSTEIN. But my experience is that if they come to the floor, they are often accommodated. I don't see why that same accommodation should not be made for me, most respectfully.

Mr. REID. The Senator certainly is a great advocate. We would like to concede that she has the right above everybody else to a vote, but right now we don't have the parliamentary ability to do that.

I say to my friend that I think Senators FEINGOLD, DURBIN, JOHNSON—I can go through the whole list—have also been here making the same requests the Senator from California has and we haven't been able to get the votes up because of the nongermane amendments being debated on minimum wage and everything. It isn't as if the Senator from Iowa hasn't wanted votes. We haven't been able to get to them.

Mrs. FEINSTEIN. My amendment is germane.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, I want to point out that if there is an objection, people can't leave. I am trying to accommodate people's schedules. I think it would be unfortunate if because of an objection Senators who want to leave to get back for Veterans Day are not able to leave tonight. I was trying to accommodate.

I hope the Senator from California will reconsider. Basically, the implication is that many people have many other amendments. This happens to be one of the three amendments that was part of the original agreement about how we would proceed. That is the only difference. Many of us have other amendments.

If the Senator wants to object, go ahead.

Mrs. FEINSTEIN. I have no objection to proceeding with the amendment. What I suspect is going to happen come Wednesday is it will be closed down, and we will not have an opportunity to offer an amendment. One of these amendments I have made to the bankruptcy bill. The Senator from Iowa knows I have been a supporter of this bill. He is supportive of this amendment. If there is an opportunity, I believe it will pass. Senator JEFFORDS and I are cosponsors of the amendment. I, again, would like an opportunity to offer it before there is a cloture motion or something and there will be no more amendments on the bill.

Mr. REID. I say to my friend from California that none of us here have power to do anything about it. The Senator from Iowa and I will be happy to put the Senator from California in line to vote tonight. But there may not be any more votes tonight and we may have votes next Wednesday. There may be only one vote on the Wellstone amendment. We don't know. There is no problem having the amendment as one of the next ones to come up—whenever that will be, this year or next year—on this bill.

Mr. GRASSLEY. Mr. President, if the Senator will yield.

Mrs. FEINSTEIN. I certainly will.

Mr. WELLSTONE. Mr. President, I have the floor.

Mr. WYDEN. Will the Senator from Minnesota yield?

Mr. WELLSTONE. First, I say to the Senator from Iowa, I hope we can work it out so Senators can leave.

Mr. GRASSLEY. I am trying to satisfy the Senator from California, although I don't think I can do any better than the Senator from Nevada has just done. But I pled for two reasons. No. 1, I still hope to work with the Senator from Texas, the chairman of the Banking Committee, to see what we can do to facilitate the amendment, whether it is now or a week from now or next year, if we aren't finished with this bill. No. 2, we are trying to get to a situation where we can get to a vote, which is something we promised a Member who has been waiting for a long, long time.

We still have the third situation where Senator REID and I are going to sit down with our staffs to see what we can do with all of the amendments so we know where we are and have a complete picture. That is why I would plead with her to let the unanimous consent request go through.

Mrs. FEINSTEIN. My understanding is that at some point I will have an opportunity to offer this amendment, whether that is on Wednesday, another day, or next year. Is that the correct understanding?

Mr. GRASSLEY. As far as I am concerned, the answer is yes. But let me say it is my understanding under the agreement we have now that there can be an objection to the Senator offering her amendment if, for instance, somebody on the Banking Committee——

Mr. REID. She already offered it.

Mr. GRASSLEY. Then the answer is yes.

Mrs. FEINSTEIN. I understand that. I will not object.

Mr. WELLSTONE. Can we get the agreement?

Mr. GRASSLEY. Can we move forward with the agreement?

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object, I repeat my request to have 5 minutes.

The PRESIDING OFFICER. That is part of the agreement.

Mr. CONRAD. Then I certainly do not object.

Mr. REID. In fairness to the Senator from California, I don't know what is going to happen. I am not in a position to do anything about it. But it is possible there could be some procedural thing that will stop a lot of votes from going forward. The Senator from Iowa says, all things equal, the Senator's amendment will go forward. I can't stand here and guarantee it will happen. I don't know what will happen. Procedurally, a lot of amendments may not go forward.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I still have the floor. I know we want to move forward. I am trying to move forward. I would like to yield 3 minutes to the Senator from Oregon. He has been waiting.

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

Mr. CONRAD. Mr. President, reserving the right to object, I thought this was part of the agreement. It is unclear to the Senator from North Dakota what the agreement was. My understanding was I would be recognized after this agreement was reached for the purpose of responding to the statements that have already been made on the floor. I was assured that was part of that agreement.

The PRESIDING OFFICER. The agreement provides 5 minutes for the Senator from North Dakota.

Mr. CONRAD. I would like to have that 5 minutes at this time, Mr. President.

The PRESIDING OFFICER. The request is that the Senator from Oregon be recognized for 3 minutes. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

SECRET HOLDS

Mr. WYDEN. Mr. President, and colleagues, this is the time of the legislative session when too many important bills and nominations are killed in secret through a process known as the secret hold. This session of the Senate was supposed to be different as a result of an agreement between the majority and the minority leaders. I am going to read from that agreement. On February 25, Senator LOTT and Senator DASCHLE wrote all Senators:

> All Members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concern. Further written notification

should be provided to respective leaders stating their intentions regarding their bill or nomination. Holds placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.

Suffice it to say, colleagues, I suspect there are a few sponsors of legislation here in the Senate who have not been notified that there is a hold on their legislation.

I hope as we move towards the last hours of this session all Senators, Democrats and Republicans, will honor the policy set out by Senators LOTT and DASCHLE. The secret holds are a breach of all that the Senate is supposed to stand for in terms of openness and public accountability.

I hope Senators will comply with that new policy set out by Senators LOTT and DASCHLE.

I yield the floor.

DAKOTA WATER RESOURCES ACT

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would like the opportunity to respond to statements that have been made about the Dakota Water Resources Act over the last several days by the Senator from Missouri. Yesterday we were told that North Dakota is seeking somehow to steal water from our neighbors to the south. That is factually incorrect. It is untrue. We are not making any claim on anybody's water but our own.

Under the current law, North Dakota has a right to water flowing through the Missouri River. That is in the law today. In the law today there is authorized a very large water project for North Dakota called the Garrison Diversion Project. The reason it is authorized is because North Dakota accepted the permanent flood of 550,000 acres of the richest farmland in North Dakota—permanently inundated to provide flood protection to downstream States, including Missouri. We have saved billions of dollars of flood damage in those States because North Dakota has accepted this permanent flood of over half a million acres. That is the fact.

The new legislation before us is designed to substantially alter what is currently authorized in the law to reduce its costs by $1 billion to reduce dramatically the number of irrigated acres, and instead to have water supply projects for cities and towns that desperately need it.

The assertion has been made that this would somehow deplete the water going to Missouri.

The fact is, the flow of the Missouri River in Missouri is 50,000 CFS. We are talking about 100 CFS to meet the legitimate water needs of the State of North Dakota, water needs that are already recognized in the law.

Today, in order to respond to the legitimate concerns of the Senators from Missouri, we offered to go even further and to put into law an assurance that they would not lose water at their key navigation time, during this key period when they are concerned with losing even half an inch. That is what this translates into: A reduction of one half an inch, the water level of the Missouri River in the State of Missouri. We are prepared to assure them they don't even lose that half an inch. This is in response to the documented need for water that is so desperately required in my State. We have people who are turning on their tap right now in North Dakota and what comes out looks filthy. It looks filthy because it is filthy.

North Dakota was made a promise that, if you accept the permanent flood to provide flood protection for downstream States, we will compensate you by allowing you to improve the water supply for your citizens. That is what this bill is about. It is not designed in any way to hurt the State of Missouri. We are prepared to make changes in the legislation to make that clear.

Let me conclude by saying we received a letter today that totally confuses this project with the Devil's Lake outlet which is required to solve another problem in another part of the State. These two projects are not the same. We hope officials in Missouri will get it straightened out in their own minds that these are two totally distinct projects. An outlet from Devil's Lake has nothing whatever to do with the Dakota Water Resources Act Project.

I thank my colleagues for their patience, and I yield the floor.

BANKRUPTCY REFORM ACT OF 1999—Continued

AMENDMENT NO. 2532, AS MODIFIED

The PRESIDING OFFICER. There are 15 minutes equally divided on the Dodd amendment.

Mr. DODD. I yield myself 4 minutes under the agreement.

This chart explains the amendment I am offering. As most of my colleagues are aware, there is $43 billion in uncollected child support in this country. If we could collect a fraction of the child support that is outstanding, we could make a huge difference in the lives of children and families all across this country.

Despite the good efforts of those who have authored this bill on bankruptcy, there is a major gap in this bill. The major gap affects the very people this number reflects for child support recipients. This bill places at a significant disadvantage women and children who may get caught up in the turmoil of a bankruptcy proceeding and leaves them at a significant disadvantage with respect to meeting the basic necessities in their lives.

This morning's Washington Post made the case abundantly clear in the lead editorial. It said that the Congress should make sure that in the name of financial responsibility it does not unduly squeeze people who, because of job loss, family breakup, medical bills, et cetera, can't help themselves. These are the people affected by this amendment Senator LANDRIEU and I have offered and on which we will ask for your votes shortly.

Children and families are the most vulnerable. The median income of a person who files for bankruptcy is around $17,000 a year; for a woman filing for bankruptcy, that number is a lot lower than $17,000 a year.

Unfortunately, this bill does not appear to treat these people as we have for almost 100 years. Since the first bankruptcy law was passed in 1903, women and children came first in the line of distributable assets in bankruptcy. They are going to be protected no matter what other tragedy has befallen. No matter what other rights creditors may have, they will not be allowed to disadvantage innocent children and women who have to depend upon some income in order to provide for their families. Unfortunately, this bill leaves gaping holes in this area.

The amendment we have offered has been endorsed by 180 organizations, every imaginable family organization in this country. It does the following four things:

First, we say creditors can't seize or threaten to seize bona fide household goods, such as books, games, microwave ovens, and toys. As written today, S. 625 provides no protection against repossession of operations of business, coming into a home and removing such items from a family. Needless to say, that would be an unsettling, intimidating occurrence for families and children. I don't think this body wants to go on record ratifying these kinds of scare tactics. I appreciate Senator GRASSLEY's support for this provision.

Second, we say if people in bankruptcy are put on a budget and they cannot repay some of their debts, it ought to be a realistic budget. The bill puts them on a budget based on IRS guidelines for people who owe back taxes. Unfortunately, those guidelines ignore obligations such as child care, school supplies, and church tithes. We say the bankruptcy judge ought to be allowed to at least consider these kinds of valid, often necessary expenses when it comes to family needs.

Third, we say money for kids should go to kids, not creditors. We mean that funds a parent receives for the benefit of children—like child support payments or earned income tax refunds—should not be divvied up among creditors. They ought to be reserved for the children.

I want the manager of the bill to have a chance to make his argument

against the amendment, and then I will respond.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this bill, the original bill, contains many provisions to help collect past due child support. This is not just the authors saying this. These provisions are endorsed by the prosecutors who actually enforce child support laws.

On another point, in response to what the Senator from Connecticut has said, if one is under the median income, the means test doesn't even apply to that person. The people Senator DODD is worried about won't be affected.

In a more broad sense, this amendment should be defeated. First, the means test we now have in the bill is very flexible. The charge has been that we are not flexible enough. I will point out that flexibility. If a bankrupt is in a unique or special situation, our bill, the means test, allows that person to explain his or her situation to the judge or to the trustee and thus get out of paying these debts if there are special expenses. If these special expenses are both reasonable and necessary and this reduces repayment ability, the debtor doesn't have to repay his or her debts.

The way we determine living expenses in this bill is to use a template established by the Internal Revenue Service for repayment plans involving back taxes.

I have a chart and a study of the bill which was done by the General Accounting Office. The General Accounting Office noted in its June 1999 report, which was to Congress, and a report about bankruptcy reform, that this template includes a provision allowing a debtor to claim child care expenses, dependent care expenses, health care expenses, or other expenses which are necessary living expenses. Tell me, with all these things included, and with the General Accounting Office backing up the intent of our legislation, that this bill is not flexible, that this bill does not take into consideration the living expenses and needs of the potential person in bankruptcy.

This is, frankly, as flexible as you can get. According to the General Accounting Office and the Internal Revenue Service, living standards in the bill now provide that any necessary expense can be taken into account. The only living expenses not allowed under this bill are unnecessary and unreasonable expenses. What is wrong with not allowing unreasonable and unnecessary expenses? The only people who oppose the means test as currently written are people who want deadbeats looking to stiff their creditors to dine on fancy meals and to live in extravagant homes and to take posh vacations.

On the issue of household goods, this might by a surprise to the Senator from Connecticut, but I tend to agree with some of what he said now and last night. If Senator DODD were to modify his amendment, just to deal with household goods, I will be pleased to work with him on that, to get the amendment accepted. But his amendment does much more than just deal with the household goods issues. I simply cannot accept these other changes.

Finally, this amendment by the Senator from Connecticut makes fraud much easier because the problem we must address in doing bankruptcy reform is that some people load up on debts on the eve of bankruptcy and then try to wipe out those debts, wipe them all away, by getting a discharge. Obviously, this is a type of fraud which Congress needs to protect against. The bill now says that debts for luxury items purchased within 90 days of bankruptcy in excess of $250, and cash advances on credit cards made within 70 days in excess of $750, are presumed to be nondischargeable. This is pretty flexible on its face. Under the bill now, you can buy $249 worth of luxury items such as caviar the day before you declare bankruptcy and still walk away scot-free. Under the bill, you can get $749 worth of cash advances minutes before you declare bankruptcy and still walk away scot-free.

But this is not enough for the people proposing this amendment. So the question we have to answer is how much fraud do we want to tolerate? This amendment is way off base. If you want to crack down on out-and-out fraud, and that is what we are talking about, you should support the bill and you should be against this amendment because by supporting the amendment, you make it easier for crooks to game the bankruptcy system and get a free ride at everyone else's expense. Consequently, if you do not want to do that, you will not support the Dodd amendment. I oppose the amendment and I ask my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, crooks and scam artists there may be, but in our appetite, to go after the scam artist, we should not make women and children pay the price. To suggest somehow that someone is scamming the system because they buy $251 worth of goods and services they may need for their children, that they are somehow ripping off the system, is to approach being ludicrous when it comes to this.

I have great respect for prosecutors, and the General Accounting Office. But when 180 organizations representing every family group in this country from the right to the left, if you will, strongly support this amendment because it tries to do something to protect these families, then we have achieved a new low when it comes to speaking about families and children with one voice and then turning around and doing violence to them.

The IRS schedule is not terribly flexible. I ask unanimous consent it be printed in the RECORD.

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

COLLECTION FINANCIAL STANDARDS—ALLOWABLE LIVING EXPENSES FOR FOOD, CLOTHING AND OTHER ITEMS; TOTAL MONTHLY NATIONAL STANDARDS (EXCEPT ALASKA AND HAWAII)

Total gross monthly income	Number of persons				
	One	Two	Three	Four	Over four
Less than $830	345	466	579	726	+125
$831 to $1,249	391	525	646	762	+135
$1,250 to $1,669	433	630	737	800	+145
$1,670 to $2,499	527	685	781	830	+155
$2,500 to $3,329	554	769	863	924	+165
$3,330 to $4,169	620	830	948	1,063	+175
$4,170 to $5,829	773	957	1,018	1,170	+185
$5,830 and over	991	1,235	1,399	1,473	+195

MONTHLY NATIONAL STANDARDS

Item	Gross Monthly Income							
	Less than $830	$831 to $1,249	$1,250 to $1,669	$1,670 to $2,499	$2,500 to $3,329	$3,330 to $4,169	$4,170 to $5,829	$5,830 and over
One Person:								
Food	170	198	214	257	270	325	428	456
Housekeeping supplies	18	20	21	26	27	29	35	43
Apparel & services	43	52	75	120	127	129	168	334
Personal care products & services	14	21	23	24	30	37	42	58
Miscellaneous	100	100	100	100	100	100	100	100

MONTHLY NATIONAL STANDARDS—Continued

Item	Gross Monthly Income							
	Less than $830	$831 to $1,249	$1,250 to $1,669	$1,670 to $2,499	$2,500 to $3,329	$3,330 to $4,169	$4,170 to $5,829	$5,830 and over
Total	345	391	433	527	554	620	773	991
Two Persons:								
Food	228	227	351	365	424	438	515	635
Housekeeping supplies	23	27	28	40	46	51	57	74
Apparel & services	71	72	98	121	128	167	202	335
Personal care products & services	18	24	28	34	46	49	58	66
Miscellaneous	125	125	125	125	125	125	125	125
Total	466	525	630	665	769	830	957	1,235
Three Persons:								
Food	272	326	390	406	444	488	545	
Housekeeping supplies	24	28	29	41	47	55	58	
Apparel & services	110	114	134	143	175	205	206	
Personal care products & services	23	28	34	41	47	50	59	
Miscellaneous	150	150	150	150	150	150	150	
Total	579	646	737	781	863	948	1,018	
Four Persons:								
Food	374	376	406	416	472	574	629	
Housekeeping supplies	36	37	38	46	49	57	60	
Apparel & services	114	145	146	147	179	206	244	
Personal care products & services	27	29	35	46	49	51	62	
Miscellaneous	175	175	175	175	175	175	175	
Total	726	762	800	830	924	1,063	1,170	
More Than Four Persons: For each additional person, add to four-person total allowance	125	135	145	155	165	175	185	

Mr. DODD. Find for me the word ''children'' anywhere in this schedule. It does not show up, not once. There is no flexibility at all. It is very rigid in terms of how it applies. There is no consideration for the regions of the country where people live, whether you live in New York City or Iowa or Connecticut or the State of Ohio. It is a one-fix system, across the board.

I appreciate the Chairman and others who have tried to do something on the means test. If you think it is so flexible, then merely adopt this amendment. What you have also left out, of course, is that you still allow for funds that a parent receives to the benefit of children to be dissipated. Things like child support payments and earned-income tax credits, which you do get if you are making $17,000 a year, should not be divided up among creditors. As the bill presently reads, that can happen. That is why 180 organizations are vehemently opposed to the present language of this bill.

Let me go on. With regard to the seizing of household goods, again there is nothing in this bill, nor the managers' amendment that prohibits these repossession operations from coming in and taking toys and books and VCRs that may be necessary for the education of children.

Lastly, the bill says if a consumer buys food, clothing, medicine, and similar items on credit within 90 days of a bankruptcy filing, and if the value of those items exceeds $250, then they are presumed to be luxuries and the person filing the bankruptcy has to hire a lawyer to defend such purchases, make the case they were not luxury items. That is what the bill says. That goes far beyond anything we have ever done in 100 years in bankruptcy law, to turn around and say the present law says $1,075 over 60 days. Our amendment says $400 per item or service in 60 days. The bill provides for a total of $250 in 90 days, while mine provides a more rational and reasonable itemized sum—per item or service—in 60 days. The managers' amendment does not say anything about that at all.

This would be a travesty, an absolute travesty to say we are going to make families go into court and prove, when they went to Kmart and bought $251 worth of goods in the last 60 days, that they are not scam artists. Maybe there are some out there, but let's not let the millions of people who get caught in a bankruptcy proceeding because someone is sick and they lose a job, that somehow they are going to have to hire a lawyer and defend themselves for $250. This amendment is critical.

Mr. President, I ask unanimous consent for 1 additional minute?

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

Mr. DODD. This amendment is as critical as it gets to this bill. We are doing a lot to help the credit card companies. This is going to reduce the number of bankruptcies. But in our zeal to do that, do not allow this to happen. This would really be a major setback. Since 1903, we have put children and families in the exalted position of not allowing them to be brought in and damaged in bankruptcy proceedings.

They are not going to get off scot-free. They have obligations to pay. But to say, somehow, we are putting families first because we have a flexible means test, disregarding all the other things that are in this bill, would be a major setback of significant proportions.

The Washington Post editorial this morning is right on point. This is the amendment they were talking about. We urge our colleagues to support it.

Mr. BIDEN addressed the Chair.

Mr. GRASSLEY. I yield the Senator from Delaware 1 minute.

Mr. BIDEN. Mr. President, under the present law there are nondischargeable items with cash advances. It is a little over $1,000. This goes down to $750. There is a difference, but it is not what the Senator from Connecticut makes it out to be.

No. 2, in the means test in terms of ''other necessary expenses,'' it includes such expenses as charitable contributions, child care, dependent care, health care, payroll deductions—that is taxes, union dues, and life insurance. It is not true they are not able to be viewed as ''other expenses'' to be considered within bankruptcy.

I understand the Senator's point. I think he doth protest too loudly. It is not $1,000; it is $750. That is true. It is a $250 difference. That is what we are arguing about.

I have no more time, so I yield the floor.

Mr. HATCH. Mr. President, I rise in opposition to the amendment offered by Mr. DODD and others, which has many components that undermine the kind of bankruptcy reform we are seeking to accomplish in this bill. The amendment creates new windfalls for debtors in bankruptcy. It imposes an artificial definition of gross income which excludes major sources of income. This would undermine both the means test and the obligation that debtors pay all their disposable income to creditors in chapter 13 plans. Furthermore, the amendment undercuts the bill's definition of household goods, allowing virtually any frivolous item a debtor owns to qualify as a ''household good''.

The amendment claims to be ''pro-family'', but it takes a tremendous step backward with respect to families—particularly those who work hard to pay their bills every month. I have worked very hard, along with Senator TORRICELLI, provision by provision, to ensure that this bill is an important for families over current bankruptcy law. I described in considerable detail last week the particular provisions in the bankruptcy bill that are designed

to help families, along with the amendment Senator TORRICELLI and I developed to further enhance these provisions. Therefore, I am deeply concerned by the fact that this amendment inexplicably allows debtors to discharge debts without being responsible to repay what they can afford.

A practical effect of this amendment is to allow rich debtors to defraud their creditors. Debtors with high income who are receiving child support could subtract child support from the calculation of their ability to repay. Thus, a debtor who earns $100,000 per year and receives an additional $25,000 in child support, and who has mortgage, car, and household expenses equaling $100,000, can go bankrupt in chapter 7 and walk away with $25,000 a year. This windfall to the debtor is passed on the hardworking families that end up subsidizing the cost of bankruptcies of others.

Furthermore, the definition of household goods in the amendment allows debtors to avoid a security interest in expensive items like $2,000 stereo systems. I am mystified by why windfalls to debtors of this kind are viewed as pro-family. I have been reminded many times during the course of this debate that bankruptcies end up costing every American family at least $400 per year. When these windfalls are incorporated into our bankruptcy laws, hardworking American families end up paying for them.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 1 minute so I can have the same 1 minute the other side had.

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

Mr. GRASSLEY. Mr. President, I want to point out the big deal the Senator from Connecticut made about the IRS regulations and the guidelines not mentioning the word ''children.''

The point is very clear, from the General Accounting Office, but in their study of the IRS guidelines, under a category ''other necessary expenses,'' if it does not mention children, if it does not take the needs of children into consideration, what in the heck do the words ''child care'' mean? What does ''dependent care'' mean, if the needs of children are not taken into consideration? It may not be mentioned in the IRS guidelines per se, but under ''other necessary expenses,'' it is very clear that the needs of every child will be taken care of.

I yield the floor.

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

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2532, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

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

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—45

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

NAYS—51

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

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—3

Boxer	McCain	Santorum

The amendment (No. 2532) was rejected.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2752

Mr. WELLSTONE. Mr. President, could I have order in the Chamber?

Mr. President, we are now dealing with amendment 2752. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I thank the Chair.

Mr. President, we will start this debate tonight, and we will conclude the debate on Wednesday. There will be an hour of debate on Wednesday as well. I want to give this a little bit of context. Mr. President, could I have order in the Chamber? Would Senators please take their conversation outside the Chamber?

I thank the Chair.

Mr. President, I will start out with some narrative that was written by Jodi Niehoff, who works with me, and who is the daughter of dairy farmers, Jane and Loren Niehoff, in Minnesota from Melrose, MN, and close thereby.

Grove Township is 6 miles by 6 miles. It is a typical Midwest township. Fields of wheat, corn, some oats, and alfalfa span across the township line. In Grove Township, as in surrounding townships, the biggest topic of conversation is the economic farm crisis.

There are fewer and fewer folks attending to local board meetings. It is not because fewer folks care. It is because there are fewer farmers around.

In Grove Township, regardless of which gravel road one chooses to travel along, one will inevitably drive by an abandoned farm. Let me begin by illustrating how the farm crisis affects rural communities. I'll use Grove Township as an example.

Sometimes we have these debates, and we never talk about it in terms of people.

Reuban Schwieters—Reuban just recently quit farming. Reuban and his wife Paula and their young boys sold half of the farm. Reuban is now pouring cement at a local construction company.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their conversations elsewhere.

Mr. WELLSTONE. Mr. President, I will just keep speaking, and if you can't get order, I will get order.

Mr. President, I would say to colleagues that we could have had a 4-hour debate tonight. Colleagues wanted to go home. So I was accommodating because I think all of us want to get back for Veterans Day. We start this debate tonight about agriculture. It is taken me probably about 8 weeks to get this amendment on the floor.

I would appreciate it if colleagues would take their conversations in the back of the room outside. If we would have order in the Chamber, I am not going to speak until we do.

Mr. President, I thank the Chair.

I don't like reading about people's lives, many of whom have lost their farms, and have Senators out here on the floor and others speaking as if it makes no difference.

Reuban Schwieters—as I said, Reuban just recently quit farming. He and his wife Paula and three young boys sold half their farm. Reuben is now pouring cement at a local construction company. Bear again in mind, these loss of farms is just in Grove Township in my State of Minnesota.

Steve and Lori Sand lived about 3 miles from Reuben and Paula. Steve and Reuben went to school together. Steve began farming next to his father's farm since at that time his father Wally was not ready to retire. Steve and Lori, their three daughters, and son could not hang on to the farm. The prices were too low to maintain a

household of six and still run the family farm. They moved to Cottage Grove, MN, where Steve does construction and his wife Lori is now a computer technician. Incidentally, Steve's father Wally has retired, but none of his children or grandchildren has taken over the family farm.

These are Minnesotans willing to let their names be used so I can tell their story, which is the story of what is happening in agriculture.

Allen Nathe closed down his farm and is now doing small engine repairs. Gloria Schneider sold the farm to her son Glen. Glen and his wife farmed only a few years before they sold their family farm and he and his wife and small daughter moved to Minneapolis.

Dave Feldewerd sold his farm and is also driving a truck. Mike Ellering recently sold his farm and is working construction. Danny Frieler and his family quit farming. They still live on the farm, but the barns stand hollow. Marcy Wochnik recently retired and sold her farm to her son, and her son tried for a few years before he threw in the towel. Marcy moved into a house only a mile from a farm. No one has yet purchased the farm.

I am going through the story of farmers and farm families who have quit farming in Grove Township, one township in the State of Minnesota, a small story that tells a large story of what is happening to agriculture and the ''why'' of the amendment I introduced tonight with Senators DORGAN, DASCHLE, JOHNSON, LEAHY, and other Senators.

Alvin and Mary Hoppe also recently sold their farm and moved off the farm. Mary commutes to St. Cloud, and her husband has been doing mechanical jobs. Their son Jason is 12 years old, but he has always been by his father's side eager to learn farming. Despite Jason's enthusiasm and interest to farm, given the current conditions in agriculture, it is difficult for his parents to recommend this occupation.

This is only a corner of Grove Township in my State. If one crosses the water, one will be in Oak Township, where I could go through another list of farmers who have also had to quit farming. About a quarter of a mile from the Grove and Oak Township line lies the small town of New Munich. Since 1996, New Munich has also declined in residents. The effects of the farm crisis are apparent just walking along Main Street. Ostendorf Grocery closed. Marvin, who is known as Bud, and his wife Rosie have moved on. Rosie commutes to St. Cloud and sells retail clothes, and Bud works at a factory. Ostendorf Grocery was a practical general store. After Sunday mass, folks from the congregation would make quick stops for any last-minute items or simply visit with Rosie and Bud. During the week, farmers often would run into town to pick up a needed ingredient or item at the store. As in most towns, Ostendorf Grocery also served as the news and information center. Rosie always knew of the current events in the area, and folks enjoyed spending a few minutes to talk to her and Bud. Gone.

Since 1996, the elementary school closed. The school closing affected the local businesses. The school also has been used for community events. Schoolchildren, particularly farm kids, now face much longer bus rides to school.

Thielen Meats will close by the end of this year. Thielen Meats was a little mom-and-pop meat shop located across from the J.C. Park. Many farmers would bring a hog or a cow to be butchered by their family. The larger shipments of livestock delivered to Thielen Meats were sold directly to residents in the town or in the surrounding area.

Kenny and Rita Revermann may also be closing the True Value Hardware store. After the school closing, the grocery store closing, and the recent news of the meat shop closing, the trips made by farmers to New Munich will grow fewer and fewer.

I have letters from farmers from Minnesota, Kentucky, Iowa, Kansas, Montana, and Missouri. Over and over again, if I had to summarize, these farmers say: We have record low prices, we have record low income, we are not going to be able to make it, it doesn't matter whether we work 19 hours a day, it doesn't matter how good a manager we are, there are economic forces that are destroying our lives.

So far, Senators have not helped. So far, we have acted as if this crisis didn't exist. This amendment tonight, which calls for a moratorium on all of these mergers and acquisitions of the huge conglomerates makes it hard for our family farmers and producers to have any leverage when they are only dealing with three buyers. If you are at an auction and you have three buyers for a product, what kind of price do you get?

This is just the first amendment. The first vote next week will be the beginning of a major floor fight over and over again until we change farm policy in the country. It is not just a question of people losing their farms, it is a question of our rural communities. When people lose their farms, it is more than just a family. We are seeing a rising incidence of divorce. We are seeing all kinds of tensions within families. We have too many suicide lines that are being used now. We have too much depression. We have too many farmers without any life insurance, too many farmers without any health insurance, too many farmers without any health and dental care, too many farmers with too little self-esteem.

Mr. LOTT. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the majority leader.

Mr. LOTT. Mr. President, I appreciate the cooperation of the Senator from Minnesota. He has been waiting a long time to get this opportunity. We told him he would get it, and he has it.

For the information of all Senators, the Senate will now debate the pending Wellstone agriculture amendment. However, no further votes will occur this evening. I want to make that clear. We will hotline both sides so our Members will know there are no further votes this evening.

The Senate will not be in session on Veterans Day, and we will convene next on Tuesday, November 16. On Tuesday, I expect the Senate to debate and possibly complete action on any number of items arriving from the House of Representatives relative to the appropriations process and perhaps other conference reports. I will be discussing the specifics of what the schedule will be with Senator DASCHLE, and we will keep Members informed of the subject matter.

By a previous order, the Senate will conduct a vote relative to the Wellstone agriculture amendment on Wednesday of next week. I suspect additional votes will be required in order to finish the necessary items pending between the two Houses of Congress. The continuing resolution we passed will expire at midnight on Wednesday. I think that will give the Senate more than enough time for final negotiations to be completed, for the House to act, for the package to be received in the Senate, and complete action on Wednesday. However, that is a deadline I believe we can meet, and we should work to complete our work for the year by then.

We will let Senators know, of course, if there is to be a big package of votes during the day on Wednesday. We will notify Senators exactly what time that will be. Senators should be prepared for the voting to begin as early as 10 o'clock on Wednesday on the Wellstone amendment.

I urge all Senators to be patient and accommodating during the next few days of the session. I thank all Members in advance for their cooperation.

We have a number of nominations we have been working assiduously to clear on both sides of the aisle. These are judicial nominations and other nominations. We have a couple more issues we have to check on to confirm everything we agreed to has been worked out. Also, Senator DASCHLE and I have talked at great length about how to handle the judicial calendar. I think we have a fair arrangement.

I ask unanimous consent a colloquy between the two of us be printed in the RECORD.

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

Mr. DASCHLE. Mr. President, it's my understanding that the majority leader has committed to proceeding to

the nominations of Richard Paez and Marsha Berzon to the ninth circuit court of appeals no later than March 15, 2000. Is that correct?

Mr. LOTT. That is correct. I will move to proceed to each of these nominations no later than March 15 of next year.

Mr. DASCHLE. It is also my understanding that the majority leader will work to clear the remaining judges left on the executive calendar this year, and if they can't be cleared, he will move to proceed to each of the remaining judicial nominees no later than March 15 of next year. Is that also correct?

Mr. LOTT. That is my hope. In addition I do not believe that filibusters of judicial nominations are appropriate and, if they occur, I will file cloture and I will support cloture on the nominees.

Mr. DASCHLE. It's my understanding that Senator HATCH supports your view of cloture on these nominations. Is that correct?

Mr. LOTT. Senator HATCH will have to speak for himself but it is my understanding that he supports all of these nominations and will support cloture if necessary.

Mr. DASCHLE. I thank the majority leader.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, tonight I speak, Wednesday I speak, and Wednesday we debate a crisis that is ravaging rural America. I started out speaking about this crisis in personal terms, in human terms. On present course, the conservative estimate is we will lose 7,000 farmers this next year, but it could be more in Minnesota. On present course, over the next couple of years we are going to lose a whole generation of producers, if we do not change our course of policy.

I do not believe family farmers in my State of Minnesota, or family farmers in America, will be able to continue to farm or will their children be able to farm, unless we change the structure of agriculture. Bob Bergland, who was Secretary of Agriculture in the late 1970s, commissioned a report called ''The Structure of Agriculture.'' He now lives in northwest Minnesota. It was prophetic.

In the past decade and a half, we have seen an explosion of mergers and acquisitions and anticompetitive practices that have raised concentration in agriculture to record levels. Everywhere family farmers look, whether it is who they buy from or who they sell to, it is but a few firms that dominate the market.

The top four pork producers have increased their market share from 36 percent to 57 percent. The top four beef packers have expanded their market share from 32 percent to 80 percent. The top four flour millers have increased their market share from 40 percent to 62 percent. The market share of the top four soybean crushers has jumped from 54 percent to 80 percent.

The top four turkey processors now control 42 percent of production. Mr. President, 49 percent of all chicken broilers are now slaughtered by the four largest firms. The top four firms now control 67 percent of ethanol production. The top four sheep, poultry, wet corn, and dry corn processors now control 73 percent, 55 percent, 74 percent and 57 percent of the market, respectively. The four largest grain buyers control nearly 40 percent of elevator operators.

The effect of this concentration has basically been to squeeze our producers out. Our family farmers no longer have the leverage or the power in the marketplace to get a decent price. This amendment is a cry from the countryside. Everywhere I go in Minnesota and other States, farmers say: We cannot get a decent price because of this concentration of power, because of this monopoly power. We are not able to survive. When we look at the packers and we look at the grain companies and we look at the exporters and we look at the processors, they are making good profits, sometimes record profits, but we cannot get a decent price.

Farmers say to me: Where is the competition in the food industry? This amendment is an effort to put some competition back into the food industry. We are talking about an 18-month moratorium.

We are saying what we need to do is take some time out. Something is not working. We passed the Sherman Act. We passed the Clayton Act. Estes Kefauver was a great Senator who talked about antitrust action. But we have had this wave of mergers and acquisitions that have led to precious little competition. Again, these conglomerates have exercised their power over our producers and our producers cannot get a decent price.

This amendment is not the be-all or the end-all, but I say to my colleagues, if you believe in competition and if you believe family farmers ought to have a chance in the marketplace, then the very least we can do is pass an amendment that says when it comes to these large agribusinesses, these large conglomerates with $100 million and over revenue buying up a company with at least $10 million, we ought to say we are going to have a moratorium on this.

For 18 months, we set up a review commission and then we come up with recommendations and we pass some legislation that gives our producers a fair chance in the marketplace. If we pass that legislation in 2 months or 3 months, then this moratorium is no longer operative.

Built into this amendment I introduced with Senator DORGAN and other colleagues is the opportunity, if you will, the waiver that any business can file with the Justice Department, where a business can say: We have to merge or we have to buy because we are facing financial insolvency. We allow for that. But we have to pass this kind of amendment now because over and over again, every single day, we are seeing these acquisitions and mergers; more and more concentrated power, more and more concentrated power which is harmful to our producers and harmful to our consumers and harmful to America.

On present course, we are going to see a few large conglomerates that are going to control every phase of the food industry from the seed to the supermarket or grocery shelf. We are going to have a few landowners. Somebody is going to own the land and somebody is going to own the animals, but it is going to be just a few conglomerates.

That is dangerous for our country. Thomas Jefferson told us it was dangerous; Andrew Jackson told us it was dangerous; Abraham Lincoln told us it was dangerous; Teddy Roosevelt, later on, told us it was dangerous. Why are we not, in the Senate and House of Representatives, willing to pass some legislation which will promote competition, which will protect consumers, and which will give our farmers and our producers who are going under some leverage in the marketplace? This legislation is also important to the environment, to our rural communities, and to democracy.

Just yesterday the Wall Street Journal reported that Novartis and Monsanto, two of the biggest agribusiness giants, may be merging. The Wall Street Journal accurately states:

> The industry landscape seems to be changing every day.

In fact, the ground is constantly shifting beneath our feet and it soon may be too late to do anything about it. That is why we need a time out. That is exactly what this amendment calls for.

Too many corporate agribusinesses are growing fat and too many farmers are facing extinction and very lean times. Clearly, we cannot count on the current antitrust statutes and antitrust authorities to address this rapid consolidation. We are going to have to do better. We are going to have to change our laws to enable someone like Joel Klein, who is so skillful and so gifted, to be representing family farmers. Whether or not our antitrust agencies have the authority, we need to move forward. We have to develop a new farm policy and we know it is going to take some time. But we do not have much time left.

The question for Senators is, Whose side are we on? Whose side are we on?

Are we on the side of the packers and the grain companies, or are we on the side of family farmers? I mean this. I mean this very sincerely. I know, because I have heard from other Senators, that you have a lot of these big companies and they are sending in faxes and letters and they are lobbying hard.

But aren't we going to be for the producers? Aren't we going to be for the family farmers in our States? For Senators who are not from the farm States, who do you want to control agriculture? Isn't food a precious item? Should we not give these producers a fair shot? Wouldn't it be better for the environment to have family farmers? Wouldn't it be better for our rural communities? Wouldn't it enable us to continue to count on being able to purchase food at a reasonable price? Why in the world would we want to move to a corporatized, industrialized agriculture, where a few conglomerates control the whole food industry?

That is not competition. That is not Adam Smith's invisible hand. That is not the United States of America. I offer this amendment tonight with my colleagues. We will have the debate again next week, and then we will have the vote because we need to take some action.

We have to act now, otherwise there are going to be more mergers and it is going to be too late, and we are going to lose, as I said earlier, a whole generation of family farms.

I have seen some of these faxes and letters that have come in. I do not even have this in writing before me, but I can almost remember it. Some of them say: Oh, my gosh, this is a threat to co-ops.

Co-ops are not covered.

Some of these letters say: But if you want to sell your farm, then you can't sell your farm.

This does not apply to farms, it applies to these agribusinesses.

Then some say: This is going to stop all mergers and acquisitions.

That is not true either. We set up a test. There is a Hart-Scott-Rodino test right now where, if you have a big company, the Justice Department has to take a look at you to see whether or not you are in violation of antitrust laws. We are applying this to the large conglomerates and large agribusinesses.

Then there is the argument, if a company is going under this, this would prohibit them from selling or buying. That is not true either. There is a waiver with the Justice Department for companies faced with financial insolvency.

The question is whether or not the Senate is willing to take some action right now that will make a difference. I cannot think, I say to every single colleague, of any vote that we will cast when it comes to family farms and agriculture that is more telling in terms of what the Senate is about.

We have a few conglomerates. My case is compelling. They control well over 50 percent of the market. When farmers look to from whom they buy and to whom they sell, it is monopoly or oligopoly at best. They cannot get a decent price.

This amendment to the bankruptcy bill—by the way, on present course, more and more farmers will be faced with bankruptcy—let us have at least a moratorium on these mergers of these large conglomerates. Let's at least step back for 18 months, set up a commission, study this, and come up with legislation that will provide some protection for family farmers so they can get a decent price in the marketplace. If we pass that legislation in January or February, then this moratorium is no longer operative.

I come from a remarkable State. I want to quote a remarkable Minnesotan, Ignatius Donnelly. I want to quote from a speech he gave at the People's Party Convention in 1892. It reads as if it could have been written yesterday. He was an implacable foe of monopoly power. Donnelly in his speech affirmed that the interests of rural and urban labor are the same. He called for a return to America's egalitarian principles. He said:

> We seek to restore the Government of the Republic to the hands of the plain people with whom it originated.

We should do no less. If we want to sustain a vibrant rural economy and a thriving democracy, we need urgently to reform our farm and antitrust laws, and we have to act now. Time is not neutral. Time rushes on, and if we are not willing to take this action next week, time will leave many farmers behind. Now is the time to act.

Next week, I will read from letters of support from any number of different farm organizations, and I will start out with the Farmers Union, which has been so helpful in this whole effort. I especially thank Tom Buis for all of his policy work.

This may be the final vote of this session this year. This vote will be very telling for Senators who value a family farm structure of agriculture, for Senators who have seen the anguish of farmers in our rural communities, and for Senators who have seen in personal terms what record low farm prices and record low farm income means. It is important to come to the floor and fight for people.

Tonight is the first speech. Wednesday we come back with 1 hour more of debate. Between now and Wednesday, I am going to do everything I can as a Senator to make sure a lot of grassroots people in our farm States and in other States contact Senators because this is a tough fight. A lot of these large companies and a lot of their associations that represent these large companies—and I will read the names of the different organizations that are opposed to this legislation—pour in the faxes and pour in the letters. By the way, I say to my colleagues, a good part of what they are saying is not accurate.

I understand there are certain interests who give a lot of money and are heavy hitters, who are well connected and who are the players and investors, maybe too much so in both parties. I understand that a call for antitrust action or at least to call for a moratorium on these mergers and acquisitions of these large companies goes directly at that power. But the truth is—and I conclude on this note—this is but a glimpse of what is to come.

In some ways, our country today reminds me a little bit of the gilded age of the 1890s, moving into the next century. We moved into the 20th century. As we went through the 1890s, we had a tremendous consolidation of power which gave rise to the populist movement, gave rise to progressives, gave rise to Teddy Roosevelt, the Sherman Act in 1890, the Clayton Act in the teens, and then the Stockyard Act of 1921 or 1922. This feels the same way.

We have CBS being bought by Viacom. We have banks merging, a few banks, a few large insurance companies, a few airlines—concentration of power in telecommunications, concentration of power in agriculture—the list goes on and on.

I am a Senator from a farm State. I am a Senator from an agricultural State. I am a Senator from the Midwest. I am a Senator from the State of Minnesota, and when I look at the need to do something about this monopoly power and I look at the need to do something that will give our producers, our family farmers a fair shake, I cannot think of any more important action we can take than to at least have this temporary moratorium on these mergers.

Mr. President, I ask how much time I have left this evening.

The PRESIDING OFFICER (Mr. ALLARD). The Senator has 55 minutes.

Mr. WELLSTONE. Mr. President, I yield the rest of the time I have this evening to Senator HARKIN. I was going to suggest the absence of a quorum, but if my colleague from Oregon is going to speak, I will not do so. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I rise to respond to Senator WELLSTONE, not with any personal animus at all, but to give a perspective on this issue that perhaps I uniquely can give because, I say to Senator WELLSTONE, before I came into politics, I was a pea processor.

I say to the Senator, his amendment covers everybody I know in the industry, save those who are in farm cooperatives.

Mr. WELLSTONE. Mr. President, will the Senator yield for a quick question? I have to leave to try to get back to Minnesota to mark Veterans Day, but I want to ask my colleague, is he talking about a cooperative with which he was involved?

Mr. SMITH of Oregon. I ran a stock company, a food processing company. But its ownership was not by farmers but by stockbrokers.

Mr. WELLSTONE. I see. I thank my colleague.

Mr. SMITH of Oregon. I come to the floor, I say to Senator WELLSTONE, with the same interest that he has in farmers. I care very deeply about the rural economy. I note, with great concern, what is happening to my farmer friends and the rural economy. And I simply come here, in respect, and say, while as well-motivated as I believe the Senator from Minnesota is with his amendment, it is too broad and too wrong when it comes to what we believe in in this country, which is a free market.

I look at what has affected the farmers in my area and much of rural Oregon. I know in Oregon the Asian flu had a great deal to do with a loss of markets and low commodity prices. I have watched, in horror, as this administration has attacked the grazing industry in my State, going after their grazing rights, making sure the little guy can't utilize public lands anymore. I have watched, with amazement, that in the Columbia Basin there is actually serious talk about taking out transportation systems provided by hydroelectric dams that are able to transport hundreds of millions of tons of wheat and grain inland from Idaho all the way to the Port of Portland and out into the Pacific rim. What happens to those farmers? This bill does not help at all.

I look at the Food Quality Protection Act being administered by the Environmental Protection Agency. While I support the Food Quality Protection Act, I have been one who has pled with this administration to employ good science as they review chemical tolerances. As they take away the pesticides, the herbicides that these farmers have depended upon—which have greatly contributed to their ability to be good farmers and to produce high-quality crops with low production costs—they leave farmers with no effective alternatives. This bill does not address these farmers' concerns.

I have to say that the way the Senator from Minnesota has described this day of decision with respect to farmers, I think he has forgotten that we in this Congress have already voted out $8.7 billion in emergency assistance to farmers to help tide them through this very desperate season.

Many of us have gone to the U.S. Trade Representative and pled that this time, in Seattle at the WTO meetings, agriculture not be left out. One of the predicates of the Freedom To Farm Act was that we would increase markets and we would decrease regulations. We have not done either of those things. We have diminished markets, and we have increased regulation. We have, I am afraid, perhaps cut the farmer too short a deal. That is in part why we had to send another $8.7 billion in assistance this year.

In addition to that, I have tried to help farmers with the whole issue of immigrant labor, trying to reform the H–2A program. I am amazed at the things that are said about those of us who actually believe immigrant workers should have some legal stature to be here, to do labor that they want to do and that agricultural employers need them to do if they are going to have a harvest. I have been amazed at the way that we, who are trying to improve their legal standing, are characterized by those who are in the labor shortage business.

If you want to hurt a farmer, just make sure he does not have the ability to have his crops harvested. The amendment of the Senator from Minnesota does nothing for these farmer's concerns.

I want him to know, and anyone else interested in this issue, that Senator HATCH, of the Judiciary Committee, has announced that there will be hearings on agricultural concentration so we can examine the instances where perhaps the Federal light ought to be put on a few mergers and acquisitions. We have laws to take care of those things. They need to be enforced. Perhaps they are not being enforced to the extent some would prefer. Senator HATCH's hearings I believe will get at that issue.

But the thing I would really to impress upon my colleagues in the Senate is that Senator WELLSTONE's amendment exempts farm cooperatives. I have nothing against farm cooperatives. They do a lot of business in my State, and they do a lot of good in my State. They play a very important role in agriculture. About one-third of the farmers in this country have a farm cooperative for the outlet of their production. How about the other two-thirds? The other two-thirds grow their products for stock-owned companies.

What the Senator's amendment is proposing to do is to say that in this 18-month moratorium, no market conduct, no mergers, no acquisitions can occur among stock-held companies. However, this same activity, among farm cooperatives, is no problem. That makes no sense to me. In fact, a lot of farm cooperatives buy stock companies. To me, this is just patently unfair. If we should do something this un-American, this countermarket, we should do it to all. But, frankly, let's not do it to any.

There are many ways to help the farm community without this kind of market intrusion by the Government. This really is an amendment that will ask every Senator what they believe about the free market system, not what they believe about helping farmers.

My Heavens, there is almost nothing you could bring to this floor that would actually help a farmer that I would not vote for or have tried to vote for and have taken a lot of heat for because I have voted for things that really do help a farmer to survive. But to go in and say one class of farm processors is exempt but two-thirds of you cannot participate in the free market, frankly, strikes me as strange.

I will tell you another thing that really is troubling based on my experience. I have seen many farm cooperatives be very good at producing lots of food, lots of surplus. In some instances, some have not been as good at marketing that surplus. So in a backhanded way, what we are saying is, if you organize yourself in this way, you get the benefit of the free market, but if you organize yourself as a stock company, you are limited as to how you can merge, sell, and acquire.

What does that mean to two-thirds of the farmers in this country? What does that mean to them, if their output goes to a stock food processor? It means the food processor, if he or she is in trouble, has one option because they can't sell. They can't merge. They could go bankrupt. So what have you done to help the two-thirds of the farmers in this country, if you put their outlet of production in that kind of jeopardy?

This amendment is a shotgun blast at the marketplace. I plead with my colleagues, I appeal to their commitment to free enterprise not to interfere in the marketplace in this way. This does not work. This is not fair. This is not the American way.

If there are antitrust problems, we have laws for that. If there is illegal conduct, we have laws to go after crooks. But why penalize all of the agricultural community that organizes themselves in stock companies as opposed to farm cooperatives? It makes no sense. I, frankly, don't know of a precedent for that in our Nation's history. Perhaps someone can show me one. This is not the way to help farmers. This is wrong. This penalizes hundreds and thousands of food processors who are trying to deliver to the farmer a good outlet for their product and to pay them a fair price.

I am aware of one farm cooperative this year that has said to their growers, the dollar you put in for a crop, we are going to pay you 75 cents this year. And, in this instance, all of the stock food processors are paying 100 cents on a dollar, plus the profit that they guaranteed by the contract. So we are going to punish the processor that is delivering 100 cents and more on the dollar? We are going to advantage

those who are delivering less than that?

This amendment is misguided and must not pass, or we will be punishing farmers and food processors that simply do not deserve this kind of treatment from the Senate.

I rise in opposition to the amendment being brought forward by the Senator from Minnesota. While I recognize the concern among farmers in his state and mine over agribusiness concentration, I believe we would be making a profound mistake if we were to respond to the current situation by adopting this amendment today.

I, too, am concerned about the future of family farmers and American agriculture. Agriculture is one of the largest industries in Oregon. It represents more than 140,000 jobs including on-farm employment, food processing, marketing, and all the other factors that go into bringing fine Oregon produce to restaurants, grocery stores, and dining room tables around the country. It is the dominant industry in many Oregon counties, and it flourishes just a short drive from the urban centers of Portland and Eugene. So when farmers are concerned about something, I am too.

I am well aware that many people in farm country are suffering these days from another year of low commodity prices. Most of the farmers that have spoken to me about this current farm crisis believe it is mainly due to the lack of overseas market access, expensive environmental and labor regulatory burdens, and in some areas, natural disasters. For a state like Oregon that exports much of its produce across the Pacific, the recent Asian financial crisis has had a devastating impact on farmer's bottom lines. Moreover, in the Northwest especially, I have been witness to an Administration that has not been particularly friendly towards the interests of rural communities by continuously threatening long-standing grazing rights and the essential grain transportation network afforded by the lower Snake River dams.

So I have tried to be very sensitive and responsive to the needs of farmers in rural America that have fallen into something of a mini-depression while watching their urban counterparts enjoy an economic boom. Here in the Congress, we have decided to direct billions of taxpayer dollars in assistance to help tide farmers over during these lean years—another $8.7 billion was sent out to farm country this fall. I have voted for these assistance packages knowing that they are short-term fixes and that much work remains to be done to improve the long-term outlook. Part of this is improving the demand side of the equation through the expansion of trade opportunities. I have been very supportive of unilateral sanctions reform, tearing down agriculture trade barriers through the WTO, and full funding for the promotion of American commodities overseas utilizing the Market Access Program. These efforts are all vital to induce a rebound in world demand, and, eventually, a rebound for our farmer's prices here at home. An equally important part of the equation is to reduce costs of production for farmers that come in the form of excessive federally-mandated regulations. I have worked hard to overhaul the currently impractical H2A guest worker program and free farmers from INS and Social Security Administration intimidation by giving them a legal workforce. I have consistently pushed for a science-based implementation of the Food Quality Protection Act, and an even-handed review of pesticide tolerances. I believe that continued work to open market opportunities for farmers while fulfilling our promises to ease regulatory burdens—in other words keeping the Congress' promises under the Freedom to Farm bill—will be necessary in order to get the farm economy back on track.

With that said, I am also aware that many farmers in my state and around the country have reservations about the pace of change and consolidation underway in certain agriculture sectors. The meat packing and grain processing industries have seen a number of headline-grabbing mergers and acquisitions in recent years. Critics of these mergers often cite the 3% rise in consumer food prices that has come over the last 15 years while the farmer's percentage of the food dollar has simultaneously dropped 36%. Others note the high profits attained by large agribusinesses at a time when many farmers continue to suffer from historically low commodity prices. Certainly, the pace of the concentration and how it affects the bargaining power of average producers and the overall future of family farming warrant careful review by appropriate federal agencies and continued study by the Congress. I note that this issue of concentration and competitiveness in agriculture was the subject of a recent hearing in the House Judiciary Committee just a few weeks ago. In addition, Chairman HATCH just announced last week that his Judiciary Committee will be looking into this issue in a comprehensive way early next year. I also want to point out that we in the Congress, largely in response to concerns about the competitiveness within the meat packing industry, just passed a provision to the FY 2000 Agriculture Appropriations bill that requires mandatory price reporting for meat packers. So I want farmers to know that the issue of agribusinesses concentration has not gone unnoticed by the Congress.

I concur with the Senator from Minnesota that this is an important issue. However, I must respectfully disagree with his conclusion that an outright moratorium on agribusiness mergers is the right response.

His amendment would impose a moratorium on mergers and acquisitions among agribusinesses with annual net revenue or assets of more than $100 million for one party, and $10 million for the other. This would affect agriculture brokers, commission merchants, commodity dealers, agricultural suppliers such as seed and chemical producers, and food processors. This moratorium would remain in effect for 18 months or until Congressional legislation on this issue is enacted. In addition, this amendment would create a new 12 person federal panel to investigate the issue and report back to the Congress and the President. I find it remarkable that one week after tearing down barriers to mergers and increased efficiencies in the financial sector, we are now considering doing the opposite for agribusiness, an industry in part responsible for delivering the safest and most economical food supply in the world. What kind of message for American competitiveness would we be sending to the business world by placing such an arbitrary 18 month moratorium on only certain actors within a particular industry?

Unlike most people here in the Senate, I have actually run a food processing business. I have had to meet a payroll, efficiently produce a high quality product, endure all of the bureaucratic government regulations—and do it all at a competitive price the consumer was willing to pay. I had to go out there and compete in the marketplace. From my experience, I can tell you that it is a lot more competitive, at least in the frozen vegetable business, than proponents of this amendment would have you believe. I am afraid that the Wellstone amendment, which has not been subject to Senate hearings or markup in committee is overreaching and blatantly unfair to many honest business people in the agriculture sector.

We all know that revolutionary innovations have developed in technology, marketing, and food production and processing over the last one hundred years. Our country has shifted from an agrarian economy to an industrial economy to an information technology and service economy. Today American agriculture has become part of a global marketplace. This is a far cry from the turn of the century when many if not most Americans were directly employed in food production and many producers distributed their goods largely within their own local area. The agribusiness sector—from processors and brokers to suppliers and grocers—has changed with the times as well; just like the small farmer buying land from his neighbor to add production acreage, many food processors and agribusinesses have found it helpful, if not

imperative, to band together to meet the challenges of the new economy and, ultimately, the demands of the consumer.

It is demand of the consumer that I believe is a large reason for the growing disparity between the food dollar paid at the retail level and the cash received by farmers for their crops. Today's consumer is demanding greater convenience, enhanced nutritional value, choices in packaging, low fat and nonfat products, faster and easier to prepare items—all values usually added to the product after it leaves the farm. In addition, all of these new products have to be marketed in some way so that the customer knows they are available and attaches values to the brand names. And, of course, these products must be offered at a price the consumer is willing to pay.

There are a host of reasons why companies find it in their best interest to merge or why one company agrees to be acquired by another. Certainly, any of my colleagues that have experience in the business world understand that there are occasions when businesses, searching for the greatest efficiencies and competitive advantage, find the need to sell an underperforming or unprofitable division. There may be another business out there with the right mix to take these divisions on and make them efficient and profitable. In some instances, businesses that are failing would have to close their doors altogether if there is no willing buyer to come in and restructure the company. If there is no buyer for these businesses, the alternative is simply to see these jobs lost. This ability to adjust to the market and the changing demand of consumers is a fundamental component of our free enterprise system. Now, I am aware that a provision of the Wellstone amendment might allow businesses in severe financial distress to request a waiver from Janet Reno, but that option strikes me as especially bureaucratic and time-consuming.

Despite their portrayal as the oppressor of family farmers, many agribusinesses are family-owned operations or small businesses. Although $10 million in assets or annual sales sounds like a lot, when considering the capital-intensive nature of many of these food processing and support businesses, it is not an uncommon threshold to surpass. Many of these business-owners and entrepreneurs are depending on their businesses to serve as their nest egg for retirement. The Wellstone proposal would prevent an unknown number of families in these circumstances from selling their business to whom they pleased.

Even worse, the Wellstone proposal only applies to certain agribusinesses—it specifically exempts agriculture cooperatives. Many co-ops are large agribusinesses in their own right that have also acquired smaller companies in recent years. Yet, under the Wellstone amendment, they would be in direct competition with other agriculture businesses and free from the requirements of this moratorium.

Mr. President, with this proposal, you would be led to believe that the Justice Department has failed to uphold our federal antitrust laws. However, that has not been the case. In the case that set off much of the concern in the first place, the Cargill-Continental Grain acquisition, the Department of Justice allowed the deal to go through only after the companies divested four port elevators, four river elevators, a rail terminal, and made a number of other concessions to enhance competition. The Justice Department intervened and required similar divestiture before approving the Monsanto Corporation's acquisition of DeKalb Genetics Corporation, ensuring continued competitiveness in the genetically-modified seed industry. Another announcement came just last week with respect to the merger of New Holland and Case Corporations, major farm equipment suppliers. I know the definition of supplier in this amendment exempted farm equipment, but many farmers were concerned about the potential implications of this merger, nonetheless. In this case, the Justice Department again required divestitures on the part of both companies. So, so I think the evidence is clear that the administration is looking at these merger proposals, and looking fairly carefully at what impacts they may have in the market, and enforcing federal antitrust law. Coming on the heals of last Friday's well-publicized victory for the Antitrust Division, I find it astounding that there are those that would imply this is an agency that is sleeping on the job.

In closing, I believe the matter at hand is a simple one. Mr. President, the Wellstone amendment is the wrong answer to the wrong question. This isn't the key to farm recovery—that lies with expanding trade opportunities, government regulatory relief, and fulfilling our promises under Freedom to Farm. And this is not even the way to solve any flaws that may exist with our current antitrust laws. Those solutions must be developed with the scrutiny and public hearings of the Judiciary and Agriculture Committees. Do we want to set a precedent today by placing this kind of moratorium on business activity for one particular industry and treat them differently than all other businesses? Do we want to take a sweeping and unprecedented step of pushing a merger moratorium on an unknown number of businesses that play key roles in our food chain? I hope my colleagues will agree with me that the correct answer to both questions is no and that the prudent step to take here is to accept Chairman HATCH's offer to have comprehensive hearings on the matter early next year and take subsequent appropriate action in a way that is fair to our farmers, our businesspeople, and our consumers, alike. I urge my colleagues to join me in opposition to the Wellstone amendment.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the face of American agriculture is being changed dramatically by the quickening pace of mergers, buyouts, takeovers and vertical integration. Over the years, farm families have survived bad weather and ups and downs in the markets. They have adapted to new technologies, new ways of buying production inputs and new ways of marketing what they produce.

But today farm families are being hit by a tidal wave of economic concentration and consolidation that is threatening their survival in a way that is unlike anything in the past. The pace of consolidation is being driven even faster by the disastrously low commodity prices of the past couple of years. These are deeply troubling times for anyone concerned about the future of the family farm—and we are quickly running out of time to turn things around.

Senator WELLSTONE's amendment, of which I am a cosponsor, is vitally necessary because I believe that we need a time-out from the headlong rush towards ever greater economic concentration and consolidation in agriculture. All this amendment does is put a hold on mergers and acquisitions involving large agribusiness firms for a period of 18 months or until legislation is in effect addressing market concentration in the agricultural sector, whichever comes first. So it can't be longer than 18 months.

All this amendment is saying is that we have to take a pause to get a handle on the mergers and acquisitions in agriculture that I believe have gotten out of hand and out of control. Some will say the amendment goes too far, as my friend from Oregon just said. But I think the merger mania in agriculture has gone way too far already. We must act before the family farm is driven to total extinction.

I tell my colleagues, there is no more critical issue to the farm families of America than the rapid and sweeping changes taking place in the economic structure of agriculture. It is an issue that I believe overshadows even the record low commodity prices that are devastating rural America. Farm families and their communities have their backs against the wall, and they are fighting for survival. They are being overrun by economic forces far more powerful than they are. The least we can do is to provide a time-out before it is too late.

Far too little attention has been paid to the tremendous consequences of transforming American agriculture from a system of independent family farms to one based on the corporate industrial model. Ever greater economic concentration in the food and agricultural sector affects not only farm families and rural communities. Everyone eats. Consumers ought to ask whether they will enjoy the same high-quality food at reasonable cost if our food supply is in the hands of a few corporate giants instead of many thousands of family farms.

Make no mistake about it, the sweeping consolidation in the food and agricultural sector is not about productive efficiency. When it comes to efficiency, nobody beats the independent family farm. What is taking place is about the corporate bottom line: stock deals, positioning in the market, and capitalizing on economic power. Is it in the best interests of this country to have a food and agricultural system dominated by the principles and standard operating procedures of Wall Street? Does it make any sense to continue down a path of ever increasing economic power and consolidation among agribusiness firms while family farmers are driven off the land?

The underlying principle of our Nation's antitrust laws is that we are all better off with a system of full, free, and fair competition in the markets. The rapidly growing economic concentration in the food and agricultural sector stands this principle on its head. We have to ask why the antitrust laws on the books are not working to stem the tide of economic concentration in agriculture.

Now, the speaker before me—I listened carefully—said over and over again that we shouldn't be interfering in the marketplace. Well, there are times when we must interfere in the marketplace because unbridled exploitation of the marketplace leads to concentration, undue economic power, and monopoly practices. If you don't believe me, look what has happened with Microsoft. Why did we have the Clayton and Sherman Antitrust Acts in the first place? Because unbridled economic power led to more and more concentration, more and more monopolies, and less and less competition.

I believe in the marketplace, but the marketplace must be tempered. The marketplace must be tempered by adequate rules and regulations and laws that keep one party from becoming so big it can squash out all effective competition. So to say we shouldn't interfere in the marketplace is to fly in the face of what our stated policy has been for the last century in America.

We do interfere in the market. We interfere in the market to try to keep it a free and open and fair and competitive market. Otherwise, let the big get bigger, let them buy out everybody else, and let them squash competition. Why bring a case against Microsoft? Because I think it is being shown that Microsoft is engaging in anticompetitive behavior to squash out competition so that they can charge the consumers what they want to charge for what they offer, not what competition in an open market would bring to the consumers of software, but whatever Microsoft wants to charge for what they choose to sell because they can effectively squeeze out everyone else.

I don't buy the argument that we have to keep our hands off of the market. We tried that in the past, and it brought us to the brink of ruination. So you have to have interventions periodically. I think where we are in agriculture now begs us for that kind of intervention.

Now, there is one other important aspect of this amendment. It sets up an Agriculture Concentration and Market Power Review Commission to take a close look at economic concentration in agriculture and to make recommendations on changes in antitrust laws and other Federal laws and regulations in order to ensure that there is a fair and competitive marketplace for family farmers and rural communities.

Again, in that connection, I want to say that the present Justice Department has been the most active in the area of antitrust enforcement in agriculture of any Justice Department in my experience in Washington. So I commend the Attorney General and especially commend assistant Attorney General Joel Klein for bringing new life to antitrust enforcement in agriculture and elsewhere. Incidentally, I congratulate Mr. Klein for his wisdom and judgment in taking on the Microsoft case, because I believe if this case had not been pursued, Microsoft would have gotten even bigger and bigger, and more and more of any competition would have been snuffed out. I think this case is going to help consumers.

But the Justice Department can only do so much under the present state of our antitrust laws. We must keep in mind that the antitrust laws on the books were written around the close of the 19th century, and we are now at the beginning of the 21st century. The economic structure of agriculture and agricultural businesses has changed dramatically in the intervening years. In addition, there have been many court decisions interpreting and applying the general language of the Sherman and Clayton Acts. Those decisions, quite frankly, have not all been favorable to the strong antitrust enforcement that I believe we need in the area of our food and agriculture system.

So, at the end of this century, almost 100 years after the Sherman and Clayton Acts and after court decisions that I believe have interpreted these laws in ways that are inimical to the best interests of family farms, this amendment will put a brake on the category of large agribusiness mergers and acquisitions for a period of time, 18 months, so we can have a careful review of economic concentration in agriculture and of what need we have for changes in the law to ensure a fair and competitive marketplace in agriculture.

There is a lot of rhetoric flying around about sustaining the family farm in this body. This amendment allows us to address the greatest threat to the survival of family farms now existing. This amendment provides for a pause, a breathing spell, so family farms are not driven to extinction before we can even get a handle on what has happened.

I urge my colleagues to support the amendment.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, I wanted to come to the floor for just a moment to express my support for the Wellstone amendment, as well. I commend the distinguished senior Senator from Minnesota, as well as the Senator from Iowa, for their work and for the effort that this amendment represents.

Basically, this amendment has a very simple purpose. It is simply to take a deep breath, take a close look, and to give careful thought to what is happening in agriculture today. We all espouse the free enterprise system. We all say that we are enthusiastic advocates of real competition, which is really the essence of the free enterprise system—competition. We all express our grave concern when we find circumstances within the economy that are not competitive. Yet, as we look at agriculture today, as we look at the tremendous economic power now represented in fewer and fewer companies, with more and more mergers underway almost weekly, one has to ask, how much is enough? When do we undermine the very tenets of free enterprise by continuing to look the other way when these mergers are announced? We see it especially in livestock. The latest announcement that Smithfield Corporation will be acquiring Murphy Farms illustrates the point. There are fewer buyers. There are fewer processors. There are fewer options. There are fewer and fewer competitors.

Mr. President, when that happens, we reach a point where there is no competition. I am not one who is prepared today to say that there is collusion in the market, that there is something illegal going on in the market; but I am

prepared to say today that what is happening in the market is not healthy for agriculture. What is happening in the market goes the wrong way from competition. What is happening in the market today precludes real opportunities for producers to be able to ensure a fair price, a real opportunity in the marketplace, a real sense of competition.

I was just told again last week that in many places in South Dakota, a buyer will tell you that he will be in a location for one day for as little as one-half hour, and if you want to be able to sell your cattle to that buyer, you have to be there in that half hour's time, on that appointed day, or you don't sell cattle that week. I don't know how that is competition. I don't know how we can say today this is the free enterprise system that we all defend and espouse. What is free enterprise when you have one buyer and all these producers lined up to sell, almost supplicating themselves to that buyer? That isn't free enterprise. That isn't what we say agriculture is supposed to be. Most important, that isn't ever going to allow us the confidence that we need as we look to the future and encourage young people and encourage rural people to stay where they are. They need more confidence and more assurances than what we are giving them today.

So this amendment is really pretty simple. It just says, let's take a deep breath, let's not do anymore until we have had a chance to analyze whether or not our fears are being realized, whether or not we really have any legitimate basis for concern, whether or not the situation is going from bad to worse. That is all we are saying. Once it happens, it can never be undone. I doubt very much that we will ever go back and say, OK, we are going to break up these companies, because that is the only way it is going to assure that we have the kind of competitive environment that we need. I don't think that is in the offing in the short term. So while we still have a chance to put everything on hold, to analyze whether or not this is good, why not simply say, let's take a deep breath.

I personally don't believe that we ought to be content with just this. I really worry about whether or not vertical integration in agriculture ultimately is going to destroy the young family farmer, or the livestock producer. Once you have the processor in charge of every step from to table, then you really don't have competition. More and more, that seems to be the approach the large processors are taking—get involved in production, get involved in transportation, get involved in wholesaling, get involved in retailing, get involved in every single aspect from top to bottom. I am concerned about vertical integration.

It seems to me that when we made the decision to break up the old telephone company back in the early 1980's we created a competitive explosion the likes of which we never imagined, and from which we are still benefiting today. We see things that are happening today that make other countries' heads spin. We broke up a large company, and we made progress the likes of which we could have never have anticipated. I would love to see the kind of competition, the kind of excitement, the kind of enthusiasm in agriculture as we now see in telecommunications.

Mr. President, I am hopeful that we will send the right message. I am hopeful that we can simply say, Look. At the very least, let's stop before we allow this to go any further for just a few months—18 months. Let's make some good decisions, and calculate whether or not this is good for the country and good for the agriculture industry.

I think it is a good amendment. I support it.

I yield the floor.

I note 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. Without objection, it is so ordered.

AMENDMENT NO. 2648

(Purpose: To protect the citizens of the State of Vermont from the impacts of the bankruptcy of electric utilities in the State)

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the pending amendment be laid aside, and I call up amendment No. 2648, and ask that the amendment be agreed to, and the motion to reconsider be laid upon the table.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY), for Mr. JEFFORDS, proposes an amendment numbered 2648.

The amendment is as follows:

At the end, add the following:

TITLE ____—PROTECTION FROM THE IMPACT OF BANKRUPTCY OF CERTAIN ELECTRIC UTILITIES

SECTION ____01. SHORT TITLE.

This title may be cited as the ''Emergency Imported Electric Power Price Reduction Act of 1999''.

SEC. ____02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the protection of the public health and welfare, the preservation of national security, and the regulation of interstate and foreign commerce require that electric power imported into the United States be priced fairly and competitively;

(2) the importation of electric power into the United States is a matter vested with the public interest that—

(A) involves an essential and extensively regulated infrastructure industry; and

(B) affects consumers, the cost of goods manufactured and services rendered, and the economic well-being and livelihood of individuals and society;

(3) it is essential that imported electric power be priced—

(A) in a manner that is competitive with domestic electric power and thereby contribute to robust and sound national and regional economies; and

(B) not at a rate that is so high as to result in the imminent bankruptcy of electric utilities in a State; and

(4) the purchase of imported electric power by the Vermont Joint Owners under the Firm Power and Energy Contract with Hydro-Quebec dated December 4, 1987—

(A) is not consistent with the findings stated in paragraphs (1), (2), and (3); and

(B) threatens the economic well-being of the States and regions in which the imported electric power is provided contrary to the public policy of the United States as set forth in the findings stated in paragraphs (1), (2), and (3).

(b) PURPOSES.—The purposes of this title are—

(1) to facilitate the public policy of the United States as set forth in the findings stated in paragraphs (1), (2), and (3) of subsection (a);

(2) to remove a serious threat to the economic well-being of the States and regions in which imported electric power is provided under the contract referred to in section ____02(a)(4); and

(3) to facilitate revisions to the price elements of the contract referred to in section ____02(a)(4) by declaring and making unlawful, effective 180 days after the date of enactment of this Act, the contract as it exists on the date of enactment of this Act.

SEC. ____03. UNLAWFUL CONTRACT AND AMENDED CONTRACT.

(a) IN GENERAL.—Effective on the date that is 180 days after the date of enactment of this Act, the contract referred to in section ____02(a)(4), as the contract exists on the date of enactment of this Act, shall be void.

(b) AMENDMENT OF CONTRACT.—This title does not preclude the parties to the contract referred to in section ____02(a)(4) from amending the contract or entering into a new contract after the date of enactment of this Act in a manner that is consistent with the findings and purposes of this title.

SEC. ____04. EXCLUSIVE ENFORCEMENT.

(a) IN GENERAL.—Only the Attorney General of a State in which electric power is provided under the contract referred to in section ____02(a)(4), as the contract may be amended after the date of enactment of this Act, may bring a civil action in United States district court for an order that—

(1) declares the amended contract not consistent with the findings and purposes of this title and is therefore void;

(2) enjoins performance of the amended contract; and

(3) relieves the electric utilities that are party to the amended contract of any liability under the contract.

(b) TIMING.—A civil action under subsection (a) shall be brought not later than 1 year after the date of the amended contract or new contract.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2648) was agreed to.

Mr. LEAHY. Mr. President, in reference to the bankruptcy bill, I am pleased that the Senate has offered the

managers' amendment. It greatly improves the underlying bill and will improve the suggestion from both sides of the aisle.

I am pleased we passed the Kohl-Sessions-Grassley-Harkin amendment on homestead exemption.

I wish the drug amendment, which was adopted by a 50–49 vote earlier this afternoon, had not been agreed to. I think it was the wrong direction to go. But the Senate voted.

I regret that the Senate rejected the Dodd amendment. But I note that with the efforts of the Senator from Iowa and the Senator from Utah, the Senator from New Jersey, Mr. TORRICELLI, and myself, we narrowed the number of amendments from over 300 to approximately 30. We are working through them.

I should note just for the schedule that we have a number of Democrats who have offered short time agreements on their amendments to expedite getting their votes.

I thank Senators FEINSTEIN, SCHUMER, and DODD for their cooperation in getting very short time agreements on their amendments. I compliment the Senator from Iowa. He and his staff worked with me and my staff, as well as Senator HATCH and Senator TORRICELLI. We have cleared out an awful lot of what looked to be a totally unmanageable bill with the number of items we had before us.

I yield the floor.

Mr. HELMS. Mr. President, protecting America's children, our most vulnerable future leaders, is one of the highest obligations of government. Foremost among the reasons for waging a war on illegal drugs is the threat drugs pose and the damage they inflict on the children of America.

At the core, it has always been understood that drug policy is primarily a federal responsibility. The vast majority of illegal drugs consumed in the United States are produced outside of our borders, smuggled into the country, transported across state lines, and distributed via a complex multi-faceted criminal network. If we hope to combat the spread of this cancer effectively, the federal government simply must take the lead role.

The able Senator from Georgia, Mr. COVERDELL, expressed that view well when he said:

> [W]hile our schools are the responsibility of states and local communities, the federal government has a responsibility to lead. . . . We must act now to ensure that every child has the opportunity to learn in a safe and drug-free school. . . . The message we send our children on drugs is a real problem. When the message is anything short of zero tolerance for drugs, we encourage drug usage by kids.

Mr. President, I agree absolutely. This recognition led me, along with several other Senators, to introduce a bill in the past two Congresses to extend the provisions of the Gun-Free Schools Act to illegal drugs. A modified version of that bill was also introduced as an amendment to S. 254 earlier this year; that version was unanimously agreed to by the Senate.

Today, I am reintroducing that amendment as part of the Hatch-Ashcroft-Abraham drug amendment, of which I am a proud cosponsor.

I am thankful for the opportunity once again to allow Senators to go on record in support of the eradication of illegal drugs from our classrooms. Simply put, my amendment conditions receipt of federal education funds on state adoption of a policy of ''zero tolerance'' for student drug dealers. By zero tolerance, my amendment would require that drug traffickers be expelled from school for not less than one year.

Anyone who thinks this policy unduly harsh should consult the 1998 CASA National Survey of Teens, Teachers and Principals. Prepared by the National Center on Addiction and Substance Abuse at Columbia University under the direction of President Carter's former HEW Secretary, Joseph Califano, the report states under the heading ''Drug Dealing in Our Schools'':

> For too many kids, school has become not primarily a place for study and learning, but a haven for booze and drugs. . . . Parents should shutter when they learn that 22% of 12- to 14-year-olds and 51% of 15- to 17-year-olds know a fellow student at their school who sells drugs. . . . Indeed, not only do many of them know student drug dealers; often the drug deals take place at school itself. Principals and teachers may claim their schools are drug-free, but a significant percentage of the students have seen drugs sold on school grounds with their own eyes. . . . In fact, more teenagers report seeing drugs sold at school (27%) than in their own neighborhoods (21%).

The report goes on to detail that students consider drugs to be the number one problem they face, that illegal drugs are readily available to students of all ages, and that illegal drugs are now cheaper and more potent than ever before. According to CASA, ''one in four teenagers can get acid, cocaine or heroin within 24 hours, and given enough time, almost half (46%) would be able to purchase such drugs.'' Clearly, eliminating illegal drugs from America's classrooms is a required first step to restore order.

Impossible to calculate—the ill effects, disruptions, and violence associated with the drug trade are not limited to those who are active participants. The lives and futures of children who want to learn are often sacrificed by those disruptive students who seek to victimize their classmates.

A clear link between school violence and drugs was found by the PRIDE survey, conducted by the National Parents' Resource Institute for Drug Education, when it reported that:

> Gun-toting students were 23 times more likely to use cocaine; gang members were 12 times more likely to use cocaine; and students who threatened others were 6 times more likely to use cocaine than others.

The connection between drugs and school violence is apparent.

Mr. President, the devastation wrought by illegal drugs crosses all geographic, political and economic boundaries. It is not confined to a region of the country or a class of individuals. As one example, according to the North Carolina State University's Center for the Prevention of School Violence (a remarkable organization that tracks the incidence of school crime in North Carolina and suggests preventative measures), ''possession of a controlled substance'' has been either the first or second most reported category of school crime in my home state for the past four years. Regrettably, I suspect that many other states share that dubious distinction as well.

In recognition of the federal obligation to foster safe schools, the Congress passed and the President signed the Gun-Free Schools Act in 1994. Many commentators have, at least in part, credited that act with reducing the number of guns brought to our schools.

It is time to provide a logical and common sense extension of that act by focusing not merely on the gun but on why students take guns to school in the first place. We must acknowledge that many children take guns to school either because they are involved in illegal activity or because they seek to protect themselves from those who are. A comprehensive effort to rid our schools of weapons must eliminate the reasons why students arm themselves not merely prohibit the possession of weapons.

This realization is not lost on those who are on the ''front lines'' of our war on drugs. When surveyed, students, teachers, and parents express overwhelming support for the adoption of a zero tolerance policy for drugs at schools. In fact, the closer they are to the problem, the more enthusiastic they are in support of zero tolerance.

For example, the CASA study that I mentioned earlier found that 80% of principals, 79% of teachers, 73% of teenagers and 69% of parents support zero tolerance. Additionally, 85% of principals, 79% of teachers, and 82% of students believe this policy effective at keeping drugs out of schools and believe that adoption of the policy would actually reduce drugs on their campus. In conclusion, the CASA report stated:

> If these students believe them [zero tolerance policies] so effective, these policies must make an impact on their decisions to not bring drugs on campus. Given this, it seems that schools . . . should implement and strictly enforce zero tolerance policies.

Mr. President, this policy is firm but fair. The drug trade and its violence have no place in America's schoolhouses. Schools should be a safe haven

for our children, fostering an environment that is conducive to learning and supportive of the vast majority of students who are eager to learn. At the very least, our children and teachers deserve a school free of fear and violence.

President Clinton, in his 1997 State of the Union address, stated ''[W]e must continue to promote order and discipline, supporting communities that remove disruptive students from the classroom, and have zero tolerance for guns and drugs in schools.'' Echoing that view, Texas Governor George W. Bush, in a major education speech last week, called for zero tolerance policies for disruptive students, stronger enforcement of federal laws on bringing guns into schools and greater accountability from schools that receive federal money for drug and safety programs.

Mr. President, it is obvious that the need to set high standards to protect our children from the scourge of illegal drugs should be a subject of broad bipartisan consensus. I hope that the Congress will heed President Clinton and Governor Bush's calls and that the Senate will once again send a strong signal to all that we intend to give our children the support they need to grow up safe and drug-free.

● Mr. MCCAIN. Mr. President, I regret that I was unable to be here for the votes yesterday on the minimum wage.

In the past, I have opposed increases in the minimum wage because of my concern about the impact on small businesses, as well as the combined effects of the 1996 minimum wage increase on jobs and the economy. Many small enterprises operate on a very thin margin, and the imposition of additional costs could result in the closure of businesses and the loss of jobs. Such an outcome would serve only to hurt the very people we are trying to assist.

I understand how difficult it is to make ends meet in today's economy. Many families are struggling and many small business people who create the vast majority of new jobs are clinging to solvency. I believe Congress must work to enact measures to strengthen the small business sector, bolster job creation, and enhance job security, including further responsible tax and regulatory relief.

I oppose the Kennedy amendment because it combines a minimum wage increase with an additional tax burden on the very businesses that will face higher personnel costs. I support the Domenici amendment to incrementally increase the minimum wage because it also provides real tax and regulatory relief for small business owners who may be adversely affected by the additional costs they will incur.

The Domenici amendment allows minimum-wage workers to earn a better living. At the same time, it provides $18.4 billion in tax relief over five years to small business people across America to help them offset the increased employee costs of this minimum wage increase. Small businesses will now be allowed to increase their expensing to $30,000, and benefit from a permanent extension of the Work Opportunity Tax Credit and a repeal of the temporary Federal Unemployment Tax Act surtax. Furthermore, this amendment allows 100-percent deduction for self-employed health insurance, phases in health-insurance and long-term care above-the-line deductions, and makes pension reform proposals to increase employees' financial security. This tax relief is entirely paid for by closing corporate tax loopholes in the first year and then using a small portion of the projected non-Social Security surplus in the ensuing years, without dipping into the Social Security Trust Fund.

One aspect of the Domenici amendment that troubles me is the increased deductibility of business meals and entertainment costs. I have always opposed allowing a tax deduction for the so-called ''three-martini power lunch'' for corporate executives, although this amendment limits the benefits of this tax deduction to small businesses and self-employed individuals. I question whether this tax deduction is the highest priority of small businesses, or whether there are other more broadly beneficial tax breaks that could have been included in this bill to assist those businesses most likely to be affected by the minimum wage increase.

Mr. President, because the Domenici amendment combines a $1.00 increase in the minimum wage with tax and regulatory relief to offset the negative impact of increased personnel costs on small businesses and the economy as a whole, I would have voted for the amendment.●

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, for the leader, I ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak up to 10 minutes each.

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

HONORING VETERANS DAY

Mr. BYRD. Mr. President, as daylight hours shorten and brightly colored leaves fall from the tree branches, we gradually descend into the winter season. The master hand of nature, after painting the hills glorious colors, leaves us with a chilly palette of greyer skies, leafless trees, and a long wait before the spring blossoms emerge from their underground bulbs. Although we may feel the bounce in our step that a crystal clear, crisp-aired fall day can bring, with the sun shining brightly as it makes its low arc across the sky, we are reminded during this time of the year of the cycles of the natural world. We are reminded that all too soon, we will be in the quarter of the year naturally suited for hibernation—a season, despite festive gatherings, associated with the death needed for renewal. During this season we celebrate Veterans Day to honor veterans who, with their death and sacrifice, have renewed and sustained the freedom and promise of our great republic.

Each year at the eleventh hour of the eleventh day of the eleventh month we celebrate the end of the fighting in Europe in 1918 that ended the Great War. When I was a boy, we called this day Armistice Day in honor of the Armistice between the Allies and the Central Powers that ended the horrible trench warfare that had torn Europe apart. In 1926, Congress proclaimed that Armistice Day would be celebrated yearly with an annual observance of ''thanksgiving and prayer and exercises designed to perpetuate peace through good will and mutual understanding between nations.''

After World War II, on June 1, 1954, Congress approved the Veterans Day Act that changed the name of Armistice Day to Veterans Day. I am the only Member of Congress who was serving in Congress at that time who is still serving today. Officially, on Veterans Day, we celebrate and recognize the sacrifices of our nation's soldiers, sailors, and airmen to protect our freedoms during all of the wars and conflicts involving the United States. That same year, President Eisenhower declared that on Veterans Day, Americans should ''solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so their efforts shall not have been in vain.''

From the beginning of our nation, America's sons and daughters have been ready to answer a call to duty. In particular, West Virginians have a proud enviable record of service to this country in the perilous times of war and conflict. Of the twenty-five million living veterans, one-hundred-ninety-thousand reside in the great State of West Virginia. More than ten-percent of the people of West Virginia are veterans who have served our nation proudly—that is more than ten of every one-hundred West Virginians. This tradition of dedication to serving is something I am proud of as a West Virginian. Through the turmoil and change of the twentieth century, one thing has remained constant—the dedication and commitment of our veterans to the survival and strength of this nation.

Largely through the might of our Armed Forces, the United States enjoys an unprecedented position of international leadership. Yet, the promise of lifelong health care that this country made to our men and women in uniform has been threatened, not by the aggression of a foreign power, but by inadequate funding. Caring for America's veterans is an ongoing cost of war. As America's veterans grow older, they require increased dependence on health care services. But, the Department of Veterans Affairs cannot be expected to provide the necessary care which veterans will need in Fiscal Year 2000, at the Fiscal Year 1999 level for veterans health care services. Veterans should not be expected to wait in longer lines, and travel farther for services. They must be provided quality service. If we fail in this obligation, how can we justify sending more and more young service members into harm's way? How can we expect our children and grandchildren to volunteer for military service in the future, if we are not prepared to keep promises to veterans today?

This year the budget came dangerously close to failing to provide for health care that veterans need and deserve. The Department of Veterans Affairs warned many veterans that they might not be eligible for veterans medical care services in Fiscal Year 2000. The strong need for quality medical care for veterans, and a sense of duty to these men and women who valiantly served, caused me to work very hard to meet the funding level for veterans' medical care recommended by the Senate Committee on Veterans Affairs—some $1.7 billion above the Administration's budget request. I would like to thank my colleagues who supported my efforts to raise the funding level for veterans medical care to $19 billion for Fiscal Year 2000. This level of funding will enable the VA to continue to provide quality health care to veterans, and will prevent the kinds of cuts in services that many veterans feared would place their eligibility for care in question.

As a nation, we are good about honoring our war dead, with memorial days such as Veterans Day, and with memorials of stone that dot our capital and other towns and cities across the country. We need to be as good to our living veterans. Today, many of our veterans are still affected by the time they spent in service. We can best honor them by continuing to provide a high quality of medical care. We can also honor our veterans by continuing to search for answers to questions of service-related injury, and by providing for those who have experienced such injuries. We must also work to prevent such injuries from recurring. For instance, we must remain committed to pin-pointing the cause of the illness of Gulf War Syndrome. Recent reports issued by the Department of Defense indicate that certain substances our military men and women were directed to take during their service in the Gulf War cannot be ruled out as causes for this syndrome. We must continue to focus our attention on narrowing in on the cause of the symptoms experienced by more than one-hundred thousand Gulf War Veterans.

So, this year on Veterans Day, let us reflect on the men and women who have valiantly served our Nation, both living and dead. Upon reflection, we should realize the need to recommit ourselves to honoring veterans, not only with unfurled flags and patriotic up-tempo marches but also by serving them as they have served our nation. As the leaves fall from the trees, and our veterans age and pass on, we must remember that what has always kept the tree of liberty safe and strong through the frost and chill of many brutal winters is the commitment of our veterans to nourish the roots of freedom.

Mr. DOMENICI. Mr. President, I rise today to salute the selfless men and women who have sacrificed so much in order to secure and protect the freedoms that we, as Americans, enjoy today. Volunteering one's body and mind without thought of consequence in order to safeguard the ideologies our country holds dear, is the utmost act of patriotism. Today we recognize the importance of the hardships endured by our Nation's veterans to preserve peace and freedom.

As a Senator from New Mexico, I take great pride in the fact that New Mexico has among the top ten highest per capita military retiree populations in the Nation and honor the prominent contributions they have made towards the preservation of our great Nation.

During World War II, members of the 200th and 515th Coast Artillery, better known as the New Mexico Brigade, repelled Japanese attacks for 4 months before being overwhelmed by disease and starvation. Following the ensuing capture, the survivors of the battle were subjected to an 85-mile ''Death March.'' These men were then held for more than 40 months in Japanese prisoner of war camps. Of the 1,800 men in the New Mexico Brigade, less than 900 returned home and a third of those who did died within a year of returning to the U.S. The bravery exhibited by the New Mexico Brigade is characteristic of the men and women that comprise our Armed Forces.

As a nation, we have an obligation to provide for those who have risked everything to the benefit of all. I am pleased that this session of Congress has produced legislation which will increase funding for veterans health care by $1.7 billion to a total of $19.6 billion for fiscal year 2000. However, we need to remain vigilant in our commitment to provide for those who are charged with the considerable task of defending this country from potential adversaries.

Today I would like to pay tribute to our veterans and I am sure that my colleagues will join me in honoring these valorous men and women for their dedicated service to our great Nation.

Mr. KENNEDY. Mr. President, one day a year, on Veteran's Day, America pauses to recognize the sacrifices and the contributions of our veterans. We express our gratitude to all those who have served our nation so well. For all of the veterans being honored tomorrow, I salute you for your service and your dedication to our country.

All veterans deserve our gratitude for their service. But it is especially fitting that we take special notice of the nation's World War II and Korean War veterans.

America is losing 1,000 of its World War II and Korean War veterans every day. As they pass, so does our opportunity to pay tribute to them directly.

Tom Brokaw has called the World War II generation the ''Greatest Generation.'' He captured the essence of this generation in his recent book by that name. As he stated:

> The World War II generation 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.

The World War II generation and the size of its veteran population are unique in American history. Sixteen million Americans served in World War II from 1941 to 1945.

That war united all Americans—men and women; blacks and whites; rich and poor; old and young. My oldest brother Joe gave his life, and Jack served with great courage on PT–109 in the Pacific.

As much as we owe the World War II generation, we are still waiting for the construction of a national memorial in Washington to their service. At last, a site on the Mall has been selected and a design has been chosen for the National World War II Memorial. We owe it to these extraordinary veterans to complete it without delay, so that as many of our World War II veterans as possible can see the nation's enduring monument to their service.

We also honor these veterans by ensuring they receive the hard-earned benefits they so eminently deserve. I remain concerned about the health care budget of the Veterans Administration. Health costs continue to rise and the budget has not kept pace. We have an ongoing responsibility to provide every veteran with adequate heath care. This year's VA budget includes a 1.7 billion dollar increase, and we must continue to do all we can so that veterans receive their fair share in each year's budget.

In addition, as the number of older veterans continues to grow, the Veterans Administration must find a way to provide long-term care. The VA published an advisory report on this issue last year, but their recommendations were far from adequate. We need to pursue this issue next year, and develop more specific initiatives.

Another challenge we face is to deal with the increasing concern that today's generation is estranged from the military. Only 6 percent of people under the age of 65 have ever served in the armed forces. Compare that with the fact that half of men over 50 have had at least two years of military service. In the years ahead, when we no longer have the Greatest Generation—The World War II Generation—as our model, we will have to do much more to guarantee that our society keeps our armed forces strong and able to meet any threat to our country.

David Broder, the senior Washington Post journalist and a veteran himself, recently expressed his concern about the growing civilian-military gap. He stated:

> The fact that no one younger than their mid-forties has even faced the possibility of being called-up for military service is one of the most significant generational divides in this country.

Clearly, this is cause for concern. The nation must work harder to preserve and strengthen the duties of citizenship that our veterans symbolize for all of us.

The military has traditionally been an effective way for America's youth to serve the nation. It is troubling that today almost two thirds of the nation's youth say they would not join the armed forces. Twenty years ago, only 40 percent said that. Since the Persian Gulf War, the interest among 16 to 21 year olds in enlisting has dropped from 34 percent to 26 percent. Last year the Army asked young adults:

> If you want to do something beneficial for your country, are you more likely to do it in the military or in a civilian job?

Two to one who responded said:

> In a civilian job.

Prosperity and complacency may explain such answers, but they do not justify them. Because of our nation's veterans, America is the greatest Nation in the world, free from any major challenge from any other nation. The skillful work and dedication of our veterans have enabled our children and grandchildren to enjoy unparalleled national security and economic prosperity.

It is imperative in our democracy that citizens remain proud of the military and continue to respect and appreciate the sacrifices of those who serve.

As President Kennedy said in his Inaugural Address:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.

Millions of Americans were inspired by these words, and our obligation is to continue that inspiration into the next century, so that a new generation will continue to ask not what their country can do for them, but what they can do for their country.

The reduction in the population of veterans is being felt in Congress as well. The proportion of members of the House and Senate who have served in the military has dropped from more than 75 percent in 1971 to less than 34 percent today.

Without the World War II and Korean War generations, we will have to pay special attention to ensure that our society does not forget about our Vietnam, Gulf and Cold War veterans, or view their contributions with any less significance.

The veterans of these more recent wars did not come home to the fanfare that accompanied the Allied victory in World War II. But their sacrifices and contributions to our nation's defense and to the protection of our democracy are immeasurable. As a nation, it is imperative that we continue to recognize the service of these veterans and pay tribute to their sacrifices.

To help ensure that our nation remembers all of its veterans, I supported a Resolution this year that expresses the Sense of the Congress that the third Monday in April be designated as ''In Memory Day.'' That Day will recognize the Vietnam Veterans who have died as a result of illnesses and conditions associated with service in the Vietnam War.

We must honor the missing too. Today, over 80,000 American servicemen remain unaccounted for from all our nation's wars, including approximately 10,000 from the Vietnam and Korean Wars.

We must never forget our missing veterans. And we must never give up the effort to bring them home.

On behalf of the nation's disabled veterans, I strongly support the Disabled Veterans LIFE Memorial Foundation to establish a national memorial to honor all disabled veterans. Recently, Miss America 1999, Heather French of Kentucky, testified before the Senate on behalf of this memorial. During her Miss America pageant, she chose veterans as her cause, and she is emphasizing veterans issues throughout her reign. It is commitments and gestures of goodwill like hers that will keep America proud of its armed forces and the sacrifices of its veterans.

The cornerstone of our military preeminence rests on many factors, but the most critical is its people. Without men and women willing to volunteer for military duty, we will not be able to respond to crises around the globe that threaten our vital interests. We need cutting-edge weapon systems. But we also need dedicated service members to operate these systems.

As we do more to take care of the veterans of today, we must never lose sight of our obligation to take care of the veterans of tomorrow. This year Congress passed the broadest and most sweeping improvements in military pay and benefits in over twenty years. The new law calls for a well-deserved 4.8% pay raise for military personnel—the single largest pay raise for servicemen and women since 1982. It also expands authority to offer additional pay and other incentives to critical military specialties, and it improves retirement benefits for those who are serving now.

The military now faces one of the most difficult recruiting and retention challenges in many years. A major reason for the current problem is the strong U.S. economy. But the demands of far-flung military operations in recent years have also taken their toll on our troops. Today's military is a smaller force, and yet it is also a more active force, and we have been slow to recognize the problems that are building.

In the past year alone, our servicemen and women conducted combat operations in Kosovo and Iraq. They are serving as peacekeepers in Bosnia, and as humanitarian support personnel in Central America. All of these demands are in addition to the day-to-day operations and exercises at home and overseas in which the military participates throughout the year.

Massachusetts is a major part of all these operations. This past year, Guard and Reserve units from Massachusetts were deployed in support of Operation Northern Watch in Iraq, Hurricane Mitch relief in Central America, and in Kosovo.

I especially commend all those who served during Operation Allied Force in Kosovo. This was the first war that America fought and won without a single casualty. Yet its victors came home to no parade marking V-K day, and no celebration of heroes. Yet their bravery and skill saved thousands of innocent lives, and they deserve our highest praise.

The success of their operations was an impressive tribute to the capability and dedication of our servicemen and women. Veterans, in particular, should be proud, because it is their legacy and example that have helped create the world's finest armed forces.

I am very disappointed that a provision to improve and expand GI Bill benefits was not included in this year's Defense Bill. The GI Bill has been a very successful and important program for the military and the nation. Over 2.3 million World War II veterans took advantage of the GI Bill upon returning from the war. It has been called the greatest investment in higher education that any society has ever made,

and a brilliant and enduring commitment to the future.

In order for the GI Bill to continue its valuable work, it must evolve as our military forces evolve. Access to higher education is an increasingly important benefit for servicemen and women in today's all-volunteer, professional military.

Improvements are needed in the GI Bill to enhance the program's value and benefit to our troops, and to improve the bill's effectiveness as a recruiting tool—and these improvements need to be enacted into law as soon as possible.

Today's armed forces contain well-educated professionals who have chosen to serve their country in the military. We must treat them as the skilled professionals they are—or we will lose them.

Finally, when we think about our veterans, it is easy to recall the Eisenhowers, the Pattons, the MacArthurs, and the Powells. But we must never forget the countless silent heroes—the fathers, mothers, brothers, sisters, sons, and daughters who served when their country called.

Stephen Ambrose, in his book ''Citizen Soldier,'' talks about the ''can-do'' attitude of these quiet heroes that sets the American military apart. He describes the Normandy landing, where the American Sherman tanks were outgunned, and tells how skilled the Americans were in salvaging damaged tanks, patching them up, and sending them back into action.

Ambrose writes:

> Indeed no army in the world had such a capability. Within two days of being put out of action by German shells, about half the damaged Shermans had been put back on the line. Kids who had been working at gas stations and body shops two years earlier had brought their mechanical skills to Normandy. Nearly all the work was done as if the crews were back in the States, rebuilding damaged cars and trucks.

These were not professional soldiers, but average Americans. They left their families and friends behind to fight because their nation called. It is the dedication and ingenuity of these silent heroes that has made America great, and that made their generation the Greatest Generation.

All of us in the Kennedy family have enormous respect for our veterans and their service to the nation. Today, on the eve of Veteran's Day, I recall once again the words of President Kennedy. He visited the U.S. Naval Academy in August 1963, and spoke at a ceremony honoring the new class of midshipmen. This is what he said about his service in the Navy:

> I can imagine a no more rewarding career. And any man who may be asked what he did to make his life worth while, I think can respond with a good deal of pride and satisfaction: ''I served in the United States Navy.''

My brother was a Navy man, but I'm sure that veterans of all the other services feel the same way. I know I am both grateful and proud of my fellow veterans, and I honor, respect, and thank them for their service.

Mr. HATCH. Mr. President, on November 11, 1918, an armistice was signed to end the ''War to end all wars.'' The country rejoiced. Then, as the jubilation subsided, the reality of what had occurred slowly entered the consciousness of the nation and shouts of joy turned to tears of grief and thanksgiving. For many who had gone to fight would never return to their homes. And those who did come home would forever be scarred by the sights, sounds, and atrocities of war.

How could we, as a nation, show our gratitude to those who had given so much? The answer, insufficient though it was, was to set aside a day to honor all those who had served—heroes and patriots—and to give thanks for their sacrifices for freedom.

Tomorrow is the day we have set aside. Tomorrow is the day we should take special care to remember our veterans.

Throughout our nation's history there have been men and women willing to wear the uniform of the United States of America —willing to give their lives for freedom. Some people have asked ''why?'' The answer is, in the words of President Reagan, spoken at the 40th anniversary of D-Day: ''It is because you all knew that some things are worth dying for. One's country is worth dying for, and democracy is worth dying for, because it's the most deeply honorable form of government ever devised by man. All of you loved liberty. All of you were willing to fight tyranny, and you knew the people of your countries were behind you.''

Our nation depends on our armed forces. We depend on highly motivated and highly skilled men and women who are willing to go into harm's way at any time to defend American interests. And, when our troops leave the service, we should not forget them.

Although the nation may only officially recognize the sacrifices of veterans every November on Veterans Day or every May on Memorial Day, I know, personally, that in the hearts of the individual Americans, our veterans are remembered everyday. They are the husbands and wives, fathers and mothers, brothers and sisters, sons and daughters of us all. Almost one-third of the nation's population—approximately 70 million persons—are veterans, dependents of veterans, or survivors of deceased veterans. I and my family honor and remember my brother Jess who died in World War II and my brother-in-law Neil Brown, who died in Vietnam.

In the decades before the all-volunteer army and sophisticated high-tech weaponry, our military was made up of ordinary people. School teachers, ministers, machinists, truck drivers, bankers, and nurses, enlisted not just in the military, but in a noble enterprise. The story of America is the story of ordinary people doing extraordinary things and demonstrating uncommon endurance and valor.

Today, our armed forces are comprised of dedicated soldiers and sailors who have chosen to make the military a career or to contribute their skills for a time in an all-volunteer, professional fighting force. But, the fact that our nation's Army and Navy have become more reliant on technology does not negate the risks of warfare. Nor does it compensate for family separations, holidays spent thousands of miles from home, or meals eaten out of carton.

For Veterans' Day in 1954, President Eisenhower called upon us to ''solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.''

On this Veterans Day, I echo the words of President Eisenhower. I salute all our veterans. I know that as long as there are Americans willing to stand up and fight for our values, we will remain a free and just nation.

A while ago, I was moved to write a song about those who have sacrificed so much for our country. It is entitled, ''Morning Breaks at Arlington.'' It is an expression of the emotion and pride I feel whenever I think about the courage and dedication of our service men and women. Let me conclude with the lyrics:

> Morning breaks on Arlington,
> Warmed by rays of golden sun,
> And all who pause in homage there
> Feel a soft hush in the air.
> Those who love their liberty
> Bow the head and bend the knee,
> And from their hearts they breathe a silent prayer.
> ''Thank God for those who rest in honor there.''

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, I salute the veterans of this nation. On this Veterans Day, I want to pay tribute to the brave American soldiers who fought long and hard battles so that we may all have our freedom today. Veterans Day is about honoring and remembering these men and women who served our Nation, and it is for their families.

I am very fortunate to represent a state where military service is held in such high esteem. And well it should be. I can't tell you how proud I am of all West Virginia veterans. Whether they served in wartime or peace, all made great sacrifices. Indeed, West Virginia has one of the highest percentages of veterans of any state.

As I have often said, it was knowing and understanding West Virginians'

deep patriotism and loyalty to their state and their country that first led me to seek a seat on the Senate Committee on Veterans' Affairs, where I am now the Ranking Member. I am proud to serve veterans there.

The very fabric of our nation is wound through our veterans. Iwo Jima and Hamburger Hill, defeating Nazism and turning back Communism, punishing the brutality of Hitler, Saddam Hussein, and Milosevic. Our nation is truly a beacon to the world for freedom and for opportunity because our men and women in uniform held that beacon aloft. And many of those men and women in uniforms were West Virginians.

It is not enough to take a day to commemorate these veterans, however. We owe them more than that. It is our responsibility to refuse to turn our backs on veterans who need health care, education benefits, and compensation for injuries incurred in service. It would be truly disgraceful for these veterans, who have served our country so well and so valiantly, to feel that they have been forgotten except for this one day per year. That is why I take my work with and for veterans so very seriously.

I have fought very hard this year for veterans not only in West Virginia, but across the Nation. A critical need for veterans is long-term care. Our veteran population is aging rapidly and it is our responsibility to care for them. We owe them good long-term care now. I am dedicated to this need, and have been working hard to achieve this provision for all veterans.

And there are other battles to be fought as well. Although veterans who enroll with VA for their health care receive a very generous standard benefits package, there is no provision for comprehensive emergency care. This is a serious gap in coverage for veterans, which is unacceptable. Large and unexpected emergency medical care bills can present a significant financial burden to veterans.

Abraham Lincoln spoke at Gettysburg of dedication to ''unfinished work . . . thus far so nobly advanced.'' Indeed, it is true that we have work to complete. In order to truly commemorate our veterans, I hope my Senate colleagues will join me in my continuing battles for veterans.

Mr. SESSIONS. Mr. President, great words of tribute and reverent appreciation are put on paper every year in anticipation of the arrival of November 11th. With a solemn heart I struggle to meet the challenge of delivering those words in a way that is both humble and befitting of America's heros. I offer these words in honor and in memory of every American who has answered the call to arms; for every American who has freely stepped forward under our Star Spangled Banner; and for every American who died in the name of freedom. These men and women are among America's greatest heros.

Our great nation has flourished and enjoys unprecedented prosperity to this day because of our veterans' willingness to give themselves in service to the nation. For many this willingness meant sacrificing their lives so others might live free.

There are those among us who question whether or not our younger generations will prove, when the nation beckons, to be just as committed to the preservation of life, liberty, and the pursuit of happiness as those we honor every November 11 proved to be.

I wonder how many Americans had those same doubts before the outbreak of WWI, WWII, Korea, Vietnam, or Desert Storm? I wonder how many who did go had dreamed that they would ever be called into the horror that is found on the battlefield?

Surely there were doubters. Surely there was apprehension and fear. But, they answered freedom's call. Our national story and the story of the American people is one of amazing courage in difficult times, and a proud tradition of triumph in the face of our enemies here and abroad. America has always been ready to act. The footprints left and the blood spilled by our soldiers, airmen, marines, sailors, and coast guardsmen around the world remain as a testament to the indomitable American spirit, our collective faith in the power of freedom, and to the promise of a great future.

Over and over again, history has proven those who doubted America's resolve to be dead wrong. I am confident that our nation's future remains bright if we continue to exhibit the same steadfastness as our forefather's—never forsaking the gift of freedom that so many have given us.

Inspiration can be found in many ways. Just the other day I was looking over Medal of Honor citations of some of Alabama's greatest heros. Taken together they represent a relatively small group of Alabamians but provide one of the greatest inspirations of hope for America I can find.

Reading those citations made me think about how many people might have doubted their commitment back then? How many people came in contact with those heros never realizing they would one day prove themselves worthy to wear the Medal of Honor? I choose to be excited by those thoughts because America might well be called upon again to defend the world against tyranny and evil, and I have no doubt that our men and women in uniform would again stand with the same steadfast resolve exhibited by those we honor today. I take great solace in knowing that the patriotism and heroism of Americans has been a constant for hundreds of years and will continue to be in the future.

America's veterans have made ours a great country. Hardly a person in America is not associated in some way with a veteran. I hope you will thank them today for having answered the call to serve, and for setting the footprints for our future. They have indeed shown us the way into the 21st century.

Mr. L. CHAFEE. Mr. President, one of my constituents, Mrs. Virginia Doris of Warwick, Rhode Island, recently sent my late father a poem she had written as a tribute to the veterans of World War II. I understand that he agreed to insert her poem in the CONGRESSIONAL RECORD in time for Veterans Day. I was honored when Mrs. Doris asked me to carry out that task in his place.

Before I do so, I would like to take a brief moment to alert my colleagues to Mrs. Doris's own contribution to the war effort.

During World War II, 23,000 Oerlikon-Gazda 20mm anti-aircraft guns were manufactured in my home state of Rhode Island. Originally produced in Switzerland, these guns were critical to the Allied campaign—nearly every ship in the fleet carried them by the end of the war.

And Virginia Doris was right in the thick of this arms production effort, working long hours in the drafting room of the Oerlikon-Gazda command center, located in downtown Providence. In a 1990 interview with the Providence-Journal, Mrs. Doris described her years at the center ''as this marvelous period in my life.'' Equipped with what she refers to as her ''turbo persona,'' Mrs. Doris was a valued and trusted member of the Oerlikon-Gazda team.

I ask unanimous consent, Mrs. Doris's poem, ''Ode to Comrades-In-Arms: World War II,'' be printed in the RECORD.

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

ODE TO COMRADES-IN-ARMS

WORLD WAR II

O, Heavenly Father, gaze upon the tombs
Of Patriots, foster their eternal plumes
Nourished in they omnipoint song of hallow,
Shed gentle tears to moist their marrow.

Enfolded in thine unchanging flame
Behold the farflung earthly frame,
Its pulsing marbles sculptured strong,
With ebbing currents and silvery thong,
Each graven with the threaded embrace
Is beaming out of seven-hued grace!

The mystic temple wakes the slumbering forms,
Takes the sacred dust they mercy warms,
And sounds the bugle near and clear white stone,
Close by these mounds which hold thy own.

We implore, O' Savior, here let sleeping lie,
'Till Heaven's luminous shadows prepare to die,
And join the manhood's folded-flock at night,
Psalms for bravery shall not pass in flight,
As raging battles, and girded loins, last time
To bond, lips to stir, a soldier's final clime!

O, Heavenly Father, mark their burden of decay,

The lives so young, war's lingering ebon fray,
Delivers them a shrouded throne, and solemn biers,
Can we not dream that those we loved are here?
Beckon them all in memory, as the vine
Whose tangled stems have long untwined
The crystal pillars, and clasp around
The sunken urns, the forlorn sounds;
With mournful message to our brothers, resign,
Tried and true, and close the broken line.

OLE MISS HOSTING FIRING LINE

Mr. LOTT. Mr. President, Senator COCHRAN and I are pleased to announce that the University of Mississippi, which we fondly refer to as Ole Miss, will be hosting the final broadcast of the Emmy-winning PBS program ''Firing Line.'' Senator COCHRAN and I want to join the University of Mississippi in congratulating all those affiliated with ''Firing Line,'' including its host, Mr. William F. Buckley, Jr., and its producer, Mr. Warren Steibel, for their outstanding accomplishments during 34 years of telecasts. Since 1966, Mr. Buckley and Mr. Steibel have given the American public an opportunity to make informed decisions on the important topics of the day by bringing all angles of an issue to the surface through their lively debates. No public affairs program in history has run longer with the same host.

Firing Line has brought a wide range of topics to the forefront since joining the PBS family on May 26, 1971, including ''Separation of Church and State,'' ''Is Socialism Dead,'' ''Health Risks in a Nuclear Environment,'' and its final topic, ''The Government Should Not Impose a Tax on Electronic Commerce.'' These and other topics have been debated by Presidents George Bush, Ronald Reagan, Jimmy Carter, Gerald Ford, and Richard Nixon; and prominent figures such as Margaret Thatcher, Muhammad Ali, Henry Kissinger, and Bob Dole.

Mr. President, the past decade has brought many references to the end of the millennium. It is a tribute to programs of its kind that ''Firing Line'' leaves the airways at this historic time. The guests, topics, and fervor with which the issues have been approached throughout the years on the program define the culture of the day. All attitudes and opinions have been expressed and analyzed, reflecting our society's nature to embrace conflict and discourse in the name of answers and truth. William F. Buckley and Warren Steibel created an educational art form that did as much teaching as any other television program in memory.

This final telecast also marks the fourth time that the University of Mississippi has hosted the ''Firing Line'' program. This relationship began with ''Firing Line's'' first visit to Oxford in 1989, and continued with its return in 1992, 1997, and now in 1999. Firing Line and Ole Miss have blended well over the years because of their commitment to furthering knowledge and challenging individuals to constantly expand their thinking. The University of Mississippi's growing impact across the world in the realms of politics, economics, social issues, technology and leadership make it a fitting backdrop for the closure of ''Firing Line's'' award-winning run.

TATANKA HOTSHOT CREW

Mr. DASCHLE. Mr. President, it gives me great pleasure today to recognize the members of the Tatanka Hotshot Crew of the Black Hills National Forest in South Dakota. This fall marks the end of the first fire season that this crew has been operational, and I am delighted to say that it has proven to be an outstanding success.

Each year serious wildfires threaten national forests across the United States, burning thousands of acres of woodlands and endangering private property. Our first line of defense against these fires is the United States Forest Service, whose firefighters risk their lives in arduous, often isolated conditions to bring wildfires under control.

The best of these teams are known as Hotshot crews—elite firefighters who are sent to the worst fires, to do the most difficult, dangerous work necessary to protect our forests and the homes of nearby residents. All around the country, these teams have been recognized for their skill and bravery.

Last year, we created the first of these elite teams ever to be based in the Black Hills National Forest. It is called the Tatanka Hotshots, after the Lakota word for the bison that used to roam the Great Plains by the tens of thousands. The nearly two dozen members of this team, virtually all of whom are Native American, come from diverse backgrounds. Some came from South Dakota towns like Custer and Aberdeen. Some joined the Tatanka crew from other hotshot teams or elite smokejumping units. Others are veterans of the Gulf War. Still others are young individuals working their way through college. I am proud to say that after a year of intense training and working together, the Tatanka team quickly has become one of the most highly-regarded firefighting teams in the nation.

In addition to work in the Black Hills, the Tatanka crew spent 71 days away on wildland fire assignments, accumulating 1,550 hours of work in Colorado, Wyoming, Montana and California. It conducted seven large firing/burnout operations, built miles of fireline, constructed helispots and medivac sites, and conducted large tree falling operations in steep, hazardous terrain. Other noteworthy accomplishments included backpacking 6,500 pounds of sandbags up Mount Rushmore to prepare for the July 4th fireworks display, tending the commemorative crosses at the 1994 South Canyon fire fatality sites in Colorado, and working in conjunction with the Tahoe Hotshots to rescue a pack horse which had fallen off a mountain trail in California.

Over the course of the summer, the Tatanka crew earned its reputation as a team that could be depended upon to get its job done quickly and effectively. Based upon its outstanding performance ratings and the respect it earned from other highly regarded Hotshot crews, Forest Service officials expect the team to attain National Type 1 status—the highest rating a firefighting team can receive—before the 2000 fire season, a full year ahead of schedule.

Mr. President, I am very proud of the accomplishments of this crew. Forest fires are dangerous and unpredictable, and fighting them is one of the most difficult, physically-exhausting jobs of which I know. Firefighters spend days deep in forests and far from possible help, digging fire lines and cutting trees to keep fires from spreading. In just one year, the Tatanka team has met these challenges head-on, and shown that it is equal to the toughest challenges our nation has to offer. I want to offer my congratulations to all of those who served on the team. I am sure that they will have an outstanding future.

OPPOSITION OF EFFORTS TO BLOCK THE DEPARTMENT OF JUSTICE'S RECENT ENFORCEMENT ACTION

Mr. LIEBERMAN. Mr. President, I rise today to speak briefly about an issue which has surfaced recently in the national press, and now arises with regard to the remaining appropriations bills before us. On November 3rd, the Justice Department filed seven lawsuits on behalf of EPA against electric utility companies in the Midwest and South. The lawsuit charged that 17 power plants illegally polluted the air by failing to install pollution control equipment when they were making major modifications to their plants. This action is one of the largest enforcement investigations in EPA's history, and seeks to control pollution which contributes to degraded air quality throughout the Northeast. I have recently learned that some of the defendants may be seeking relief from this enforcement action by adding a rider to one of the remaining appropriations bills. I am speaking with my colleagues here today in strong opposition to this effort. To seek relief for pending violations of federal law through a rider without any congressional hearing, debate, or voting

record, is utterly inappropriate. It undermines the democratic process which is constitutionally guaranteed to American citizens, and to the states which have similar cases pending.

The alleged violations are extremely serious. Congress has long recognized the need to control transported air pollution. Provisions to study and address the issue have been included by major amendments to the Clean Air Act. Yet the problem still remains and the statistics are staggering. They demonstrate just how much older, Midwestern powerplants contribute to air pollution in the Northeast. For example, one utility in Michigan emits almost 6 times more nitrogen oxides than all the utilities in the entire state of Connecticut. Ohio power plants produce nearly 9,000 tons a day of sulfur dioxide, which directly contributes to acid rain. One single plant in Ohio produces as much nitrogen oxide as all of the plants in the state of New York. Approximately 67 million people east of the Mississippi River live in area with unhealthy levels of smog. EPA estimates that every year that implementation of regional pollution controls are delayed, there are between 200–800 premature deaths, thousands of additional incidences of moderate to severe respiratory symptoms in children, and hundreds of thousands of children suffering from breathing difficulties. Now these polluting power plants want special relief during the court's review.

The alleged violations result from a portion of the Clean Air Act that many refer to as the ''grandfathering'' provisions. When the Clean Air Act was amended in 1970 and 1977, there were two categories of requirements: those for existing power plants, and those for new sources. At the time, most people envisioned that the older coal burning plants would soon be retired, making the additional controls for old plants unnecessary. Instead, the life span of older coal fired plants has been extended by modifications to their facilities. Many of the older coal fired plants have stayed around for three decades; and coal power plants are now the largest industrial source of smog pollution. Of the approximately 1,000 power plants operating today, 500 were built before modern pollution control requirements went into effect.

Although the Clean Air Act did exempt older plants from the new standards, it required that the plants meet a test of ''prevention of significant deterioration'' to protect the public when a plant undertook a major modification. Although the definition of ''major modification'' has been debated, Section 111 of the Clean Air Act clearly states that a modification means ''any physical change . . . which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.'' What is at stake in the recent enforcement action is the question of whether the power plants undertook major modifications without installing state of the art pollution controls, in violation of this Clean Air Act requirement.

Mr. KERRY. Will the Senator yield for a question?

Mr. LIEBERMAN. Certainly.

Mr. KERRY. I understand from some of the publicity around a similar suit filed by the New York Attorney General that some of the modifications being made to power plants were significant. For example, one company allegedly replaced a reheater header and outlet, a pulverized coal conduit system, the economizer, and casing insulation. While it is impossible to judge any of these types of modifications without additional information, it certainly seems like utilities created a loophole in the law to essentially rebuild the system without considering it as a major modification. Would a legislative rider on this issue essentially pre-judge the court's findings as to whether the modifications undertaken at the plant are indeed ''major''?

Mr. LIEBERMAN. Yes. With this rider, Congress would be substituting its opinion for the factual and legal analysis by the court. There will be no opportunity for expert opinions to be heard. In fact, I understand there may even be discussions about trying to add rider language which would allow modifications which would result in significant increases in emissions, by basing them on a unit's potential to emit pollution. This change is a significant departure from the current law, which requires that pollution controls be included when plants are making modifications that cause emissions to increase. For example, a plant's potential to emit pollution may be at 10 tons, while it actually emits 7. The test has been that if modifications are made that raise emissions above the 7 tons, pollution controls are required to be instituted. Since the potential emissions are often much greater than actual emissions, actual emissions have been the threshold to trigger public health protections. A rider that would seek to allow modifications to go forward would give utilities a license to continue to pollute our air while the enforcement action is pending. In its worst form, it would also ''pre-judge'' the court's determination on these matters. These are major reasons why I oppose using a rider to address this issue. It makes no sense for Congress to make a statement on this complex issue with no opportunity for public deliberation. I yield back to my colleague from Massachusetts.

Mr. KERRY. I understand that some suggest that it would be impossible to achieve new pollution standards because of technological limitations. I would like to address that point. States in Northeast have already taken steps to reduce pollution to comply with Clean Air Act requirements, including instituting major controls on these older power plants ed plants. Northeast Utilities has spent $40 million in the last 8 years to reduce fossil plant emissions. In a July 31, 1998 letter to Administrator Browner, Northeast Utilities wrote that ''in our experience the Merrimack Station selective catalytic reduction technology is effective in removing NOX, can be installed fairly quickly, and the installation has minimal impact on the availability of the generating unit.'' Other companies, including Pacific Gas & Electric and Southern Company have made similar investments at plants in Massachusetts. While these are only a few examples, the experience of these companies is echoed by others. Real world experience bears out the fact that solutions are available and are cost effective. It is also interesting to note that the Tennessee Valley Authority, which is the subject of the enforcement action, recently announced plans to implement state of the art ozone controls. The solutions are out there, and as utilities in New England have demonstrated, when there is a will there is a way.

I would like to address what is, in my opinion, the fundamental problem with this rider. These power companies and our Department of Justice have a legal dispute, and that dispute should be settled through the legal process. I understand that some of the defendant companies, and some in the Senate, may feel that the Environmental Protection Agency and the Department of Justice are being overzealous in pursuing this enforcement action or that there are politics at play here. I respectfully and strongly disagree, and I urge my colleagues to disregard such rhetoric. It has been estimated that as many as 1,000 people each year die in Massachusetts from air pollution from power plants, automobiles and other sources. And, in particular, emissions from coal-fired plants, the dirtiest of which are outside my state, cause high levels of ozone, which increases the incidence of respiratory disease and premature aging of the lungs. Acid deposition from sulfur can severely degrade lakes and forests. Mercury, which is highly poisonous, accumulates in fish locally. In other words, there is a very real cost to this pollution. Indeed, for some, the price they pay is their very health and well being. I can accept that some of my colleagues may feel that the Department of Justice or the Environmental Protection Agency is pursuing a flawed legal argument, but I cannot accept that the people who are alleging harm, who are paying the price for this pollution, should be denied their day in court. The Department of Justice should not serve at the pleasure of Congress and defendants with the power influence Congress, it should serve the

law and the people. I yield to my colleague Senator LIEBERMAN.

Mr. LIEBERMAN. Thank you. Certainly, many of our constituents have concerns about how cost and service delivery would be implicated under any enforcement action. If the court were to impose fines and injunctive requirements which would force power companies to go out of business, I think we would all join in opposing that outcome. Yet time and again, we hear claims that such dire outcomes will occur when we ask companies to comply with the law. But the evidence shows that environmental goals are being met without sacrificing economic growth. In this circumstance, I believe the Department of Justice and EPA have been clear that their objective, if the violations are found to have occurred, is to require that the utilities make appropriate investments in pollution control. In fact, EPA has a demonstrated record on the kind of remedy it has sought in a similar case that involved another segment of industry.

EPA recently undertook a similar enforcement action against the paper and pulp industry for similar major New Source Review violations. After looking into the paper and pulp sector as part of its Wood Products Initiative, the EPA found New Source Review violations at roughly 70–80 percent of the facilities it investigated. Through its enforcement action, EPA was able to work with industry to generate emission reductions as high as 500 tons of volatile organic compounds. However, these enforcement actions did not require that controls be put in all at once. Rather, a schedule was created to phase in controls so that the pollution controls were instituted in a way that protected the public without crippling the industry. It is disingenuous to argue that we need a preemptive rider to protect against what the outcome of the pending enforcement action might be. There is a history of enforcement decisions which demonstrate that the courts secure remedies that protect the public's interest, and that EPA has had a willingness to work with industry to that end.

Fundamentally what we are addressing here is a matter of fairness. Right now utilities in Southern and Midwestern states emit over 4.5 times more nitrogen oxides than utilities in the Northeast. A study by the Northeast States for Coordinated Air Use Management found that northeastern states will have to pay between $1.4 and $3.9 billion for additional local controls to reduce ozone pollution if six upwind states fail to implement needed controls. I notice that my colleague from Vermont is here. I yield the floor for him to offer some remarks about how the equity issue is particularly important within a deregulated marketplace.

Mr. JEFFORDS. I thank my distinguished colleague from Connecticut for his acute remarks. He is quite right: at root, this is a question of equity, and it is a question of fundamental importance in a deregulated power market.

The Nation's dirtiest power plants have abused loopholes in federal law to dirty our air, pollute our lungs, and kill our most vulnerable citizens. With one set of loopholes about to close, these power plants now seek to create new ones.

These power plants have exploited the law for nearly 30 years. Now, EPA is exposing their effort for what it is: a blatant violation of the public trust. In response, these dirty polluters are pushing appropriations riders that would justify and permanently extend their unlimited ability to pollute.

Haven't these power plants done enough damage already? Isn't it enough that they have been allowed to pollute 10 times more than our plants in the Northeast for years and years? Couldn't they now apply the same pollution control equipment that our plants in the Northeast employ?

The problem is growing even worse with the deregulation of electricity markets. In the five years since deregulation of the wholesale electricity market, increased generation at coal fired power plants has added the equivalent of 37 million cars worth of smog to our air. These power plants are now seeking to permanently extend their unfair advantage.

We need a level playing field. The nation's dirtiest power plants should not be able to exploit loopholes in federal law at the expense of the rest of the nation. We need to pass laws to clean up our air, not make it dirtier. I strongly oppose any attempt to make it easier for the nation's dirtiest power plants to continue their excessive pollution.

Mr. MOYNIHAN. Mr. President, I want to thank my colleagues for voicing their justified concerns on this important issue. I understand that there is the potential for language to be added to one of the remaining appropriations bills that would interfere with the efforts of a number of states to seek relief from dangerous air pollution they receive from a number of large coal-burning facilities which may have violated the Clean Air Act.

As Senator LIEBERMAN has explained, a number of coal-burning facilities were ''grandfathered,'' exempting them from pollution control requirements. Congress believed that utilities would soon retire these older plants. The grandfathered facilities were given permission to proceed with routine maintenance, but any major modifications would be subject to review. It now appears that a number of these facilities did circumvent the law by increasing generating capacity without installing the appropriate pollution control technologies.

Now, it appears these same facilities—after receiving notification that New York and potentially other states intend to sue for these violations of the Clean Air Act—may, once again, circumvent the law by encouraging the adoption of a rider which would interfere with these lawsuits. Any effort by implicated utilities to thwart efforts of States to obtain injunctive relief, which States could use to mitigate damage which has already occurred, is inappropriate.

Throughout my career, I have been a strong proponent of allowing the Courts to do their work without interference of politics—indeed, that was the intent of the Framers of the Constitution. Madison and Hamilton eloquently explained the importance of a balance of powers in The Federalist Papers. The Framers of the Constitution presumed conflict. The Constitution assumes self-interest. It carefully balances the power by which one interest will offset another interest, and the outcome will be, in that wonderful phrase of Madison, 'the defect of better motives.'

The States must be allowed to protect their rights. I should think that any Member of this body ought to defer to the courts before which this issue is now being placed.

Mr. LEAHY. Mr. President, I want to join my colleagues in voicing my strong objection to a rider that I understand may be attached to one of the remaining appropriations bills. The rider would block all or part of an ongoing federal environmental enforcement action. If what I hear is true, I am troubled on several levels. First, I think that it would set a very dangerous precedent for Congress to attempt to squash Federal enforcement actions of any kind. The procedures for testing and appealing the appropriateness and reach of enforcement actions through the court system and under the Administrative Procedures Act are well established. These procedures do not include a back door, last minute ''Hail Mary pass'' by Congress using a rider to an appropriations bill as the vehicle. In this instance, someone does not like an environmental enforcement action. If we do it here, will we attach something to appropriations bill to stop antitrust enforcement actions? How about price fixing cases? Where would this type of meddling cease?

What we may be seeing with the filing by EPA and DOJ is an enforcement action that has hit the bull's eye dead-on. And now utilities who may have crossed the line are pulling out all the stops to thwart the action.

Let's not kid ourselves about what is at stake. Many of us have drafted and introduced legislative proposals to address power plant pollution. We have turned up the heat, and the industry has taken notice. Further, the debate over electric utility restructuring is

starting up again in the House of Representatives and the Senate. While there are substantial economic benefits possible under restructuring, Congress should also address environmental consequences of deregulation. In order to alert the Senate leadership of this important issue that has so far been ignored in the restructuring debate, I have asked my colleagues to join me in sending a letter to the Senate leadership requesting that the Senate include a provision to eliminate the grandfather loophole for older power plants. My colleagues from Connecticut and New York certainly knows the history of the Clean Air Act more than any of us. Senator LIEBERMAN, how do you see this enforcement action affecting the Clean Air Act loophole?

Mr. LIEBERMAN. I thank my colleague from Vermont. As you have argued in the past, the 1970 Clean Air Act Amendments assumed that one of the major sources of these pollutants—older power plants—would be retired and replaced with cleaner burning plants. Unfortunately, this has not happened. The average power plant in the United States uses technology devised in the 1950's or before. The EPA–DOJ enforcement action is now alleging that many of these generating units have been modified and are no longer entitled to their grandfathered status.

Mr. LEAHY. And, I think we are making a fair statement in saying that these grandfathered power plants will enjoy an important competitive advantage under restructuring because they do not have to meet the same air quality standards as newer plants. Many of these grandfathered plants are currently not running at a high capacity because demand for their power production is limited to the size of their local distribution area. Under restructuring, the entire nation becomes the market for power and production at these grandfathered plants and their emissions will increase. Deregulation of all utilities will drive a national race to capture market share and profit through producing the cheapest power.

Some or all of the rider may apply to plants operated by the Tennessee Valley Authority (TVA). What do we know about TVA's fossil fired power plants in Tennessee, Kentucky, and Alabama? Fifty-eight of 59 units are grandfathered, with the average startup year being 1957, 13 years before the Clean Air Act was passed. The average electricity prices for the TVA states are 6.03 cents in Tennessee, 5.58 cents in Kentucky, and 6.74 cents in Alabama. The average price nationally in 1997 was 8.43 cents. TVA sells some of the cheapest electricity, in part, because it is operating these old, subsidized grandfathered plants. In a deregulated national market, will TVA be competitive? The answer is yes.

TVA-wide in 1997 the 59 units emitted 98.5 million tons of CO2, nearly 5% of the U.S. total for power plants. If the TVA plants were all in one state that state would rank sixth in CO2 emissions. In 1997, the TVA plants emitted 808,500 tons of acid rain producing SO2. If the TVA plants were all in one state that state would rank fifth in SO2 emissions. Unfortunately we do not have comparable data for ozone producing nitrogen oxide emissions or for emissions of toxic mercury, but I think my point on emissions is made. We should not be looking for a way to unfairly exempt TVA or other grandfathered plants from environmental regulations, rather we need to be looking for the best ways to bring these old plants up to date with current technology.

Again, I want to thank my colleagues for their conviction on objecting to this rider. Congress needs to close the grandfather loophole, not attempt backdoor ways to thwart the will of the prior Congresses that enacted the Clean Air Act of 1970, and the amendments to it in 1977 and 1990.

Mr. LAUTENBERG. Mr. President, I would like to join my colleagues in expressing concern about the language that would interfere with enforcement actions against several power companies. Here we have an excellent example of why we should not be addressing complex, controversial matters in last-minute amendments to spending bills. The proponents of the language assert that they have no interest in interfering with the EPA–DOJ enforcement actions. In fact, the language they have been circulating would wreak havoc on the enforcement actions. The proponents assert that they are interested merely in allowing routine maintenance to occur, but in fact their language makes no mention of routine maintenance. The proponents assert that their language would have no impact on the environment, but in fact their language would allow increases in actual emissions. They also raise the specter of drastic effects to the power industry, which we have not seen in other industries that faced similar enforcement actions.

At the very least, we should all agree that this issue is sufficiently complicated and controversial, and its impacts on public health profound enough, that it deserves to be worked out in the authorizing process. It is for problems like this that we have authorizing committees, such as the Environment and Public Works Committee on which I sit, and before which I am sure the proponents would find a sympathetic audience. It is in the daylight of the authorizing process, where we can hear from expert witnesses, where we can have public markups, and where we take the time to untangle and properly resolve these types of issues, that we should address this issue.

TEN-YEAR ANNIVERSARY OF THE FALL OF THE BERLIN WALL

Mr. KYL. Mr. President, as we work through the final days of the legislation session, we are apt to become mired in the details of our work. We can lose sight of the special opportunity we have, as legislators, to represent our fellow citizens and to conduct the business of a democratic society in the Nation's Capital.

In this spirit, I wish to draw the Senate's attention to a very special anniversary one that I hope can inspire us to bring our efforts renewed appreciation for our blessings—and our duties—as legislators in the greatest democracy in human history.

Ten years ago yesterday, the starkest symbol of human bondage in this century—the Berlin Wall—shook, cracked, and then collapsed. To be sure, it took time for all of it to by physically dismantled. Sections of it still stand, left as symbols all at once of man's capacity for evil and his insatiable drive to be free. But in one magnificent moment 10 years ago, without a shot being fired, people who had only known cold war captivity crossed the line and became free.

They were helped across by many hands: by the American people who served by the millions in uniform and who put up trillions—trillions—of dollars to fight the cold war; by the citizens of NATO and other allied nations who made similar sacrifices of blood and treasure; by many of their fellow countrymen who over many years kept small fires of freedom burning in their hearts for the day when the wall would come down; and, at critical moments, by great leaders.

Joseph Shattan, a former White House speech writer and, now, a Bradley Fellow at the Heritage Foundation, has chronicled this leadership in his book ''Architects of Victory: Six Heroes of Cold War,'' published by Heritage, and excerpted recently in essay form in the Washington Times. He describes how six remarkable individuals—Winston Churchill, Harry Truman, Knorad Adenauer, Alexander Solzhenitsyn, Pope John Paul II, and Ronald Reagan—seized their own moment in the cause of freedom.

Mr. President, as Americans, we should on this day take special note of the two American Presidents—one Democrat, one Republican, who played such vital roles in bringing about the fall of the Berlin Wall ten years ago. Here is Shattan on Harry Truman:

> Underlying Truman's policies was the conviction that Soviet totalitarianism was no different than Nazi totalitarianism. In his view, both the Nazis and the communists violated human rights at home and sought to expand their empires abroad. To secure a world where democratic values might flourish, Truman believed the United States had to contain Soviet expansionism—through economic and military aid if possible, through force of arms if necessary. Over the

long run, a successful policy of containment would cause Soviet leaders to lose their faith in the inevitability of a global communist triumph. Only then could negotiations with Moscow contribute to a safer, more peaceful world.

Because the Truman administration's policy of containment set the course for U.S. foreign policy over the next 35 years, it seems in retrospect to have been a natural, even inevitable, response to Soviet aggressiveness. But it was nothing of the sort. Truman's predecessor, Franklin Roosevelt, had taken a markedly different approach toward Moscow—one aimed at cementing an enduring U.S.-Soviet friendship—and when Truman became president, he was determined to follow in FDR's footsteps, even if it meant ignoring his own instincts. But Truman gradually worked his way out from under FDR's long shadow and placed his own indelible stamp on U.S. foreign policy.

Truman's decisive break with FDR's foreign policy came in a historic speech delivered before a joint session of Congress on March 12, 1947. ''I believe it must be the policy of the United States,'' he declared, ''to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.'' Alonzo Hamby, one of Truman's biographers, rightly called this speech ''the decisive step in what would soon be called the Cold War.''

Harry Truman's steadfast commitment to ''free peoples'' assured that the Iron Curtain would encroach no further on freedom. But it took another President to push the Wall over. Here again is Shattan on Ronald Reagan:

But while liberals frequently disparaged Mr. Reagan's intellect, the fact was that he subscribed wholeheartedly to one major truth that many of his intellectually sophisticated critics either never knew or had forgotten: Societies that encourage freedom and creativity tend to flourish, while societies that suppress liberty tend to stagnate. This was the central truth around which Ronald Reagan fashioned his political career. This was the crucial insight that he articulated with passion and eloquence and pursued with iron resolve. And this was the basis of his Soviet strategy.

Underlying Mr. Reagan's approach to the Soviet Union was his profound (his critics would say ''childlike'' or ''simplistic'') faith in freedom. Mr. Reagan simply knew that there was no way a closed society like the Soviet Union could prevail against an open society like the United States once the open society made up its mind to win. And Mr. Reagan, years before he became president, decided that the United States would win the Cold War . . . The military buildup, the support of anti-communist movements worldwide (better known as the ''Reagan Doctrine''), the Strategic Defense Initiative, the covert assistance to the Polish trade union Solidarity, the economic sanctions against Moscow—all were meant to force an already shaky Soviet system to embark on a course of radical reform. These reforms (perestroika, glasnost) soon acquired a momentum of their own, and eventually brought down the Soviet Union.

Mr. Reagan's approach to foreign policy was unprecedented. The traditional U.S. strategy was to seek to contain Soviet power and hope that, at some unspecified point in the future, containment would convince the communist ruling class to abandon its expansionist course. By contrast, Mr. Reagan sought not merely to contain the Soviets but to overwhelm them with demonstrations of U.S. power and resolve that left them with no alternative but to accept the choice he offered them: Change or face defeat.

His success proved that great leadership does not depend on intellectual or historical sophistication. What is needed, above all, is the right set of convictions and the courage to stand by them. Mr. Reagan's beliefs about freedom and tyranny were uniquely rooted in the American experience, and his courage reflected the quiet self-confidence of the American heartland. His was truly a U.S. presidency that changed the world.

Much has changed in 10 years. Yes, we still have walls to tear down—on the Demilitarized Zone in Korea, around the island of Cuba, and everywhere that people around the globe still struggle for peace and freedom. But the Cold War is over. Freedom won. As we watch the many celebrations underway today—in Berlin, all over Europe, and elsewhere in the world—let us honor Cold War heroes, and rededicate ourselves to the cause of freedom they championed. And, my colleagues, as we conduct the people's business, let us seek to renew an abiding reverence for the freedom that brings us here.

THE INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS ACT

Mr. LEAHY. Mr. President, the recent escape of convicted child murderer Kyle Bell from a private prison transport bus should serve as a wake-up call, to the Congress and to the country. Kyle Bell slipped off a TransCorp America bus on October 13, while the bus was stopped in New Mexico for gas. Apparently, he picked the locks on his handcuffs and leg irons, pushed his way out of a rooftop vent, hid out of sight of the guards who traveled with the bus, and then slipped to the ground as it pulled away. He was wearing his own street clothes and shoes. The TransCorp guards did not notice that Bell was missing until nine hours later, and then delayed in notifying New Mexico authorities. Bell is still at large.

Kyle Bell's escape is not an isolated case. In recent years, there have been several escapes by violent criminals when vans broke down or guards fell asleep on duty. There have also been an alarming number of traffic accidents in which prisoners were seriously injured or killed because drivers were tired, inattentive, or poorly trained.

Privatization of prisons and prisoner transportation services may be cost efficient, but public safety must come first. The Interstate Transportation of Dangerous Criminals Act requires the Attorney General to set minimum standards for private prison transport companies, including standards on employee training and restrictions on the number of hours that employees can be on duty during a given time period. A violation is punishable by a $10,000 fine, plus restitution for the cost of recapturing any violent prisoner who escapes as the result of such violation. This should create a healthy incentive for companies to abide by the regulations and operate responsibly.

I commend Senator DORGAN for his leadership on this legislation and urge its speedy passage.

NATIONAL MISSILE DEFENSE REPORT

Mr. COCHRAN. Mr. President, a report on the National Missile Defense program has been completed and will be released shortly by a panel of experts which is chaired by retired Air Force General Larry Welch. The director of the Defense Department's Ballistic Missile Defense Organization requested this report which examines the National Missile Defense program and makes several recommendations for improvement.

Many will remember that General Welch and his panel issued a previous report last year which examined aspects of both the National Missile Defense program and several Theater Missile Defense programs.

Generally speaking, the newest Welch Report is a helpful critique of the National Missile Defense Program. Given the importance of this program, additional knowledge of its inherent risks will help BMDO to structure and run the best program possible.

In particular, I support the report's emphasis on giving the BMDO program manager, as well as the Lead Systems Integrator, increased authority in running this program.

The report's emphasis on additional ground testing and purchasing additional hardware—such as a second launcher for the Kwajalein test site—makes good sense.

Any program subjected to scrutiny on the level of the Welch Panel's will face some criticism about particular aspects of how the program is being conducted. But one key phrase in the report is worth keeping in mind, and I quote: ''Given the set of challenges and the phased decision process, the JPO [BMDO's NMD Joint Program Office] and LSI [Boeing, the Lead System Integrator] have formulated a sensible, phased, incremental approach to the development and deployment decision—while managing the risk.''

Every DoD program has some degree of risk; the risk in each program, NMD included, can be mitigated by additional time and money. However, the NMD program is not being developed in a vacuum, a point clearly made by North Korea's flight test of the three-stage Taepo Dong I ICBM in August of 1998. We don't have the luxury of time. Because of the proliferation threat, our choice is simple: We can accept additional program risk, or we can leave

the United States vulnerable to rogue threats of coercion by placing a premium on wringing risk from the NMD program.

The emphasis must be on protecting America and American interests. The continued vulnerability of the United States is unacceptable, which is why many of the Welch Report's recommendations should be implemented as quickly as possible.

Because of the threat we have no choice but to accept a high-risk program. We ought to accept as much risk as we can stand, because the consequences of not being prepared for the threat are so high. ''High'' risk is not synonymous with ''failure,'' as demonstrated by the recent successful intercept conducted by this program. Decision points in the National Missile Defense program should not be adjusted because of a high level of risk in the program, but only if the level of risk becomes unacceptably high. To date no senior Defense Department official has told me that the level of risk in the NMD program is unacceptable.

Much of this report focuses on a lack of hardware to test and insufficient simulation facilities. That is the reason Congress added $1 billion for missile defense last year.

The Welch Report also calls for flight tests against more varied targets. After the recent successful NMD flight test, there was an unfortunate rush to judgment by some who wanted to indict this program as a fraud for not attempting the most complex intercept test immediately. These critics were obviously unaware of the fact that it was the Welch Panel, during its investigation, which recommended to BMDO that the recent flight test be simplified. I support the Welch Report's suggestion for realistic testing, and hope that everyone will keep in mind the importance of testing the basics first, and then proceeding to more complex tests.

There are, of course, some problems with testing against more realistic targets that have nothing at all to do with the NMD program. According to the Ballistic Missile Defense Organization, BMDO believes it is—and I quote from a note BMDO sent to my staff—''constrained by START treaty limitations''—from testing against more realistic targets.

This surely must be a misunderstanding within the Defense Department that will be resolved quickly.

I want to commend the members of the panel who produced the Welch Report. I hope that some of their concerns have been ameliorated by the recent NMD intercept, which occurred too late to be included in their report.

PATENT REFORM AND INVENTOR PROTECTION LEGISLATION

Mr. LIEBERMAN. Mr. President, I rise to express my support for S. 1798, the American Inventors Protection Act. Yesterday I became a co-sponsor of the patents reform legislation, which was recently reported out of the Senate Judiciary Committee. It is my understanding that the provisions contained in that legislation are being folded into a larger bill, which also addresses satellite television and other matters. Although I urge passage of this larger bill, in my comments today I will speak only to the provisions dealing with patent reform and inventor protection, provisions which I strongly believe will provide vital new protections both to businesses and to individual inventors. In particular, I am pleased to see an entire title dedicated to regulating invention promoters, many of whom are little more than con artists. In 1995 I introduced the ''Inventor Protection Act'' of 1995, which was the first bill to target the unsrupulous firms that take advantage of inventors' ideas and dreams. Several of my bill's provisions now appear in the House and Senate legislation, and I am glad to see that the work we did in the 104th Congress, combined with the efforts of others since, should finally result in the passage of long needed protections against invention promotion scams.

The American Inventors Protection Act is a well-rounded bill. It reduces patent fees and authorizes the Comissioner of the Paetnt and Trademark Office (PTO) to report to Congress on alternative fee structures. The goal here, as with other titles of the legislation, is to make our patent system as accessible as possible to all. Another reform would save money for parties to a patent dispute. It allows third parties the option of expanded inter pates reexamination procedures; these new procedures before the PTO will decrease the amount of litigation in federal district court.

The ''First Inventor Defense'' is a vital new provision for businesses and other inventors caught unaware by recent court decisions allowing business methods to be patented. It is simply unfair that an innovator of a particular business method should suddenly have to pay royalties for its own invention, just because of an unforeseeable change in patent law. It is my understanding that any kind of method, regardless of its technological character, would be included within the scope of this definition, provided it is used in some manner by a company or other entity in the conduct of its business.

Two other provisions provide greater predictability and fairness for inventors. One title guarantees a minimum patent term of 17 years by extending patent term in cases of unusual delay. Another allows for domestic publication of patent applications subject to foreign publication. I support the changes made to this provision since the last Congress, changes which should satisfy the concerns of independent inventors that their ideas might be copied before their patents are granted.

Finally, I applaud the new regulations and remedies which will provide inventors with enhanced protections against invention promotion scams. Each year thousands of inventors lose tens of millions of dollars to deceptive invention marketing companies. In 1994, as then-Chairman of the Subcommittee on Regulation and Governmental Affairs, I held a hearing on the problems presented by the invention marketing industry. Witness after witness testified how dozens of companies, under broad claims of helping inventors, had actually set up schemes in which inventors spend thousands for services to market their invention—a service that companies regularly fail to provide.

The legislation I introduced in 1995 used a multi-faceted approach to separate the legitimate companies from the fraudulent and guarantee real protection for America's inventors. I am gratified that a number of the provisions from my bill have been used in a title of this year's patent reform legislation specially devoted to invention marketing companies. Both bills provide inventors with enhanced protections against invention promotion scams by creating a private right of action for inventors harmed by deceptive fraudulent practices, by requiring invention promoters to disclose certain information in writing prior to entering into a contract for invention promotion services, and by creating a publicly available log of complaints received by the PTO involving invention promotes.

The provisions contained in the American Inventors Protection Act represent our best hope for passage of meaningful patent reform. I urge my colleagues to support their passage to ensure that inventors as well as their ideas are adequately protected.

THE CONVEYANCE OF CERTAIN LANDS TO PARK COUNTY, WYOMING

Mr. ENZI. Mr. President, I rise in support of legislation that I and my colleague, Senator CRAIG THOMAS, introduced on Tuesday, November 9, 1999, that would authorize the sale of certain federal lands near Cody, Wyoming to Park County Wyoming for future use as an industrial park.

By purchasing this property, and zoning it as an industrial park, Park County will be able to provide, protect, and recognize an area that is well suited for industrial development, in a manner consistent with uses on surrounding properties, and do so in a way that does not burden other areas in the community whose uses are more residential or commercial in nature.

The property in question consists of approximately 190 acres of federal land

just north of the Cody City limits. Part of this land is currently leased to a number of light industrial corporations including a gypsum wall board manufacturing facility, a meat processing facility, a trucking company, an oil company, a concrete company, and a lumber company. The property is also currently used as a utility corridor and is encumbered by a natural gas pipeline, several electricity and oil and gas pipeline rights of way, and a railroad easement held by the Chicago Burlington Quincy Railroad.

This proposal offers a needed shot in the arm for an economy that has not been able to attract a diversity of new jobs based on of a shortage of available industrial property. This shortage was created by a strong federal presence—82 percent of the land in Park County is owned by the Federal Government, with 52 percent of that land designated and managed as Wilderness. This high concentration of federal land drives up the price on available private land making industrial development very difficult.

In conclusion Mr. President, I hope my colleagues can join with me in support of this legislation and together we can provide the Cody area with a wonderful community building opportunity.

INCREASING THE MINIMUM WAGE

Mr. SANTORUM. Mr. President, I would like to take a moment to discuss the amendment offered by Senator DOMENICI, Senator ABRAHAM, and myself to raise the minimum wage. I cosponsored this proposal because I believe it represents a fair, sensible compromise.

In raising the minimum wage, it is imperative that we do not hurt the very people we are trying to help. Increasing the minimum wage always carries the risks of hindering job growth, cutting off opportunities for entry level workers, or displacing current workers. These risks are a real concern to me. In my view, any increase in the minimum wage must be accompanied by measures that will negate possible unintended negative effects on workers and businesses.

I believe the Domenici amendment offers a reasonable way to help workers and businesses by coupling the wage increase with tax relief that will help small businesses offset the additional costs. I would like to highlight a few of the ways this amendment creates a win-win situation for workers and small businesses. First, our amendment provides a one dollar increase in the minimum wage, which will be phased in incrementally over the next three years. Currently, the federal minimum wage is $5.15 per hour. Our amendment raises the minimum wage to $5.50 per hour in 2000, to $5.85 per hour in 2001, and to $6.15 per hour in 2002. It also includes reforms to expand pension coverage, particularly for employees of small businesses. These provisions enhance fairness for women, increase portability for plan participants, strengthen pension security and enforcement, and streamline regulatory requirements. Likewise, our proposal permanently extends the Work Opportunity Tax Credit, which gives employers an incentive to hire people receiving public assistance. This program helps people who have fallen on hard times to move back into the workplace. A section of our proposal that I am particularly proud of allows self-employed individuals to deduct 100 percent of their health insurance costs as early as next year. Under current law, hard working men and women must wait until 2003 before they can fully deduct their health insurance costs. This measure puts small business owners, farmers, and other hard working men and women struggling to get their businesses off the ground on a level playing field with large corporations, who already enjoy full deductions for healthcare. I have fought for this parity throughout my tenure in Congress, and I thank Senator DOMENICI for including it in this amendment.

Mr. President, our amendment is a compromise package. It is a good faith attempt to help low-income workers without penalizing their employers or causing unintended job displacement. We believe the tax relief and pension reforms in this bill will help small businesses and mitigate possible adverse effects of raising the minimum wage.

Once again, I thank Senator DOMENICI for his hard work on this amendment.

THE MANUFACTURED HOUSING IMPROVEMENT ACT

Mr. JOHNSON. Mr. President, I am pleased to offer my support and cosponsorship to S. 1452, the Manufactured Housing Improvement Act. Rural America, and my state of South Dakota in particular, is in the midst of an affordable housing crunch. In South Dakota, approximately four of ten new single family homes are manufactured homes, and with an average cost of around $42,000, manufactured homes enable many individuals, young families, and retired South Dakotans to enjoy the benefits of homeownership. Nearly one-quarter of the new homes nationwide are manufactured homes, and an estimated 8% of the American population lives in manufactured homes.

Despite the increasing number of manufactured homes, the Federal Manufactured Home Construction and Safety Standards Act has not been updated since its creation in 1974. Over the past twenty five years, manufactured homes have evolved from being predominately mobile trailers to permanent structures that contain the same amenities found in site-built homes. The inability of regulations to keep pace with changing technology and the nature of manufactured housing frustrates manufactured housing builders and consumers alike.

S. 1452 establishes a consensus committee that would submit recommendations to the Secretary of HUD for revising the manufactured housing construction and safety standards. In addition, the bill authorizes the Secretary of HUD to use industry label fees to administer the consensus committee and update the regulations. I applaud this unique provision that costs taxpayers nothing.

There is no question that construction codes for manufactured homes are woefully outdated and in need of revision. For example, the manufactured housing industry is running six years behind the most current electrical codes. Changes in the height of ceilings in manufactured homes since 1974 have also outpaced codes regulating the location of smoke detectors in the home. As a result, some smoke detectors in manufactured homes are several feet from the top of vaulted ceilings. Another trend in the industry is for more manufactured homes to be placed on private lots with basements. Unfortunately, out-of-date HUD regulations require water heaters to be placed on the main floor of a manufactured home, thereby prohibiting the more logical placement of water heaters in the basement and near a floor drain.

By updating construction safety regulations, this bill will benefit many South Dakotans and others who own manufactured homes. The AARP has raised valid concerns with portions of this legislation that I am hopeful can be addressed. I am confident that the concerns AARP has with the composition of the consensus committee can be worked out to ensure proper representation from consumers, industry experts, manufacturers, public officials, and other interested parties. I also commend AARP for raising the issue of warranties, and as a cosponsor of this legislation, I look forward to working with my colleagues, the manufactured housing industry, and AARP to ensure consumer access to warranties.

Another important issue that needs to be addressed in this discussion concerns installation standards that 33 states, including South Dakota, currently have. Differences in geography, soil composition, and climate make a uniform set of installation standards difficult to implement. However, I would like to see consumers in those states that currently do not have installation standards for manufactured homes receive the same level of assurance South Dakotans have that their homes will be installed correctly.

I would like to thank Senator SHELBY for introducing S. 1452 as well as

Senators ALLARD and KERRY for holding hearings on the legislation in October. I am hopeful that with the help of the interested parties, we can make this important bill even better. I look forward to a continued dialogue on this issue and for the Senate to take up this issue early in the new year.

TRIBUTE TO DAISY GASTON BATES OF ARKANSAS

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to a great American and an honored daughter of Arkansas. Daisy Gaston Bates was an author, a newspaper publisher, a public servant, a community leader. And some would say most importantly, a civil rights activist. Mrs. Bates passed away last Thursday and we in the great state of Arkansas are celebrating the life of one of our greatest citizens.

Mrs. Bates believed in justice and equality for all of us. No doubt it was that love of freedom and equality that compelled her crusade in 1957 for the rights of nine African-American children to attend Little Rock's all-white Central High School. Daisy Bates played a central role, as Arkansas president of the National Association of Colored People, in the litigation that lead up to that confrontation on the school steps. This was a defining moment in the history of the civil rights movement.

According to her own accounts and those of the Little Rock Nine, the students would gather each night at the Bates' home to receive guidance and strength. It was through the encouragement of Daisy Bates and her husband that these young men and women were able to face the vicious and hateful taunts of those so passionately opposed to their attendance at Central High.

Mrs. Bates and her husband, L.C., also published a newspaper, the Arkansas State Press, which courageously published accounts of police brutality against African-Americans in the 1940's and took a stance for civil rights. Eventually, Central High was integrated and Daisy and her husband were forced to close their newspaper because of their civil rights stance. Advertisers withdrew their business and the paper suffered financial hardships from which it could not recover. She and L.C. were threatened with bombs and guns. They were hanged in effigy by segregationists.

But Daisy Bates persevered. She did all this, withstood these challenges, because she loved children and she loved her country. She had an internal fire, instilled in her during a childhood spent in Huttig, Arkansas. And this strong character shone through as she willingly took a leadership role to battle the legal and political inequities of segregation in our state and the nation.

Mrs. Bates continued to work tirelessly in anti-poverty programs, community development and neighborhood improvement. She published a book, for which another remarkable woman, Eleanor Roosevelt, wrote the introduction. Daisy also spent time working for the Democratic National Committee and for President Johnson's administration.

Many people honored Daisy Bates during her lifetime. In 1997, Mrs. Bates received for her courage and character, the Margaret Chase Smith Award, named after the second woman ever elected to the U.S. Senate. Daisy Bates carried the Olympic torch from a wheelchair during the 1996 Atlanta games. Many more, I am sure, will honor her after her death. I am proud to honor her today in the U.S. Senate.

Mrs. Bates will lie in state on Monday at the State Capitol Rotunda in Little Rock. Ironically, this is only blocks away from the school where that famous confrontation occurred in 1957. And in another twist of fate, the Little Rock Nine are scheduled to receive Congressional Gold Medals in a White House ceremony with President Bill Clinton this Tuesday, the very same day Daisy Bates will be laid to rest.

This great woman leaves a legacy to our children, our state and our nation; a love of justice, freedom and the right to be educated. A matriarch of the civil rights movement has passed on but I'm encouraged by the words of her niece, Sharon Gaston, who said, ''Just don't let her work be in vain. There's plenty of work for us to do.''

Mr. President, there is still much work to be done to bring complete civil rights and equality to our nation. Today, as we pause to remember Daisy Gaston Bates, I hope we will be renewed and refreshed in our efforts.

CONGRESSIONAL BUDGET OFFICE ESTIMATES OF S. 977

Mr. MURKOWSKI. Mr. President, on November 2, 1999, I filed Report 206 to accompany S. 977, that had been ordered favorably reported on October 20, 1999. At the time the report was filed, the estimates by Congressional Budget Office were not available. The estimate is now available and concludes that enactment of S. 977 would ''result in no significant costs to the federal government.'' I ask unanimous consent that a copy of the CBO estimate be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 2, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 977, the Miwaleta Park Expansion Act.

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 impact on state and local governments), who can be reached at 225–3220.

Sincerely,

DAN L. CRIPPEN.

Enclosure.

S. 977—Miwaleta Park Expansion Act

S. 977 would direct the Secretary of the Interior to convey, without compensation, Miwaleta Park and certain adjacent land to Douglas County, Oregon. The bill stipulates that the county must use this land for recreational purposes. Currently, the Bureau of Land Management (BLM) allows the county to use the land for a park at no cost to the county. Because BLM does not plan to sell the land or otherwise generate receipts from it, CBO estimates that implementing S. 977 would result in no significant costs to the federal government. The bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply.

S. 977 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Douglas County might incur some costs as a result of the bill's enactment, but any such costs would be voluntary. The county also would benefit, however, because it would receive land at a negligible cost. The bill would have no significant impact on the budgets of other state, local, or tribal governments.

On October 29, 1999, CBO transmitted a cost estimate for H.R. 1725, the Miwaleta Park Expansion Act, as ordered reported by the House Committee on Resources on October 20, 1999. The two bills are very similar and the cost estimates are identical.

The CBO staff contacts are Mark Grabowicz (for federal costs), who can be reached at 226–2860, and Marjorie Miller (for the impact on state and local governments), who can be reached at 225–3220. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

ESTABLISHMENT OF THE UNITED STATES JOINT FORCES COMMAND

Mr. LIEBERMAN. Mr. President, I rise today to commend the Secretary of Defense, Bill Cohen, the Chairman of the Joint Chiefs of Staff, General Hugh Shelton, the Commander in Chief Joint Forces Command Admiral Hal Gehman, and the Army Chief of Staff, General Eric Shinseki for their commitment to transforming our current military force to one which will assure our military superiority well into the twenty first century.

Secretary Cohen and General Shelton have taken strong and direct action to establish transformation as the guiding policy for the Department of Defense. Their leadership responds to what are now broadly accepted conclusions about the security environment we will face and the challenges and opportunities resulting from the Revolution in Military Affairs. Many, both inside and outside the Pentagon, have concluded

that these changes are of such magnitude that they require that our military in the twenty first century be fundamentally different than today's military. This view was compellingly articulated by the National Defense Panel, which was created by this body. And it was given the force of policy by Secretary Cohen in the Quadrennial Defense Review.

But how are we to know what this very different military should look like? Secretary Cohen and General Shelton, encouraged and supported by legislation we passed last year, established a process to answer that question. On the first of October, 1998, they charged the Commander in Chief of the United States Atlantic Command, Admiral Harold Gehman, to put in place a joint experimentation process to objectively determine which new technologies, organizations, and concepts of operation will most likely to future military superiority. Since that time Admiral Theman has done a superb job of establishing a process and beginning experiments toward that end. In June, 1999, Admiral Gehman began experiments to address how the U.S. military should be equipped and organized to effectively find and strike critical mobile enemy targets, such as ballistic missiles. Other experiments to address near, mid, and far term strategic and operational problems will follow. On the first of October of this year the Secretary and the Chairman increased the priority of the policy of transformation by redesignating the United States Atlantic Command as the United States Joint Forces Command. This change is more than simply a change in name. It underlines the increasing importance of increased jointness in meeting the security challenges of the twenty first century, increases the priority assigned to experimentation, and reflects the expanded role that the United States Joint Forces Command assumes in order to achieve that goal. I applaud Secretary Cohen and General Shelton for their commitment to transformation of the U.S. military and their courage to make the tough changes needed to get it done.

I am also pleased to see that their leadership is having a positive effect on our military Services' plans to transform themselves to meet the coming challenges. The U.S. Air Force has begun to reorganize its units into Air Expeditionary Forces to be more responsive to the need for air power by the warfighting commanders. And I note with great admiration that on October 12, 1999 General Eric Shinseki, Chief of Staff of the U.S. Army, announced his intention to begin to transform the U.S. Army from a heavy force designed largely for the Cold War to one that will be more effective against the threats that most now see as most likely and most dangerous. The goal is to make the U.S. Army more strategically relevant by making it lighter, more deployable, more lethal, and more sustainable. General Shinseki plans to find technological solutions to these problems, and intends to create this year an experimentation process at Fort Lewis Washington in order to begin to construct this new force. He has said that he wants to eliminate the distinction between different types of Army units, and perhaps in time go to an all-wheeled fleet of combat vehicles, eliminating the tank as we have known it for almost a century. These are historic and very positive steps. But there is much progress that must still be made. For example, the Army and the Air Force must now implement their plans in concert with the other services, and with the Joint Forces Command.

Fundamental change is very difficult to effect, especially in organizations, like the Department of Defense, that are large and successful. Frankly, I am a little surprised that we have been able to achieve these changes in so short time. But organizations that don't change ultimately fail, and that is not an outcome we can accept. So we should not only applaud these moves, but support them, and encourage faster and more direct action. An excellent report by the Defense Science Board in August, 1999 suggests some things we can do to provide this support. The most important are encouraging the development of a DOD-wide strategy for transformation activities, and insisting on the establishment of processes to turn the results of experiments into real capabilities for our forces. And we must ensure that this effort is not hobbled by lack of resources. Perhaps most importantly, we must insist that no Service plan nor program be agreed to or resourced unless we are assured that it has passed through a rigorous joint assessment and is consistent with the joint warfighting needs of our military commanders.

I urge my colleagues to join me in complementing our senior leaders and to support their efforts to move to the next level of jointness as they grapple with the difficult task of building the most effective American military possible for the 21st century.

THE FREEDOM TO TRAVEL TO CUBA ACT OF 1999

Mr. LEAHY. Mr. President, any American who wants to travel to Iran, to North Korea, to Syria, to Serbia, to Vietnam, to just about anywhere, can do so, as long as that country gives them a visa. As far as the United States Government is concerned, they can travel there at their own risk.

Cuba, on the other hand, a country 90 miles away that poses about as much threat to the United States as a flea does to a buffalo, is off limits unless you are a journalist, government official, or member of some other special group. If not, you can only get there by breaking the law, which an estimated 10–15,000 Americans did last year.

Of all the ridiculous, anachronistic, and self-defeating policies, this has got to be near the top of the list.

For forty years, administration after administration, and Congress after Congress, has stuck by this failed policy. Yet Fidel Castro is as firmly in control today as he was in 1959, and the Cuban people are no better for it.

This legislation attempts to put some sense into our policy toward Cuba. It would also protect one of the most fundamental rights that most Americans take for granted, the right to travel freely. I commend the senior Senator From Connecticut, Senator DODD, who has been such a strong and persistent advocate on this issue. I am proud to join him in cosponsoring this legislation, which is virtually identical to an amendment he and I sponsored earlier this year. That amendment came within 7 votes of passage.

Mr. President, in March of this year I traveled to Cuba with Senator JACK REED. We were able to go there because we are Members of Congress.

I came face to face with the absurdity of the current policy because I wanted my wife Marcelle to accompany me as she does on most foreign trips. A few days before we were to leave, I got a call from the State Department saying that they were not sure they could approve her travel to Cuba.

I cannot speak for other Senators, but I suspect that like me, they would also not react too kindly to a policy that gives the State Department the authority to prevent their wife, or their children, from traveling with them to a country with which we are not at war and which, according to the Defense Department and the vast majority of the American public, poses no threat to our security.

I wonder how many Senators realize that if they wanted to take a family member with them to Cuba, they would probably be prevented from doing so by United States law.

Actually, because the authors of the law knew that a blanket prohibition on travel by American citizens would be unconstitutional, they came up with a clever way of avoiding that problem but accomplishing the same result. Americans can travel to Cuba, they just cannot spend any money there.

Almost a decade has passed since the collapse of the former Soviet Union. Eight years have passed since the Russians cut their $3 billion subsidy to Cuba. We now give hundreds of millions of dollars in aid to Russia.

Americans can travel to North Korea. There are no restrictions on the right of Americans to travel there, or to spend money there. Which country poses a greater threat to the United States? Obviously North Korea.

Americans can travel to Iran, and they can spend money there. The same goes for Sudan. These are countries that pose far greater threats to American interests than Cuba.

Our policy is hypocritical, inconsistent, and contrary to our values as a nation that believes in the free flow of people and ideas. It is impossible for anyone to make a rational argument that America should be able to travel freely to North Korea, or Iran, but not to Cuba. It can't be done.

We have been stuck with this absurd policy for years, even though virtually everyone knows, and says privately, that it makes absolutely no sense and is beneath the dignity of a great country.

It not only helps strengthen Fidel Castro's grip on Cuba, it hands a hug advantage to our European competitors who are building relationships and establishing a base for future investment in a post-Castro Cuba. When that will happen is anybody's guess. President Castro is no democrat, and he is not going to become one. But it is time we pursued a policy that is in our national interest.

Let me be clear. This legislation does not, I repeat does not, lift the U.S. embargo. It is narrowly worded so it does not do that. It only permits travelers to carry their personal belongings. We are not opening a floodgate for United States imports to Cuba.

The amendment limits what Americans can bring home from Cuba to the current level for government officials and other exempt categories, which is $100.

It reaffirms the President's authority to prohibit travel in times of war, armed hostilities, or if there is imminent danger to the health or safety of Americans.

Those who want to prevent Americans from traveling to Cuba, who oppose this legislation, will argue that spending United States dollars there helps prop up the Castro Government. To some extent that is true. The government does run the economy. It also runs the schools and hospitals, maintains roads, and, like the United States Government, is responsible for the whole range of social services that benefit ordinary Cubans. Any money that goes into the Cuban economy supports those programs.

But there is also an informal economy in Cuba, because no one but the elite can survive on their meager government salary. So the income from tourism also fuels that informal sector, and it goes in to the pockets of ordinary Cubans.

It is also worth pointing out that while the average Cuban cannot survive on his or her government salary, you do not see the kind of abject poverty in Cuba that is so common elsewhere in Latin America. In Brazil, or Panama, or Mexico, or Peru, there are children searching through garbage in the streets for scraps of food, next to gleaming high rise hotels with Mercedes limousines lined up outside.

In Cuba, almost everyone is poor. But they have access to the basics. The literacy rate is 95 percent. The life expectancy is about the same as in our country, even though the health system is very basic and focused on preventive care.

The point is that while there are obviously parts of the Cuban economy that we would prefer not to support—as there is in North Korea, China, or Sudan, or in any country whose government we disagree with, much of the Cuban Government's budget benefits ordinary Cubans. So when opponents of this legislation argue that we cannot allow Americans to travel to Cuba because the money they spend there would prop up Castro, remember what they are not saying: those same dollars also help the Cuban people.

It is also worth saying that as much as we want to see a democratic Cuba, President Castro's grip on power is not going to be weakened by keeping Americans from traveling to Cuba. History has proven that. He has been there for forty years, and as far as anyone can tell he is not going anywhere.

Mr. President, it is about time we injected some maturity into our relations with Cuba. Let's have a little more faith in the power of our ideas. Let's have the courage to admit that the cold war is over. Let's get the State Department out of the business of telling our wives, our children, and our constituents where they can travel and spend their own money—in a country that the Pentagon say poses no security threat to us.

This legislation will not end the embargo, but it will do far more to win the hearts and minds of the Cuban people than the outdated approach of those who continue to defend the status quo.

HIGH SPEED RAIL INVESTMENT ACT

Mr. KERRY. Mr. President, let me begin by congratulating Senator LAUTENBERG for developing this important piece of legislation that recognizes the importance of rail in our overall transportation system as we approach the 21st Century.

I am proud to be an original cosponsor of the High Speed Rail Investment Act, which will provide Amtrak with much needed resources to pay for high speed rail corridors across the country. This legislation is crucial for the country, and for my home state of Massachusetts, and I am hopeful we can move it quickly through Congress.

This bill will give Amtrak the authority to sell $10 billion in bonds over the next ten years to finance high speed rail. Instead of interest payments, the federal government would provide tax credits to bondholders. Amtrak would repay the principle on the bonds after 10 years, however, the payments would come primarily from required state matching funds. I know many states will gladly participate in this matching program, as their governors and state legislatures are eager to promote high speed rail. Amtrak would be authorized to invest this money solely for upgrading existing lines to high speed rail, constructing new high speed rail lines, purchasing high speed rail equipment, eliminating or improving grade crossings, and for capital upgrades to existing high speed rail corridors.

Let there be no mistake, this country needs to develop a comprehensive national transportation policy for the 21st Century. So far, Congress has failed to address this vital issue. What we have is an ad hoc, disjointed policy that focuses on roads and air to the detriment of rail. We need to look at all of these modes of transportation to alleviate congestion and delays on the ground and in the sky and to move people across this country efficiently. Failing to do this will hamper economic growth and harm the environment.

Despite rail's proven safety, efficiency and reliability in Europe and Japan, and also in the Northeast corridor here in the U.S., passenger rail is severely underfunded. We need to include rail into the transportation mix. We need more transportation choices and this bill helps to provide them.

In the Northeast corridor, Amtrak is well on its way to implementing high speed rail service. The high speed Acela service should start running from in January. This will be extremely helpful in my home state of Massachusetts, where airport and highway congestion often reach frustrating levels. The more miles that are traveled on Amtrak, the fewer trips taken on crowded highways and skyways.

But new service in the Northeast corridor is only the beginning. We need to establish rail as a primary mode of transportation along with air and highways. This bill well help us achieve that goal across the country and I am proud to be an original cosponsor of such an important piece of legislation.

THE TERROR OF GUN VIOLENCE

Mr. LEVIN. Mr. President, the call to end gun violence has become all too commonplace during this session of Congress. It seems as if each day, another one of us comes to the floor to express our outrage. Last week, it was about workplace violence in Honolulu and Seattle—a total of nine dead. In September it was a church shooting in Texas—a total of seven dead. In August, gun shots were fired in a Jewish Community Center in Los Angeles—

five injured, and moments later, a federal worker was gunned down on the street. In July, another workplace shooting—again nine people killed, this time in Atlanta. The list goes on and on, including one shooting none of us can forget—15 dead in Littleton.

Each month, we watch these tragedies unfold—we witness Americans running and screaming for their lives, toddlers being led hand-in-hand out of danger, even bloody teenagers dangling from windows. And as the helicopters and SWAT-teams come to more and more of our neighborhoods, we observe scenes that seem more suitable for a horror movie than the front page of our local papers.

And, still, each month, we react in the same way. We express outrage, we condemn killers, we call for sensible gun safety legislation, but we do not act. Congress has done nothing this year to control these mass-shootings or in any way, ease the agony that parents and families feel each day when they send their loved ones to school, church, or work.

Mr. President, as Congress prepares to adjourn for the year, I send out this reminder: Americans have lost the sense of safety that they once felt in their schools and neighborhoods. They are frightened that the next breaking news story will be filmed on main street, rather than as a ''nightmare on elm street''. It is up to Congress to end gun violence and the all too familiar terror in the lives of ordinary Americans.

ROLLCALL NO. 361

Mr. KYL. Mr. President, I inadvertently missed rollcall No. 361 regarding the nomination of Carol Moseley-Braun. Had I been present, I would have voted ''aye.''

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, November 9, 1999, the Federal debt stood at $5,659,600,009,349.26 (Five trillion, six hundred fifty-nine billion, six hundred million, nine thousand, three hundred forty-nine dollars and twenty-six cents).

One year ago, November 9, 1998, the Federal debt stood at $5,556,815,000,000 (Five trillion, five hundred fifty-six billion, eight hundred fifteen million).

Five years ago, November 9, 1994, the Federal debt stood at $4,720,919,000,000 (Four trillion, seven hundred twenty billion, nine hundred nineteen million).

Ten years ago, November 9, 1989, the Federal debt stood at $2,893,041,000,000 (Two trillion, eight hundred ninety-three billion, forty-one million).

Fifteen years ago, November 9, 1984, the Federal debt stood at $1,613,716,000,000 (One trillion, six hundred thirteen billion, seven hundred sixteen million) which reflects a debt increase of more than $4 trillion—$4,045,884,009,349.26 (Four trillion, forty-five billion, eight hundred eighty-four million, nine thousand, three hundred forty-nine dollars and twenty-six cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today were printed at the end of the Senate proceedings.)

CONTINUATION OF THE EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT—PM 73

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons (''weapons of mass destruction''—WMD) and of the means of delivering such weapons, I issued Executive Order 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration unless, within the 90-day period prior to each anniversary date, I publish in the Federal Register and transmit to the Congress a notice stating that such emergency is to continue in effect. The proliferation of weapons of mass destruction and their means of delivery continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I am, therefore, advising the Congress that the national emergency declared on November 14, 1994, and extended on November 14, 1995, November 12, 1996, November 13, 1997, and November 12, 1998, must continue in effect beyond November 14, 1999. Accordingly, I have extended the national emergency declared in Executive Order 12938, as amended.

The following report is made pursuant to section 204(a) of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the most recent annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), also known as the ''Nonproliferation Report,'' and the most recent annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182), also known as the ''CBW Report.''

On July 28, 1998, in Executive Order 13094, I amended section 4 of Executive Order 12938 so that the United States Government could more effectively respond to the worldwide threat of weapons of mass destruction proliferation activities. The amendment of section 4 strengthens Executive Order 12938 in several significant ways. The amendment broadens the type of proliferation activity that can subject entities to potential penalties under the Executive order. The original Executive order provided for penalties for contributions to the efforts of any foreign country, project or entity to use, acquire, design, produce, or stockpile chemical or biological weapons; the amended Executive order also covers contributions to foreign programs for nuclear weapons and for missiles capable of delivering weapons of mass destruction. Moreover, the amendment expands the original Executive order to include attempts to continue to foreign proliferation activities, as well as actual contributions, and broadens the range of potential penalties to expressly include the prohibition of U.S. Government assistance to foreign persons, and the prohibition of imports into the United States and U.S. Government procurement. In sum, the amendment gives the United States Government greater flexibility and discretion in deciding how and to what extent to impose measures against foreign persons that assist proliferation programs.

NUCLEAR WEAPONS

In May 1998, India and Pakistan each conducted a series of nuclear tests. World reaction included nearly universal condemnation across a broad range of international fora and multilateral support for a broad range of sanctions, including new restrictions on lending by international financial institutions unrelated to basic human needs and on aid from the G–8 and other countries.

Since the mandatory imposition of U.S. statutory sanctions, we have

worked unilaterally, with other P–5 and G–8 members, and through the United Nations, to dissuade India and Pakistan from taking further steps toward developing nuclear weapons. We have urged them to join multilateral arms control efforts and to conform to the standards of nonproliferation regimes, to prevent a regional arms race and build confidence by practicing restraint, and to resume efforts to resolve their differences through dialogue. The P–5, G–8, and U.N. Security Council have called on India and Pakistan to take a broad range of concrete actions. The United States has focused most intensely on several objectives that can be met over the short and medium term: an end to nuclear testing and prompt, unconditional ratification of the Comprehensive Nuclear Test-Ban Treaty (CTBT); engagement in productive negotiations on a fissile material cut-off treaty (FMCT) and, pending their conclusion, a moratorium on production of fissile material for nuclear weapons and other nuclear explosive devices; restraint in development and deployment of nuclear-capable missiles and aircraft; and adoption of controls meeting international standards on exports of sensitive materials and technology.

Against this backdrop of international pressure on India and Pakistan, high-level U.S. dialogues with Indian and Pakistani officials have yielded little progress. In September 1998, Indian and Pakistani leaders had expressed a willingness to sign the CTBT. Both governments, having already declared testing moratoria, had indicated they were prepared to sign the CTBT by September 1999 under certain conditions. These declarations were made prior to the collapse of Prime Minister Vajpayee's Indian government in April 1999, a development that has delayed consideration of CTBT signature in India. The Indian election, the Kargil conflict, and the October political coup in Pakistan have further complicated the issue, although neither country has renounced its commitment. Pakistan has said that it will not sign the Treaty until India does. Additionally, Pakistan's Foreign Minister stated publicly on September 12, 1999, that Pakistan would not consider signing the CTBT until sanctions are removed.

India and Pakistan both withdrew their opposition to negotiations on an FMCT in Geneva at the end of the 1998 Conference on Disarmament session. However, these negotiations were unable to resume in 1999 and we have no indications that India or Pakistan played helpful ''behind the scenes'' roles. They also pledged to institute strict controls that meet internationally accepted standards on sensitive exports, and have begun expert discussions with the United States and others on this subject. In addition, India and Pakistan resumed their bilateral dialogue on outstanding disputes, including Kashmir, at the Foreign Secretary level. The Kargil conflict this summer complicated efforts to continue this bilateral dialogue, although both sides have expressed interest in resuming the discussions at some future point. We will continue discussions with both governments at the senior and expert levels, and our diplomatic efforts in concert with the P–5, G–8, and in international fora. Efforts may be further complicated by India's release in August 1999 of a draft of its nuclear doctrine, which, although its timing may have been politically motivated, suggests that India intends to make nuclear weapons an integral part of the national defense.

The Democratic People's Republic of Korea (DPRK or North Korea) continues to maintain a freeze on its nuclear facilities consistent with the 1994 U.S.–DPRK Agreed Framework, which calls for the immediate freezing and eventual dismantling of the DPRK's graphite-moderated reactors and reprocessing plant at Yongbyon and Taechon. The United States has raised its concerns with the DPRK about a suspect underground site under construction, possibly intended to support nuclear activities contrary to the Agreed Framework. In March 1999, the United States reached agreement with the DPRK for visits by a team of U.S. experts to the facility. In May 1999, a Department of State team visited the underground facility at Kumchang-ni. The team was permitted to conduct all activities previously agreed to help remove suspicions about the site. Based on the data gathered by the U.S. delegation and the subsequent technical review, the United States has concluded that, at present, the underground site does not violate the 1994 U.S.–DPRK Agreed Framework.

The Agreed Framework requires the DPRK to come into full compliance with its NPT and IAEA obligations as a part of a process that also includes the supply of two light water reactors to North Korea. United States experts remain on-site in North Korea working to complete clean-up operations after largely finishing the canning of spent fuel from the North's 5-megawatt nuclear reactor.

The Nuclear Non-Proliferation Treaty (NPT) is the cornerstone on the global nuclear nonproliferation regime. In May 1999, NPT Parties met in New York to complete preparations for the 2000 NPT Review Conference. The United States is working with others to ensure that the 2000 NPT Review Conference is a success that reaffirms the NPT as a strong and viable part of the global security system.

The United States signed the Comprehensive Nuclear-Test Ban Treaty on September 24, 1996. So far, 154 countries have signed and 51 have ratified the CTBT. During 1999, CTBT signatories conducted numerous meetings of the Preparatory Commission (PrepCom) in Vienna, seeking to promote rapid completion of the International Monitoring System (IMS) established by the Treaty. In October 1999, a conference was held pursuant to Article XIV of the CTBT, to discuss ways to accelerate the entry into force of the Treaty. The United States attended that conference as an observer.

On September 22, 1997, I transmitted the CTBT to the Senate, requesting prompt advice and consent to ratification. I deeply regret the Senate's decision on October 13, 1999, to refuse its consent to ratify the CTBT. The CTBT will serve several U.S. national security interests by prohibiting all nuclear explosions. It will constrain the development and qualitative improvement of nuclear weapons; end the development of advanced new types of weapons; contribute to the prevention of nuclear proliferation and the process of nuclear disarmament; and strengthen international peace and security. The CTBT marks a historic milestone in our drive to reduce the nuclear threat and to build a safer world. For these reasons, we hope that at an appropriate time, the Senate will reconsider this treaty in a manner that will ensure a fair and thorough hearing process and will allow for more thoughtful debate.

With 35 member states, the Nuclear Suppliers Group (NSG) is a widely accepted, mature, and effective export-control arrangement. At its May 1999 Plenary and related meetings in Florence, Italy, the NSG considered new members (although none were accepted at that meeting), reviewed efforts to enhance transparency, and pursued efforts to streamline procedures and update control lists. The NSG created an Implementation Working Group, chaired by the UK, to consider changes to the guidelines, membership issues, the relationship with the NPT Exporters (Zangger) Committee, and controls on brokering. The Transparency Working Group was tasked with preparing a report on NSG activities for presentation at the 2000 NPT Review Conference by the Italian chair. The French will host the Plenary and assume the NSG Chair in 2000 and the United States will host and chair in 2001.

The NSG is currently considering membership requests from Turkey and Belarus. Turkey's membership is pending only agreement by Russia to join the intercessional consensus of all other NSG members. The United States believes it would be appropriate to confirm intercessional consensus in support of Turkey's membership before considering other candidates. Belarus has been in consultation with the NSG Chair and other members including Russia and the United States regarding its interest in membership and the status of its implementation of export controls to meet NSG Guideline standards. The United States will not block intercessional consensus of NSG members in support of NSG membership for

Belarus, provided that consensus for Turkey's membership precedes it. Cyprus and Kazakhstan have also expressed interest in membership and are in consultation with the NSG Chair and other members regarding the status of their export control systems. China is the only major nuclear supplier that is not a member of the NSG, primarily because it has not accepted the NSG policy of requiring full-scope safeguards as a condition for supply of nuclear trigger list items to non-nuclear weapon states. However, China has taken major steps toward harmonization of its export control system with the NSG Guidelines by the implementation of controls over nuclear-related dual-use equipment and technology.

During the last 6 months, we reviewed intelligence and other reports of trade in nuclear-related material and technology that might be relevant to nuclear-related sanctions provisions in the Iran-Iraq Arms Non-Proliferation Act of 1992, as amended; the Export-Import Bank Act of 1945, as amended; and the Nuclear Proliferation Prevention Act of 1994. No statutory sanctions determinations were reached during this reporting period. The administrative measures imposed against ten Russian entities for their nuclear-and/or missile-related cooperation with Iran remain in effect.

CHEMICAL AND BIOLOGICAL WEAPONS

The export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) remain fully in force and continue to be applied by the Department of Commerce, in consultation with other agencies, in order to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

Chemical weapons (CW) continue to pose a very serious threat to our security and that of our allies. On April 29, 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the Chemical Weapons Convention or CWC) entered into force with 87 of the CWC's 165 States Signatories as original States Parties. The United States was among their number, having ratified the CWC on April 25, 1997. Russia ratified the CWC on November 5, 1997, and became a State Party on December 8, 1997. To date, 126 countries (including China, Iran, India, Pakistan, and Ukraine) have become States Parties.

The implementing body for the CWC—the Organization for the Prohibition of Chemical Weapons (OPCW)—was established at entry-into-force (EIF) of the Convention on April 29, 1997. The OPCW, located in The Hague, has primary responsibility (along with States Parties) for implementing the CWC. It consists of the Conference of the States Parties, the Executive Council (EC), and the Technical Secretariat (TS). The TS carries out the verification provisions of the CWC, and presently has a staff of approximately 500, including about 200 inspectors trained and equipped to inspect military and industrial facilities throughout the world. To date, the OPCW has conducted over 500 routine inspections in some 29 countries. No challenge inspections have yet taken place. To date, nearly 170 inspections have been conducted at military facilities in the United States. The OPCW maintains a permanent inspector presence at operational U.S. CW destruction facilities in Utah and Johnston Island.

The United States is determined to seek full implementation of the concrete measures in the CWC designed to raise the costs and risks for any state or terrorist attempting to engage in chemical weapons-related activities. The CWC's declaration requirements improve our knowledge of possible chemical weapons activities. Its inspection provisions provide for access to declared and undeclared facilities and locations, thus making clandestine chemical weapons production and stockpiling more difficult, more risky, and more expensive.

The Chemical Weapons Convention Implementation Act of 1998 was enacted into U.S. law in October 1998, as part of the Omnibus Consolidated and Emergency Supplemental Appropriation Act for Fiscal Year 1999 (Public Law 105–277). My Administration published an Executive order on June 25, 1999, to facilitate implementation of the Act and is working to publish regulations regarding industrial declarations and inspections of industrial facilities. Submission of these declarations to the OPCW, and subsequent inspections, will enable the United States to be fully complaint with the CWC. United States noncompliance to date has, among other things, undermined U.S. leadership in the organization as well as our ability to encourage other States Parties to make complete, accurate, and timely declarations.

Countries that refuse to join the CWC will be politically isolated and prohibited by the CWC from trading with States Parties in certain key chemicals. The relevant treaty provisions are specifically designed to penalize countries that refuse to join the rest of the world in eliminating the threat of chemical weapons.

The United States also continues to play a leading role in the international effort to reduce the threat from biological weapons (BW). We participate actively in the Ad Hoc Group (AHG) of States Parties striving to complete a legally binding protocol to strengthen and enhance compliance with the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the Biological Weapons Convention or BWC). This Ad Hoc Group was mandated by the September 1994 BWC Special Conference. The Fourth BWC Review Conference, held in November/December 1996, urged the AHG to complete the protocol as soon as possible but not later than the next Review Conference to be held in 2001. Work is progressing on a draft rolling text through insertion of national views and clarification of existing text. Five AHG negotiating sessions were scheduled for 1999. The United States is working toward completion of the substance of a strong Protocol next year.

On January 27, 1998, during the State of the Union address, I announced that the United States would take a leading role in the effort to erect stronger international barriers against the proliferation and use of BW by strengthening the BWC with a new international system to detect and deter cheating. The United States is working closely with U.S. industry representatives to obtain technical input relevant to the development of U.S. negotiating positions and then to reach international agreement on data declarations and on-site investigations.

The United States continues to be a leading participant in the 30-member Australia Group (AG) chemical and biological weapons nonproliferation regime. The United States attended the most recent annual AG Plenary Session from October 4–8, 1999, during which the Group reaffirmed the members' continued collective belief in the Group's viability, importance, and compatibility with the CWC and BWC. Members continue to agree that full adherence to the CWC and BWC by all governments will be the only way to achieve a permanent global ban on chemical and biological weapons, and that all states adhering to these Conventions must take steps to ensure that their national activities support these goals. At the 1999 Plenary, the Group continued to focus on strengthening AG export controls and sharing information to address the threat of CBW terrorism. The AG also reaffirmed its commitment to continue its active outreach program of briefings for non-AG countries, and to promote regional consultations on export controls and non-proliferation to further awareness and understanding of national policies in these areas. The AG discussed ways to be more proactive in stemming attacks on the AG in the CWC and BWC contexts.

During the last 6 months, we continued to examine closely intelligence and other reports of trade in CBW-related material and technology that might be relevant to sanctions provisions under the Chemical and Biological Weapons Controls and Warfare Elimination Act

of 1991. No new sanctions determinations were reached during this reporting period. The United States also continues to cooperate with its AG partners and other countries in stopping shipments of proliferation concern.

MISSILES FOR DELIVERY OF WEAPONS OF MASS DESTRUCTION

The United States continues carefully to control exports that could contribute to unmanned delivery systems for weapons of mass destruction, and closely to monitor activities of potential missile proliferation concern. We also continued to implement U.S. missile sanctions laws. In March 1999, we imposed missile sanctions against three Middle Eastern entities for transfers involving Category II Missile Technology Control Regime (MTCR) Annex items. Category I missile sanctions imposed in April 1998 against North Korean and Pakistani entities for the transfer from North Korea to Pakistan of equipment and technology related to the Ghauri missile remain in effect.

During this reporting period, MTCR Partners continued to share information about proliferation problems with each other and with other potential supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems. This cooperation has resulted in the interdiction of missile-related materials intended for use in missile programs of concern.

In June the United States participated in the MTCR's Reinforced Point of Contact Meeting (RPOC). At the RPOC, MTCR Partners held in-depth discussions of regional missile proliferation concerns, focusing in particular on Iran, North Korea, and South Asia. They also discussed steps Partners can take to further increase outreach to nonmembers. The Partners agreed to continue their discussion of this important topic at the October 1999 Noordwijk MTCR Plenary.

Also in June, the United States participated in a German-hosted MTCR workshop at which Partners and non-Partners discussed ways to address the proliferation potential inherent in intangible technology transfers. The seminar helped participants to develop a greater understanding of the intangible technology issue (i.e., how proliferators misuse the internet, scientific conferences, plant visits, student exchange programs, and higher education to acquire sensitive technology), and to begin to identify steps governments can take to address this problem.

In July 1999, the Partners completed a reformatting of the MTCR Annex. The newly reformatted Annex is intended to improve clarity and uniformity of implementation of MTCR controls while maintaining the coverage of the previous version of the MTCR Annex.

The MTCR held its Fourteenth Plenary Meeting in Noordwijk, The Netherlands, on October 11–15. At the Plenary, the Partners shared information about activities of missile proliferation concern worldwide. They focussed in particular on the threat to international security and stability posed by missile proliferation in key regions and considered what practical steps they could take, individually and collectively, to address ongoing missile-related activities of concern. During their discussions, Partners gave special attention to DPRK missile activities and also discussed the threat posed by missile-related activities in South and North East Asia and the Middle East.

During this reporting period, the United States continued to work unilaterally and in coordination with its MTCR Partners to combat missile proliferation and to encourage nonmembers to export responsibly and to adhere to the MTCR Guidelines. To encourage international focus on missile proliferation issues, the USG also placed the issue on the agenda for the G8 Cologne Summit, resulting in an undertaking to examine further individual and collective means of addressing this problem and reaffirming commitment to the objectives of the MTCR. Since my last report, we continued our missile nonproliferation dialogues with China (interrupted after the accidental bombing of China's Belgrade Embassy), India, the Republic of Korea (ROK), North Korea (DPRK), and Pakistan. In the course of normal diplomatic relations we also have pursued such discussions with other countries in Central Europe, South Asia, and the Middle East.

In March 1999, the United States and the DPRK held a fourth round of missile talks to underscore our strong opposition to North Korea's destabilizing missile development and export activities and press for tight constraints on DPRK missile development, testing, and exports. We also affirmed that the United States viewed further launches of long-range missiles and transfers of long-range missiles or technology for such missiles as direct threats to U.S. allies and ultimately to the United States itself. We subsequently have reiterated that message at every available opportunity. In particular, we have reminded the DPRK of the consequences of another rocket launch and encouraged it not to take such action. We also have urged the DPRK to take steps towards building a constructive bilateral relationship with the United States.

These efforts have resulted in an important first step. Since September 1999, it has been our understanding that the DPRK will refrain from testing long-range missiles of any kind during our discussions to improve relations. In recognition of this DPRK step, the United States has announced the easing of certain sanctions related to the import and export of many consumer goods.

In response to reports of continuing Iranian efforts to acquire sensitive items from Russian entities for use in Iran's missile and nuclear development programs, the United States continued its high-level dialogue with Russia aimed at finding ways the United States and Russia can work together to cut off the flow of sensitive goods to Iran's ballistic missile development program. During this reporting period, Russia's government created institutional foundations to implement a newly enacted nonproliferation policy and passed laws to punish wrongdoers. It also passed new export control legislation to tighten government control over sensitive technologies and began working with the United States to strengthen export control practices at Russian aerospace firms. However, despite the Russian government's nonproliferation and export control efforts, some Russian entities continued to cooperate with Iran's ballistic missile program and to engage in nuclear cooperation with Iran beyond the Bushehr reactor project. The administrative measures imposed on ten Russian entities for their missile- and nuclear-related cooperation with Iran remain in effect.

VALUE OF NONPROLIFERATION EXPORT CONTROLS

United States national export controls—both those implemented pursuant to multilateral nonproliferation regimes and those implemented unilaterally—play an important part in impeding the proliferation of WMD and missiles. (As used here, ''export controls'' refer to requirements for case-by-case review of certain exports, or limitations on exports of particular items of proliferation concern to certain destinations, rather than broad embargoes or economic sanctions that also affect trade.) As noted in this report, however, export controls are only one of a number of tools the United States uses to achieve its nonproliferation objectives. Global nonproliferation norms, informal multilateral nonproliferation regimes, interdicting shipments of proliferation concern, sanctions, export control assistance, redirection and elimination efforts, and robust U.S. military, intelligence, and diplomatic capabilities all work in conjunction with export controls as part of our overall nonproliferation strategy.

Export controls are a critical part of nonproliferation because every proliferant WMD/missile program seeks equipment and technology from other countries. Proliferators look overseas because needed items are unavailable elsewhere, because indigenously produced items are of insufficient quality or quantity, and/or because imported items can be obtained more quickly and cheaply than producing them at

home. It is important to note that proliferators seek for their programs both items on multilateral lists (like gyroscopes controlled on the MTCR Annex and nerve gas ingredients on the Australia Group list) and unlisted items (like lower-level machine tools and very basic chemicals). In addition, many of the items of interest to proliferators are inherently dual-use. For example, key ingredients and technologies used in the production of fertilizers and pesticides also can be used to make chemical weapons; vaccine production technology (albeit not the vaccines themselves) can assist in the production of biological weapons.

The most obvious value of export controls is in impeding or even denying proliferators access to key pieces of equipment or technology for use in their WMD/missile programs. In large part, U.S. national export controls—and similar controls of our partners in the Australia Group, Missile Technology Control Regime, and Nuclear Suppliers Group—have denied proliferators access to the largest sources of the best equipment and technology. Proliferators have mostly been forced to seek less capable items from nonregime suppliers. Moreover, in many instances, U.S. and regime controls and associated efforts have forced proliferators to engage in complex clandestine procurements even from nonmember suppliers, taking time and money away from proliferant programs.

United States national export controls and those of our regime partners also have played an important leadership role, increasing over time the critical mass of countries applying nonproliferation export controls. For example, none of the following progress would have been possible without the leadership shown by U.S. willingness to be the first to apply controls: the seven-member MTCR of 1987 has grown to 32 member countries; several nonmember countries have been persuaded to apply export controls consistent with one or more of the regimes unilaterally; and most of the members of the nonproliferation regimes have applied national ''catch-all'' controls similar to those under the U.S. Enhanced Proliferation Control Initiative. (Export controls normally are tied to a specific list of items, such as the MTCR Annex. ''Catch-all'' controls provide a legal basis to control exports of items not on a list, when those items are destined for WMD/missile programs.)

United States export controls, especially ''catch-all'' controls, also make important political and moral contributions to the nonproliferation effort. They uphold the broad legal obligations the United States has undertaken in the Nuclear Nonproliferation Treaty (Article I), Biological Weapons Convention (Article III), and Chemical Weapons Convention (Article I) not to assist anyone in proscribed WMD activities. They endeavor to assure there are no U.S. ''fingerprints'' on WMD and missiles that threaten U.S. citizens and territory and our friends and interests overseas. They place the United States squarely and unambiguously against WMD/missile proliferation, even against the prospect of inadvertent proliferation from the United States itself.

Finally, export controls play an important role in enabling and enhancing legitimate trade. They provide a means to permit dual-use export to proceed under circumstances where, without export control scrutiny, the only prudent course would be to prohibit them. They help build confidence between countries applying similar controls that, in turn, results in increased trade. Each of the WMD nonproliferation regimes, for example, has a ''no undercut'' policy committing each member not to make an export that another has denied for nonproliferation reasons and notified to the rest—unless it first consults with the original denying country. Not only does this policy make it more difficult for proliferators to get items from regime members, it establishes a ''level playing field'' for exporters.

THREAT REDUCTION

The potential for proliferation of WMD and delivery system expertise has increased in part as a consequence of the economic crisis in Russia and other Newly Independent States, causing concern. My Administration gives high priority to controlling the human dimension of proliferation through programs that support the transition of former Soviet weapons scientists to civilian research and technology development activities. I have proposed an additional $4.5 billion for programs embodied in the Expanded Threat Reduction Initiative that would support activities in four areas: nuclear security; nonnuclear WMD; science and technology nonproliferation; and military relocation, stabilization and other security cooperation programs. Congressional support for this initiative would enable the engagement of a broad range of programs under the Departments of State, Energy, and Defense.

EXPENSES

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I report that there were no specific expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order 12938, as amended, during the period from May 15, 1999, through November 10, 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 10, 1999*.

MESSAGES FROM THE HOUSE

At 10:01 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 78. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1554) to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite.

At 11:45 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1444. An act to authorize the Secretary of the Army to develop and implement projects for fish screens, fish passage devices, and other similar measures to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, and Idaho.

H.R. 1714. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

H.R. 2879. An act to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I have A Dream'' speech.

H.R. 3090. An act to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 205. Concurrent resolution recognizing and honoring the heroic efforts of the Air National Guard's 109th Airlift Wing and its rescue of Dr. Jerri Nielsen from the South Pole.

H. Con. Res. 221. Concurrent resolution authorizing printing of the brochures entitled ''How Our Laws Are Made'' and ''Our American Government'', the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution.

H. Con. Res. 223. Concurrent resolution expressing the sense of the Congress regarding Freedom Day.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 335. An act to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 10:50 a.m. a message from the House of Representatives, delivered by

Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 348. An act to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs.

H.R. 3061. An act 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.

H.R. 915. An act to authorize a cost of living adjustment in the pay of administrative law judges.

At 12:38 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 76. Joint resolution waiving certain enrollment requirements for the remainder of the first session of the One Hundred Sixth Congress with respect to any bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2000.

At 4:38 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 78. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

The enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. THURMOND).

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–6124. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of major defense equipment sold under a contract in the amount of $50,000,000 or more to Australia; to the Committee on Foreign Relations.

EC–6125. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–6126. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed Manufacturing License Agreement with Turkey; to the Committee on Foreign Relations.

EC–6127. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Netting Interest'' (Rev. Proc. 99–437), received November 8, 1999; to the Committee on Finance.

EC–6128. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Delivery of Prospectuses to Investors at the Same Address; Information to be Furnished to Security Holders; Annual Report to be Furnished Security Holders; Providing Copies of Material for Certain Beneficial Owners; Reports to Stockholders of Management Companies; Reports to Shareholders of Unit Investment Trusts'' (RIN3235–AG98), received November 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6129. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (SPATS No. WV–074–FOR), received November 8, 1999; to the Committee on Energy and Natural Resources.

EC–6130. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (SPATS No. WV–081–FOR), received November 8, 1999; to the Committee on Energy and Natural Resources.

EC–6131. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised NRC Enforcement Policy'', received November 3, 1999; to the Committee on Environment and Public Works.

EC–6132. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions from Hospital/Medical/Infectious Waste Incinerators (HMIWI); State of Nebraska'' (FRL #6473–8), received November 8, 1999; to the Committee on Environment and Public Works.

EC–6133. 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 Revisions to the Georgia State Implementation Plan'' (FRL #6473–1), received November 8, 1999; to the Committee on Environment and Public Works.

EC–6134. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Amendments to Air Pollution Control Regulation Number 9; Correction'' (FRL #6471–6), received November 4, 1999; to the Committee on Environment and Public Works.

EC–6135. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Revisions to Consumer Products Rules'' (FRL #6471–8), received November 4, 1999; to the Committee on Environment and Public Works.

EC–6136. 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 ''Removal of the Approval and Promulgation of Air Quality Implementation Plans; Connecticut; National Low Emission Vehicle Program ''(FRL #6471–7), received November 4, 1999; to the Committee on Environment and Public Works.

EC–6137. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Oklahoma; Visibility Protection'' (FRL #6470–4), received November 2, 1999; to the Committee on Environment and Public Works.

EC–6138. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to Knox County Portion of Tennessee Implementation Plan'' (FRL #6469–4), received November 2, 1999; to the Committee on Environment and Public Works.

EC–6139. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County'' (FRL #6468–6), received November 2, 1999; to the Committee on Environment and Public Works.

EC–6140. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District'' (FRL #6470–6), received November 2, 1999; to the Committee on Environment and Public Works.

EC–6141. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''State Implementation Plans; Policy Regarding Excess Emissions During Malfunctions, Start-up, and Shutdown''; to the Committee on Environment and Public Works.

EC–6142. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''1999 PCB Questions and Answers Manual (Part 2 of 3)''; to the Committee on Environment and Public Works.

EC–6143. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to meat and poultry inspection; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6144. 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 ''Zincphosphide; Extension of Tolerance for Emergency Exemptions'' (FRL #6389–9), received November 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6145. 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 ''Glufosinate Ammonium; Pesticide Tolerance'' (FRL #6391–5), received November 1, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6146. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California: Salable and Reserve Percentages for the 1999–2000 Crop Year'' (FV–99–981–3 FR), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6147. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California: Revisions to Requirements Regarding Credit for Promotion and Advertising Activities'' (FV–99–981–4 FR), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6148. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Decrease Assessment Rate'' (FV–99–930–3 FR), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6149. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California: Reporting Walnuts Grown Outside of the United States and Received by California Handlers'' (FV–99–984–2 FR), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6150. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida: Decrease Assessment Rate'' (FV–99–966–1 FR), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6151. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangeloes Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Seedless Grapefruit'' (FV–99–905–6 FR), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6152. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Order Granting the London Clearing House's Petition for an Exemption Pursuant to Section 4(c) of the Commodity Exchange Act'', received November 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6153. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Foreign Futures and Options Transactions'', received November 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6154. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Quarantined Areas and Treatment Dosage'' (Docket #98–078–1), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6155. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker Regulations'' (Docket #99–080–1), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6156. A communication from the Deputy Under Secretary, Natural Resources and Environment, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Administration: Cooperative Funding'' (RIN0596–AB63), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6157. A communication from the Acting Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Streamlining of Regulations for Real Estate and Chattel Appraisals'' (RIN0560–AF69), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6158. A communication from the Acting Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''1999 Livestock Indemnity Program; 1998 Single-Year and Multi-Year Crop Loss Disaster Assistance Program'' (RIN0560–AF82), received November 3, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 216. A resolution designating the Month of November 1999 as ''National American Indian Heritage Month.''

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation:

Joseph E. Brennan, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 2003.

Antony M. Merck, of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2001.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 1899. A bill to redesignate the Federal Emergency Management Agency as the ''Federal Fire and Emergency Management Agency'', and to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Fire and Emergency Management Agency to make grants to local fire departments for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CLELAND, Mr. KERRY, Mr. BIDEN, Mrs. BOXER, Mr. KOHL, Mr. SPECTER, Mr. ROBB, Mr. LEAHY, Mr. DEWINE, Mr. SARBANES, Mr. TORRICELLI, Mr. L. CHAFEE, Mr. GRAHAM, Mr. KENNEDY, Ms. MIKULSKI, Ms. SNOWE, Mr. SCHUMER, Mr. LEVIN, and Mrs. HUTCHISON):

S. 1900. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. TORRICELLI):

S. 1901. A bill to establish the Privacy Protection Study commission to evaluate the efficacy of the Freedom of Information Act and the Electronic Freedom of Information Act Amendments of 1996, to determine whether new laws are necessary, and to provide advice and recommendations; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 1902. A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes; to the Committee on the Judiciary.

By Mr. SHELBY (for himself and Mr. BRYAN):

S. 1903. A bill to amend the privacy provisions of the Gramm-Leach-Bliley Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1904. A bill to amend the Internal Revenue Code of 1986 to provide for an election for special tax treatment of certain S corporation conversions; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. DODD, Mr. TORRICELLI, Mr. LIEBERMAN, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 1905. A bill to establish a program to provide for a reduction in the incidence and prevalence of Lyme disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. ALLARD, and Mr. CRAIG):

S. 1906. A bill to amend Public Law 104-307 to extend the expiration date of the authority to sell certain aircraft for use in wildfire suppression, and for other purposes; to the Committee on Armed Services.

By Mr. DODD (for himself and Mr. KENNEDY) (by request):

S. 1907. A bill to prohibit employment discrimination against parents and those with parental responsibilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 1908. A bill to protect students from commercial exploitation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI:

S. 1909. A bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 1910. A bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. SHELBY, Mr. KERRY, Mr. SESSIONS, and Ms. LANDRIEU):

S. 1911. A bill to conserve Atlantic highly migratory species of fish, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. MCCAIN, and Mr. BINGAMAN):

S. 1912. A bill to facilitate the growth of electronic commerce and enable the electronic commerce market to continue its current growth rate and realize its full potential, to signal strong support of the electronic commerce market by promoting its use within Federal government agencies and small and medium-sized businesses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for Mr. MCCAIN (for himself and Mr. KYL)):

S. 1913. A bill to amend the Act entitled ''An act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes; to the Committee on Indian Affairs.

By Mr. MACK (for himself and Mrs. HUTCHISON):

S. 1914. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. CRAPO, Mr. MURKOWSKI, Mr. SCHUMER, Mr. HARKIN, Mr. BRYAN, Mr. BURNS, and Mr. REID):

S. 1915. A bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations; to the Committee on Environment and Public Works.

By Mr. LOTT (for Mr. MCCAIN):

S. 1916. A bill to extend certain expiring Federal Aviation Administration authorizations for a 6-month period, and for other purposes; considered and passed.

By Mr. FEINGOLD:

S. 1917. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1918. A bill to waive the 24-month waiting period for disabled individuals to qualify for medicare benefits in the case of individuals suffering from terminal illness with not more than 2 years to live; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LEAHY):

S. 1919. A bill to permit travel to or from Cuba by United Staes citizens and lawful resident aliens of the United States; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself and Mr. SPECTER):

S. 1920. A bill to combat money laundering and protect the United States financial system by addressing the vulnerabilities of private banking to money laundering, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM:

S. Res. 231. A resolution referring S. 1456 entitled ''A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida'' to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 232. A resolution making changes to Senate committees for the 106th Congress; considered and agreed to.

By Mr. WELLSTONE:

S. Con. Res. 72. A 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 Foreign Relations.

By Mr. LIEBERMAN:

S. Con. Res. 73. A concurrent resolution expressing the sense of the Congress regarding Freedom Day; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1899. A bill to redesignate the Federal Emergency Management Agency as the ''Federal Fire and Emergency Management Agency,'' and to amend the Federal Fire Prevention and Control Act to 1974 to authorize the Director of the Federal Fire and Emergency Management Agency to make grants to local fire departments for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards; to the Committee on Environment and Public Works.

THE FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am introducing legislation which would better equip our nation's firefighters to fight the ever-increasing threat of property destruction and potential loss of life.

The ''Firefighter Investment and Response Enhancement (FIRE) Act of 1999'' would authorize the newly-named Federal Fire and Emergency Management Agency to make available matching grants on a competitive basis to fire departments for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards. This bill is a companion to H.R. 1168, which was introduced by my colleague in the House of Representatives, Congressman PASCRELL.

Mr. President, each year approximately 100 of our nation's firefighters pay the ultimate sacrifice to preserve the safety of our communities. Increased demands on firefighting personnel have made it difficult for local governments to prepare for necessary fire safety precautions. The fire loss in the United States is serious, and the fire death rate is one of the highest per capita in the industrialized world. Fire kills more than 4,000 people and injures more than 25,000 people each year. Today, 11 people will die due to fire. Two of these people are likely to be children under the age of 5. Another 68 people will be injured due to fire. Financially, the impact of America's estimated 2.2 million fires annually is over $9 billion in direct property losses. Those numbers are staggering, and many of these losses could have been prevented.

The bill I introduce today would make grants available to train firefighter personnel in firefighting, emergency response, arson prevention and detection, and the handling of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine.

This bill also creates partnerships by allowing for the effective use of the capabilities of the National Institute of Standards and Technology, the Department of Commerce, and the Consumer Product Safety Commission for research and development aimed at advancing the health and safety of firefighters; information technologies for fire management; technologies for fire prevention and protection; firefighting technologies; and burn care and rehabilitation.

In addition, this legislation would ensure that grants would be made to a wide variety of fire departments, including applicants from paid, volunteer, and combination fire departments, large and small, which are situated in urban, suburban and rural communities.

Mr. President, despite the risks, 1.2 million men and women firefighters willingly put their lives on the line responding to over 17 million calls, annually. Our greatest challenge is to put

limited resources to work where they will make the most difference in saving lives and reducing losses.

I am pleased that the bill I introduce today has been endorsed by the Colorado State Fire Chief's Association.

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. 1899

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 ''Firefighter Investment and Response Enhancement (FIRE) Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) increased demands on firefighting personnel have made it difficult for local governments to adequately fund necessary fire safety precautions;

(2) the Federal Government has an obligation to protect the health and safety of the firefighting personnel of the United States and to help ensure that the personnel have the financial resources to protect the public;

(3) the United States has serious fire losses, including a fire death rate that is one of the highest per capita in the industrialized world;

(4) in the United States, fire kills more than 4,000 people and injures more than 25,000 people each year;

(5) in any single day in the United States, on the average—

(A) 11 people will die because of fire;

(B) 2 of those people are likely to be children under the age of 5;

(C) 68 people will be injured because of fire; and

(D) over $9,000,000,000 in property losses will occur from fire; and

(6) those statistics demonstrate a critical need for Federal investment in support of firefighting personnel.

SEC. 3. REDESIGNATION OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) IN GENERAL.—The Federal Emergency Management Agency is redesignated as the ''Federal Fire and Emergency Management Agency''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Emergency Management Agency shall be deemed to be a reference to the Federal Fire and Emergency Management Agency.

(c) CONFORMING AMENDMENTS TO FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974.—Sections 4(4), 17, and 31(a)(5)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203(4), 2216, and 2227(a)(5)(B)) are amended by striking ''Federal Emergency Management Agency'' each place it appears and inserting ''Federal Fire and Emergency Management Agency''.

SEC. 4. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 33. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

''(a) DEFINITION OF FIREFIGHTING PERSONNEL.—In this section, the term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(b) GRANT PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Director may make grants on a competitive basis to fire departments for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

''(2) ESTABLISHMENT OF OFFICE FOR ADMINISTRATION OF GRANTS.—Before making grants under paragraph (1), the Director shall establish an office in the Federal Fire and Emergency Management Agency that shall have the duties of establishing specific criteria for the selection of grant recipients, and administering the grants, under this section.

''(3) USE OF GRANT FUNDS.—The Director may make a grant under paragraph (1) only if the applicant for the grant agrees to use grant funds—

''(A)(i) to train firefighting personnel in firefighting, emergency response, arson prevention and detection, or the handling of hazardous materials, which shall include, at a minimum, the removal of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; or

''(ii) to train firefighter personnel to provide any of the training described in clause (i);

''(B) to make effective use of the capabilities of the National Institute of Standards and Technology, the Department of Commerce, the Consumer Product Safety Commission, and other public and private sector entities, for research and development aimed at advancing—

''(i) the health and safety of firefighters;

''(ii) information technologies for fire management;

''(iii) technologies for fire prevention and protection;

''(iv) firefighting technologies; and

''(v) burn care and rehabilitation;

''(C) to fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies;

''(D) to certify fire inspectors;

''(E) to establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties;

''(F) to fund emergency medical services provided by fire departments;

''(G) to acquire additional firefighting vehicles, including fire trucks;

''(H) to acquire additional firefighting equipment, including equipment for communications and monitoring;

''(I) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

''(J) to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel;

''(K) to enforce fire codes;

''(L) to fund fire prevention programs; or

''(M) to educate the public about arson prevention and detection.

''(4) APPLICATION.—The Director may make a grant under paragraph (1) only if the fire department seeking the grant submits to the Director an application in such form and containing such information as the Director may require.

''(5) MATCHING REQUIREMENT.—The Director may make a grant under paragraph (1) only if the applicant for the grant agrees to match with an equal amount of non-Federal funds 10 percent of the funds received under paragraph (1) for any fiscal year.

''(6) MAINTENANCE OF EXPENDITURES—The Director may make a grant under paragraph (1) only if the applicant for the grant agrees to maintain in the fiscal year for which the grant will be received the applicant's aggregate expenditures for the uses described in paragraph (3) at or above the average level of such expenditures in the 2 fiscal years preceding the fiscal year for which the grant will be received.

''(7) REPORT TO THE DIRECTOR.—The Director may make a grant under paragraph (1) only if the applicant for the grant agrees to submit to the Director a report, including a description of how grant funds were used, with respect to each fiscal year for which a grant was received.

''(8) VARIETY OF GRANT RECIPIENTS.—The Director shall ensure that grants under paragraph (1) for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants—

''(A) paid, volunteer, and combination fire departments;

''(B) fire departments located in communities of varying sizes; and

''(C) fire departments located in urban, suburban, and rural communities.

''(9) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES.—The Director shall ensure that not more than 25 percent of the assistance made available under paragraph (1) for a fiscal year is used for the use described in paragraph (3)(G).

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Director such sums as are necessary to carry out this section.

''(2) LIMITATION ON ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1) for a fiscal year, the Director may use not more than 10 percent for the administrative costs of carrying out this section.''.

By Mr. LAUTENBERG (for himself, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CLELAND, Mr. KERRY, Mr. BIDEN, Mrs. BOXER, Mr. KOHL, Mr. SPECTER, Mr. ROBB, Mr. LEAHY, Mr. DEWINE, Mr. SARBANES, Mr. TORRICELLI, Mr. L. CHAFEE, Mr. GRAHAM, Mr. KENNEDY, Ms. MIKULSKI, Ms. SNOWE, Mr. SCHUMER, Mr. LEVIN, and Mrs. HUTCHISON):

S. 1900. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes; to the Committee on Finance.

HIGH-SPEED RAIL INVESTMENT ACT

Mr. LAUTENBERG. Mr. President, overcrowding on our highways and in our skies is almost at the crisis point. We're spending billions of dollars each year in wasted gas and wasted time because there are fewer and fewer ways to get somewhere quickly and comfortably.

We're not going to solve that problem by simply building new roads or airports. People don't want airports in their backyards, and there just isn't enough space in many parts of the country for new roads. Besides, new airports and new roads cost billions.

And they become obsolete almost as quickly as we build them.

Instead of wasting money on ineffective short-term solutions, we should be investing in a transportation plan that promises lasting benefits far into the next century.

High-speed rail is the future of transportation in this country. Train travel is comfortable, reliable, and it's getting faster all the time. The rail lines are already there. All we need to do is bring them up to 21st-century standards.

The legislation I'm introducing today would make a serious investment in the future of high-speed rail. And an investment in high-speed rail is an investment in less crowded highways and airports, cleaner air, and a new level of productivity for millions of Americans whose jobs and lifestyles depend on efficient transportation.

Mr. President, I'm willing to bet that every Member of this Senate has at least one recent memory of a plane flight that went horribly wrong. Missed connections. Hours spent inside an overheated plane stuck on the tarmac. Lost baggage. I know I've had plenty of experiences like that.

And even when everything goes according to plan, air travel is uncomfortable at best. You almost have to know yoga just to cram yourself into one of those tiny seats.

Commuting by car isn't any better. Parts of Interstate 95 regularly turn into parking lots during week-day rush hours. And all this congestion can lead to truly life-threatening situations. Traffic accidents. Higher pollution levels. Explosions of road rage that actually lead people to pull guns on each other on the highway.

Land and financial resources are scarce and we need to make better use of what we already have. Our rail lines are there, ready to help solve the overcrowding problems that are making our other transportation options less and less appealing. But for the most part, U.S. transportation policy has ignored the potential of high-speed rail and our rail system has fallen far below the standards set in nearly every other developed nation on the planet.

My legislation seeks to change that by authorizing Amtrak to sell $10 billion in high-speed rail bonds over ten years to develop high-speed corridors across the nation. This leveraging of private sector investment will allow Amtrak to complete the Northeast Corridor high-speed project and provide the funding needed to bring faster, better service to federally designated high-speed corridors in other regions.

These corridors cover states in the Northeast, the Southeast, the Midwest, the Gulf Coast, and the Pacific Coast. Our aim is to take what we've learned in the Northeast and provide it to the rest of the nation.

The Federal Government would subsidize these bonds by providing tax credits to bondholders in lieu of interest payments. And state matching funds would help to secure repayment of the bond principal.

Mr. President, the money we don't spend on high-speed rail today we will have to spend tomorrow—on things like highway construction and pollution controls.

Investing in high speed rail is not only good transportation policy, it is good land use policy. Constructing an airport or highway outside of city limits promotes sprawl, robs cities of valuable revenue, and increases the pressure for even more road construction. Rail travel, on the other hand, is downtown-to-downtown, not suburb-to-suburb. Rail transportation encourages efficient, ''smart growth'' land use patterns, preserves downtown economies, protects open space, and improves air quality.

Furthermore, passenger rail stations serve as focal points for commercial development, promoting downtown redevelopment and generating increased retail business and tax revenue. Making efficient and cost-effective use of existing infrastructures is an increasingly important goal and one which this legislation will help achieve.

Mr. President, high-speed rail is already proving itself. In 1999, Amtrak's Metroliner train between Washington and New York set its third consecutive ridership record with over two million passengers, and Amtrak reported the highest total revenues in the corporation's 28-year history. The reason is simple—people are becoming less and less satisfied with traveling by plane. And more and more frustrated with gridlock on our highways.

You can see why. The summer of 1999 was the most delay-plagued season in history for airlines. And these delays are expensive. In 1998, air traffic control delays cost the airlines and passengers a combined $4.5 billion.

Unfortunately, this problem is only going to get worse. The number of people flying is increasing significantly. In 1998 there were 643 million airplane boardings in the U.S., up 25 percent from just five years ago. The Federal Aviation Administration estimates that boardings will increase to 917 million by 2008. Our current aviation system can't handle this demand. We need a quality passenger rail system to relieve some of this pressure.

Passenger rail can make a difference, particularly between cities located on high-speed corridors. I went back and looked at the list of the 31 airports expected to experience more than 20,000 passenger hours of flight delays in 2007. The vast majority of these airports—more than three out of four—are located on a high-speed rail corridor. If the funding envisioned in this legislation were made available to develop these corridors, we could take much of the burden of short flights off our aviation system. That would allow airlines to concentrate their limited slots and resources on longer-distance flights.

Traffic congestion costs commuters even more—an estimated $74 billion a year in lost productivity and wasted fuel. These commuters, even the ones who continue to drive, will be well served by an investment in high-speed rail corridors. Amtrak takes 18,000 cars a day off the roads between Philadelphia and New York. Without Amtrak, these congested roads would be in far worse shape. Commuters in other parts of the country should be able to benefit from high-quality, fast rail service that takes cars off the road and helps to improve the performance of our overall transportation system.

This bill does not just benefit those who ride trains. Everyone who drives a car on congested highways or suffers from delays while using our overburdened aviation system will benefit from the rail investment called for in this legislation. I can tell you, as a former businessman who helped run a very profitable company, that high-speed rail is a smart investment. And it's an investment that deserves support from Congress.

By Mr. KOHL (for himself and Mr. TORRICELLI):

S. 1901. A bill to establish the Privacy Protection Study Commission to evaluate the efficacy of the Freedom of Information Act and the Electronic Freedom of Information Act Amendments of 1996, to determine whether new laws are necessary, and to provide advice and recommendations; to the Committee on the Judiciary.

THE PRIVACY PROTECTION STUDY COMMISSION ACT OF 1999

Mr. KOHL. Mr. President, I rise today to introduce the Privacy Protection Study Commission Act of 1999 with my colleague Senator TORRICELLI. This legislation addresses privacy protection by creating an expert Commission charged with the duty to explore privacy concerns. We cannot underestimate the importance of this issue. Privacy matters, and it will continue to matter more and more in this information age of high speed data, Internet transactions, and lightning-quick technological advances.

There exists a massive wealth of information in today's world, which is increasingly stored electronically. In fact, experts estimate that the average American is ''profiled'' in up to 150 commercial electronic databases. That means that there is a great deal of data—in some cases, very detailed and personal—out there and easily accessible courtesy of the Internet revolution. With the click of a button it is possible to examine all sorts of personal information, be it an address, a criminal record, a credit history, a shopping performance, or even a medical file.

Generally, the uses of this data are benign, even beneficial. Occasionally, however, personal information is obtained surreptitiously, and even peddled to third parties for profit or other uses. This is especially troubling when, in many cases, people do not even know that their own personal information is being ''shopped.''

Two schools of thought exist on how we should address these privacy concerns. There are some who insist that we must do something and do it quickly. Others urge us to rely entirely on ''self-regulation''—according to them most companies will act reasonably and, if not, consumers will demand privacy protection as a condition for their continued business.

Both approaches have some merit, but also some problems. For example, even though horror stories abound about violations of privacy, Congress should not act by anecdote or on the basis of a few bad actors. Indeed, enacting ''knee-jerk,'' ''quick-fix'' legislation could very well do more harm than good. By the same token, however, self-regulation alone is unlikely to be the silver bullet that solves all privacy concerns. By itself, we have no assurance that it will bring the actors in line with adequate privacy protection standards.

Because it is better to do it right—in terms of addressing the myriad of complicated privacy concerns—than to do it fast, perhaps what is needed is a cooling off period. Such a ''breather'' will ensure that our action is based on a comprehensive understanding of the issues, rather than a ''mishmash'' of political pressures and clever soundbites.

For those reasons, and recognizing that there are no quick and easy answers, I suggest that we step back to consider the issue of privacy more thoughtfully. Let's admit that neither laws nor self-regulation alone may be the solution. Let's also concede that no one is going to divine the right approach overnight. But given the time and resources, a ''Privacy Protection Study Commission'' composed of experts drawn from the fields of law, civil rights and liberties, privacy matters, business, or information technology, may offer insights on how to address and ensure balanced privacy protection into the next millennium.

The bill I am introducing today would do just that. The Commission would be comprised of nine bright minds equally chosen by the Senate, the House, and the Administration. As drafted, the Commission will be granted the latitude to explore and fully examine the current complexities of privacy protection. After 18 months, the Commission will be required to report back to Congress with its findings and proposals. If legislation is necessary, the Commission will be in the best position to recommend a balanced course of action. And if lawmaking is not warranted, the Commission's recognition of that fact will help persuade a skeptical Congress and public.

This is not a brand new idea. Twenty-five years ago, Congress created a Privacy Protection Commission to study privacy concerns as they related to government uses of personal information. That Commission's findings were seminal. A quarter of a century later, because so much has changed, it is time to re-examine this issue on a much broader scale. The uses of personal information that concerned the Commission 25 years ago have exploded today, especially in this era of e-commerce, super databases, and mega-mergers. People are genuinely worried—perhaps they shouldn't be—but their concerns are real.

For example, a Wall Street Journal survey revealed that Americans today are more concerned about invasions of their personal privacy than they are about world war. Another poll cited in the Economist noted that 80 percent are worried about what happens to information collected about them. William Afire summed it up best in a recent New York Times essay: ''We are dealing here with a political sleeper issue. People are getting wise to being secretly examined and manipulated and it rubs them the wrong way.''

One final note: given that privacy is not an easy issue and that it appears in so many other contexts, I invite all interested parties to help us improve our legislation to create a Commission. We need to forge a middle ground consensus with our approach, and the door is open to all who share this goal.

Mr. President, I ask unanimous consent that the previously cited material be printed in the RECORD.

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

[From the Economist—May 1, 1999]

THE END OF PRIVACY

Remember, they are always watching you. Use cash when you can. Do not give your phone number, social-security number or address, unless you absolutely have to. Do not fill in questionnaires or respond to telemarketers. Demand that credit and datamarketing firms produce all information they have on you, correct errors and remove you from marketing lists. Check your medical records often. If you suspect a government agency has a file on you, demand to see it. Block caller ID on your phone, and keep your number unlisted. Never use electronic tollbooths on roads. Never leave your mobile phone on—your movements can be traced. Do not use store credit or discount cards. If you must use the Internet, encrypt your e-mail, reject all ''cookies'' and never give your real name when registering at websites. Better still, use somebody else's computer. At work, assume that calls, voice mail, e-mail and computer use are all monitored.

This sounds like a paranoid ravings of the Unabomber. In fact, it is advice being offered by the more zealous of today's privacy campaigners. In an increasingly wired world, people are continually creating information about themselves that is recorded and often sold or pooled with information from other sources. The goal of privacy advocates is not extreme. Anyone who took these precautions would merely be seeking a level of privacy available to all 20 years ago. And yet such behaviour now would seem obsessive and paranoid indeed.

That is a clue to how fast things have changed. To try to restore the privacy that was universal in the 1970s is to chase a chimera. Computer technology is developing so rapidly that it is hard to predict how it will be applied. But some trends are unmistakable. The volume of data recorded about people will continue to expand dramatically (see pages 21-23). Disputes about privacy will become more bitter. Attempts to restrain the surveillance society through new laws will intensify. Consumers will pay more for services that offer a privacy pledge. And the market for privacy-protection technology will grow.

Always observed

Yet there is a bold prediction: all these efforts to hold back the rising tide of electronic intrusion into privacy will fail. They may offer a brief respite for those determined, whatever the trouble or cost, to protect themselves. But 20 years hence most people will find that the privacy they take for granted today will be just as elusive as the privacy of the 1970s now seems. Some will shrug and say: ''Who cares? I have nothing to hide.'' But many others will be disturbed by the idea that most of their behaviour leaves a permanent and easily traceable record. People will have to start assuming that they simply have no privacy. This will constitute one of the greatest social changes of modern times.

Privacy is doomed for the same reason that it has been eroded so fast over the past two decades. Presented with the prospect of its loss, many might prefer to eschew even the huge benefits that the new information economy promises. But they will not, in practice, be offered that choice. Instead, each benefit—safer streets, cheaper communications, more entertainment, better government services, more convenient shopping, a wider selection of products—will seem worth the surrender of a bit more personal information. Privacy is a residual value, hard to define or protect in the abstract. The cumulative effect of these bargains—each attractive on their own—will be the end of privacy.

For a similar reason, attempts to protect privacy through new laws will fail—as they have done in the past. The European Union's data protection directive, the most sweeping recent attempt, gives individuals unprecedented control over information about themselves. This could provide remedies against the most egregious intrusions. But it is doubtful whether the law can be applied in practice, if too many people try to use it. Already the Europeans are hinting that they will not enforce the strict terms of the directive against America, which has less stringent protections.

Policing the proliferating number of databases and the thriving trade in information would not only be costly in itself, it would also impose huge burdens on the economy. Moreover, such laws are based on a novel concept: that individuals have a property right in information about themselves. Broadly enforced, such a property right would be antithetical to an open society. It would pose a threat not only to commerce, but also to a free press and to much political activity, to say nothing of everyday conversation.

It is more likely that laws will be used not to obstruct the recording and collection of information, but to catch those who use it to do harm. Fortunately, the same technology that is destroying privacy also makes it easier to trap stalkers, detect fraud, prosecute criminals and hold the government to account. The result could be less privacy, certainly—but also more security for the law-abiding.

Whatever new legal remedies emerge, opting out of information-gathering is bound to become ever harder and less attractive. If most urban streets are monitored by intelligent video cameras that can identify criminals, who will want to live on a street without one? If most people carry their entire medical history on a plastic card that the emergency services come to rely on, a refusal to carry the card could be life-threatening. To get a foretaste of what is to come, try hiring a car or booking a room at a top hotel without a credit card.

LEADERS

In a way, the future may be like the past, when few except the rich enjoyed much privacy. To earlier generations, escaping the claustrophobic all-knowingness of a village for the relative anonymity of the city was one of the more liberating aspects of modern life. But the era of urban anonymity already looks like a mere historical interlude. There is, however one difference between past and future. In the village, everybody knew everybody else's business. In the future, nobody will know for certain who knows what about them. That will be uncomfortable. But the best advice may be: get used to it.

THE SURVEILLANCE SOCIETY

New information technology offers huge benefits—higher productivity, better crime prevention, improved medical care, dazzling entertainment, more convenience. But it comes at a price: less and less privacy

''The right to be left alone.'' For many this phrase, made famous by Louis Brandeis, an American Supreme Court justice, captures the essence of a notoriously slippery, but crucial concept. Drawing the boundaries of privacy has always been tricky. Most people have long accepted the need to provide some information about themselves in order to vote, work, shop, pursue a business, socialise or even borrow a library book. But exercising control over who knows what about you has also come to be seen as an essential feature of a civilised society.

Totalitarian excesses have made ''Big Brother'' one of the 20th century's most frightening bogeyman. Some right of privacy, however qualified, has been a major difference between democracies and dictatorships. An explicit right to privacy is now enshrined in scores of national constitutions as well as in international human-rights treaties. Without the ''right to be left alone,'' to shut out on occasion the prying eyes and importunities of both government and society, other political and civil liberties seem fragile. Today most people in rich societies assume that, provided they obey the law, they have a right to enjoy privacy whenever it suits them.

They are wrong. Despite a raft of laws, treaties and constitutional provisions, privacy has been eroded for decades. This trend is now likely to accelerate sharply. The cause is the same as that which alarmed Brandeis when he first popularized his phrase in an article in 1890; technological change. In his day it was the spread of photography and cheap printing that posed the most immediate threat to privacy. In our day it is the computer. The quantity of information that is now available to governments and companies about individuals would have horrified Brandeis. But the power to gather and disseminate data electronically is growing so fast that it raises an even more unsettling question: in 20 years' time, will there be any privacy left to protect?

Most privacy debates concern media intrusion, which is also what bothered Brandeis. And yet the greatest threat to privacy today comes not from the media, whose antics affect few people, but from the mundane business of recording and collecting an ever-expanding number of everyday transactions. Most people know that information is collected about them, but are not certain how much. Many are puzzled or annoyed by unsolicited junk mail coming through their letter boxes. And yet junk mail is just the visible tip of an information iceberg. The volume of personal data in both commercial and government databases has grown by leaps and bounds in recent years along with advances in computer technology. The United States, perhaps the most computerized society in the world, is leading the way, but other countries are not far behind.

Advances in computing are having a twin effect. They are not only making it possible to collect information that once went largely unrecorded, but are also making it relatively easy to store, analyze and retrieve this information in ways which, until quite recently, were impossible.

Just consider the amount of information already being collected as a matter of routine—any spending that involves a credit or bank debit card, most financial transactions, telephone calls, all dealings with national or local government. Supermarkets record every item being bought by customers who use discount cards. Mobile-phone companies are busy installing equipment that allows them to track the location of anyone who has a phone switched on. Electronic toll-booths and traffic-monitoring systems can record the movement of individual vehicles. Pioneered in Britain, closed-circuit tv cameras now scan increasingly large swathes of urban landscapes in other countries too. The trade in consumer information has hugely expanded in the past ten years. One single company, Acxiom Corporation in Conway, Arkansas, has a database combining public and consumer information that covers 95% of American households. Is there anyone left on the planet who does not know that their use of the Internet is being recorded by somebody, somewhere?

Firms are as interested in their employees as in their customers. A 1997 survey by the American Management Association of 900 large companies found that nearly two-thirds admitted to some form of electronic surveillance of their own workers. Powerful new software makes it easy for bosses to monitor and record not only all telephone conversations, but every keystroke and e-mail message as well.

Information is power, so its hardly surprising that governments are as keen as companies to use data-processing technology. They do this for many entirely legitimate reasons—tracking benefit claimants, delivering better health care, fighting crime, pursuing terrorists. But it inevitable means more government surveillance.

A controversial law passed in 1994 to aid law enforcement requires telecoms firms operating in America to install equipment that allows the government to intercept and monitor all telephone and data communications, although disputes between the firms and the FBI have delayed its implementation. Intelligence agencies from America, Britain, Canada, Australia and New Zealand jointly monitor all international satellite-telecommunications traffic via a system called ''Echelon'' that can pick specific words or phrases from hundreds of thousands of messages.

America, Britain, Canada and Australia are also compiling national DNA databases of convicted criminals. Many other countries are considering following suit. The idea of DNA databases that cover entire populations is still highly controversial, but those databases would be such a powerful tool for fighting crime and disease that pressure for their creation seems inevitable. Iceland's parliament has agreed a plan to sell the DNA database of its population to a medical-research firm, a move bitterly opposed by some on privacy grounds.

To each a number

The general public may be only vaguely aware of the mushrooming growth of information-gathering, but when they are offered a glimpse, most people do not like what they see. A survey by America's Federal Trade Commission found that 80% of Americans are worried about what happens to information collected about them. Skirmishes between privacy advocates and those collecting information are occurring with increasing frequency.

This year both intel and Microsoft have run into a storm of criticism when it was revealed that their products—the chips and software at the heart of most personal computers—transmitted unique identification numbers whenever a personal-computer user logged on to the Internet. Both companies hastily offered software to allow users to turn the identifying numbers off, but their critics maintain that any software fix can be breached. In fact, a growing number of electronic devices and software packages contain identifying numbers to help them interact with each other.

In February an outcry greeted news that image Data, a small New Hampshire firm, had received finance and technical assistance from the American Secret Service to build a national database of photographs used on drivers' licenses. As a first step, the company had already bought the photographs of more than 22m drivers from state governments in South Carolina, Florida and Colorado. Image Data insists that the database, which would allow retailers or police across the country instantly to match a name and photograph, is primarily designed to fight cheque and credit-card fraud. But in response to more than 14,000 e-mail complaints, all three state moved quickly to cancel the sale.

It is always hard to predict the impact of new technology, but there are several developments already on the horizon which, if the recent past is anything to go by, are bound to be used for monitoring of one sort or another. The paraphernalia of snooping, whether legal or not, is becoming both frighteningly sophisticated and easily affordable. Already, tiny microphones are capable of recording whispered conversations from across the street. Conversations can even be monitored from the normally imperceptible vibrations of window glass. Some technologists think that the tiny battlefield reconnaissance drones being developed by the American armed forces will be easy to commercialize. Small video cameras the size of a large wasp may some day be able to fly into a room, attach themselves to a wall or ceiling and record everything that goes on there.

Overt monitoring is likely to grow as well. Intelligent software systems are already able

to scan and identify individuals from video images. Combined with the plummeting price and size of cameras, such software should eventually make video surveillance possible almost anywhere, at any time. Street criminals might then be observed and traced with ease.

The burgeoning field of ''biometrics'' will make possible cheap and fool-proof systems that can identify people from their voices, eyeballs, thumbprints or any other measurable part of their anatomy. That could mean doing away with today's cumbersome array of security passes, tickets and even credit cards. Alternatively, pocket-sized ''smart' cards might soon be able to store all of a person's medical or credit history, among other things, together with physical data needed to verify his or her identity.

In a few years' time utilities might be able to monitor the performance of home appliances, sending repairmen or replacements even before they break down. Local supermarkets could check the contents of customers' refrigerators, compiling a shopping list as they run out of supplies of butter, cheese or milk. Or office workers might check up on the children at home from their desktop computers.

But all of these benefits, from better medical care and crime prevention to the more banal delights of the ''intelligent'' home, come with one obvious drawback—an ever-widening trail of electronic data. Because the cost of storing and analysing the data is also plummeting, almost any action will leave a near-permanent record. However ingeniously information-processing technology is used, what seems certain is that threats to traditional notions of privacy will proliferate.

This prospect provokes a range of responses, none of them entirely adequate. More laws. Brandeis's article was a plea for a right to sue for damages against intrusions of privacy. It spawned a burst of privacy statutes in America and elsewhere. And yet privacy lawsuits hardly ever succeed, except in France, and even there they are rare. Courts find it almost impossible to pin down a precise enough legal definition of privacy.

America's consumer-credit laws, passed in the 1970s, give individuals the right to example their credit records and to demand corrections. The European Union has recently gone a lot further. The EU Data Protection directive, which came into force last October, aims to give people control over their data, requiring ''unambiguous'' consent before a company or agency can process it, and barring the use of the data for any purpose other than that for which it was originally collected. Each EU country, is pledged to appoint a privacy commissioner to act on behalf of citizens whose rights have been violated. The directive also bars the export of data to countries that do not have comparably stringent protections.

Most EU countries have yet to pass the domestic laws needs to implement the directive, so it is difficult to say how it will work in practice. But the Americans view it as Draconian, and a trade row has blown up about the EU's threat to stop data exports to the United States. A compromise may be reached that enables American firms to follow voluntary guidelines; but that merely could create a big loophole. If, on the other hand, the EU insist on barring data exports, not only might a trade war be started but also the development of electronic commerce in Europe could come screeching to a complete halt, inflicting a huge cost on the EU's economy.

In any case, it is far from clear what effect the new law will have even in Europe. More products or services may have to be offered with the kind of legalistic bumf that is now attached to computer software. But, as with software, most consumers are likely to sign without reading it. The new law may give individuals a valuable tool to fight against some of the worst abuses, rather on the pattern of consumer-credit laws. But, also as with those laws—and indeed, with government freedom of information laws in general—individuals will have to be determined and persistent to exercise their rights. Corporate and government officials can often find ways to delay or evade individual requests for information. Policing the rising tide of data collection and trading is probably beyond the capability of any government without a crackdown so massive that it could stop the new information economy in its tracks.

Market solutions. The Americans generally prefer to rely on self-regulation and market pressures. Yet so far, self-regulation has failed abysmally. A Federal Trade Commission survey of 1,400 American Internet sites last year found that only 2% had posted a privacy policy in line with that advocated by the commission, although more have probably done so since, not least in response to increased concern over privacy. Studies of members of America's Direct Marketing Association by independence researchers have found that more than half did not abide even by the association's modest guidelines.

If consumers were to become more alarmed about privacy, however, market solutions could offer some protection. The Internet, the frontline of the privacy battle-field, has already spawned anonymous remailers, firms that forward e-mail stripped of any identifying information. One website (www.anonymizer.com) offers anonymous Internet browsing. Electronic digital cash, for use or off the Internet, may eventually provide some anonymity but, like today's physical cash, it will probably be used only for smaller purchases.

Enter the infomediary

John Hagel and Marc Singer of McKinsey, a management consulting firm, believe that from such services will emerge ''informediaries'', firms that become brokers of information between consumers and other companies, giving consumers privacy protection and also earning them some revenue for the information they are willing to release about themselves. If consumers were willing to pay for such brokerage, infomediaries might succeed on the Internet. Such firms would have the strongest possible stake in maintaining their reputation for privacy protection. But it is hard to imagine them thriving unless consumers are willing to funnel every transaction they make through a single infomediary. Even if this is possible—which is unclear—many consumers may not want to rely so much on a single firm. Most, for example, already have more than one credit card.

In the meantime, many companies already declare that they will not sell information they collect about customers. But many others find it possible profitable not to make—to—or keep—this pledge. Consumers who want privacy must be ever vigilant, which is more than most can manage. Even those companies which advertise that they will not sell information do not promise not to buy it. They almost certainly know more about their customers than their customers realize. And in any case, market solutions, including informediaries, are unlikely to be able to deal with growing government databases or increased surveillance in public areas.

Technology. The Internet has spawned a fierce war between fans of encryption and governments, especially America's, which argue that they must have access to the keys to software codes used on the web in the interests of the law enforcement. This quarrel has been rumbling on for years. But given the easy availability of increasingly complex codes, governments may just have to accept defeat, which would provide more privacy not just for innocent web users, but for criminals as well. Yet even encryption will only serve to restore to Internet users the level of privacy that most people have assumed they now enjoy in traditional (i.e., paper) mail.

Away from the web, the technological race between snoopers and anti-snoopers will also undoubtedly continue. But technology can only ever be a partial answer. Privacy will be reduced not only by government or private snooping, but by the constant recording of all sorts of information that individuals must provide to receive products or benefits—which is as true on as off the Internet.

Transparency. Despairing of efforts to protect privacy in the face of the approaching technological deluge, David Brin, an American physicist and science-fiction writer, proposes a radical alternative—its complete abolition. In his book ''The Transparent Society'' (Addision-Wesley, $25) he argues that in future the rich and powerful—and most ominously of all, governments—will derive the greatest benefit from privacy protection, rather than ordinary people. Instead, says Mr. Brin, a clear, simple rule should be adopted: everyone should have access to all information. Every citizen should be able to tap into any database, corporate or governmental, containing personal information. Images from the video-surveillance cameras on city streets should be accessible to everyone, not just the police.

The idea sounds disconcerting, he admits. But he argues that privacy is doomed in any case. Transparency would enable people to know who knows what about them, and for the ruled to keep any eye on their rulers. Video cameras would record not only criminals, but also abusive policemen. Corporate chiefs would know that information about themselves is as freely available as it is about their customers or workers. Simple deterrence would then encourage restraint in information gathering—and maybe even more courtesy.

Yet Mr. Brin does not explain what would happen to transparency violators or whether there would be any limits. What about national-security data or trade secrets? Police or medical files? Criminals might find these of great interest. What is more, transparency would be just as difficult to enforce legally as privacy protection is now. Indeed, the very idea of making privacy into a crime seems outlandish.

There is unlikely to be a single answer to the dilemma posed by the conflict between privacy and the growing power of information technology. But unless society collectively turns away from the benefits that technology can offer—surely the most unlikely outcome of all—privacy debates are likely to become very more intense. In the brave new world of the information age, the right to be left alone is certain to come under siege as never before.

NOSY PARKER LIVES

[William Safire, Washington]

A state sells its driver's license records to a stalker; he selects his victim—a Hollywood starlet—from the photos and murders her.

A telephone company sells a list of calls; an extortionist analyzes the pattern of calls and blackmails the owner of the phone.

A hospital transfers patient records to an insurance affiliate, which turns down a policy renewal.

A bank sells a financial disclosure statement to a borrower's employer, who fires the employee for profligacy.

An Internet browser sells the records of a nettie's searches to a lawyer's private investigator, who uses ''cookie''-generated evidence against the nettie in a lawsuit.

Such invasions of privacy are no longer far-out possibilities. The first listed above, the murder of Rebecca Schaeffer, led to the Driver's Privacy Protection Act. That Federal law enables motorists to ''opt out''—to direct that information about them not be sold for commercial purposes.

But even that opt out puts the burden of protection on the potential victim, and most people are too busy or lazy to initiate self-protection. Far more effective would be what privacy advocates call opt in—requiring the state or business to request permission of individual customers before selling their names to practioners of ''target marketing.''

In practical terms, the difference between opt in and opt out is the difference between a door locked with a bolt and a door left ajar. But in a divided appeals court—under the strained rubric of commercial free speech—the intrusive telecommunications giant US West won. Its private customers and the public are the losers.

Corporate mergers and technologies of E-commerce and electronic surveillance are pulverizing the walls of personal privacy. Belatedly, Americans are awakening to their new nakedness as targets of marketers.

Your bank account, you health record, your genetic code, your personal and shopping habits and sexual interests are your own business. That information has a value. If anybody wants to pay for an intimate look inside your life, let them make you an offer and you'll think about it. That's opt in. You may decide to trade the desired information about yourself for services like an E-mail box or stock quotes or other inducement. But require them to ask you first.

We are dealing here with a political sleeper issue. People are getting wise to being secretly examined and manipulated and it rubs them the wrong way.

Politicians sense that a strange dissonance is agitating their constituents. But most are leery of the issue because it cuts across ideologies and party lines—not just encrypted communication versus national security, but personal liberty versus the free market.

That's why there has been such Sturm und Drang around the Financial Services Act of 1999. Most pols think it is bogged down only because of a turf war between the Treasury and the Fed over who regulates the new bank-broker-insurance mergers. It goes deeper.

The House passed a bill 343 to 86 to make ''pretext calling'' by snoops pretending to be the customer a Federal crime, plus an ''opt out'' that puts the burden on bank customers to tell their banks not to disclose account information to marketers. The bank lobby went along with this.

The Senate passed a version without privacy protection because Banking Chairman Phil Gramm said so. But in Senate-House conference, Republican Richard Shelby of Alabama (who already toughened drivers' protection at the behest of Phyllis Schlafly's Eagle Forum and the A.C.L.U.) is pressing for the House version. '''Opt out' is weak,'' Shelby tells me, ''but it's a start.''

The groundswelling resentment is in search of a public champion. The start will gain momentum when some Presidential candidate seizes the sleeper issue of the too-targeted consumer. Laws need not always be the answer: to avert regulation, smart businesses will complete to assure customers' right to decide.

The libertarian principle is plain: excepting legitimate needs of law enforcement and public interest, control of information about an individual must rest with the person himself. When the required permission is asked, he or she can sell it or trade it—or tell the bank, the search engine and the Motor Vehicle Bureau to keep their mouths shut.

PRIVATELY HELD CONCERNS

[Oct. 22, 1999—Wall Street Journal]

Congress has been paddling 20 years to get a financial-service overhaul bill, and now the canoe threatens to run aground on one of those imaginary concerns that only sounds good in press release—''consumer privacy.'' In the column alongside, Paul Gigot describes the hardball politics behind the financial reform bill's other sticking point—the Community Reinvestment Act. Our subject here is Senator Richard Shelby's strange idea of what, precisely, should constitute ''consumer privacy'' in the new world. ''It's our responsibility to identify what is out of bounds,''' declared the identity confused Republican as he surfaced this phantom last spring.

Privacy concerns are a proper discussion point for the information age, but financial reform would actually end to alleviate some of them. If a single company were allowed to sell insurance, portfolio advice and checking accounts, there would be less incentive to peddle information to third parties. Legislative reform and mergers in the financial industry were all supposed to be aimed at the same goal, using information efficiently within a single company to serve customers. Yet to Mr. Shelby, this is a predatorial act.

He's demanding language that would mean a Citigroup banker, say, couldn't tell a Citigroup insurance agent that Mr. Jones is a hot insurance prospect—unless Mr. Jones gives his permission in writing first. Mr. Shelby threatens to withhold his crucial vote unless this deal-breaker is written into the law.

To inflict this inconvenience on Mr. Jones is weird enough: He has already volunteered to have a relationship with Citigroup. But even weirder is the urge to cripple a law whose whole purpose is to modernize an industry structure that forces consumers today to chase six different companies around to get a full mix of financial services. In essence, financial products all do the same thing: shift income in time. You want to go to college now based on your future earnings, so you take out a loan. You want to retire in 20 years based on your present earnings, so you get an IRA. And if a single cry goes up from modern man, it's ''Simplify my life.''

A vote last Friday seemed, to put Mr. Shelby's peeve to rest. Under the current language, consumers would have an ''opt out'' if they don't want their information shared. But Mr. Shelby won't let go, and joining his chorus are Ralph Nader on the left, Phyllis Schlafly on the right and various gnats buzzing around the interest-group honeypot.

He claims to be responding to constituent complaints about telemarketing, not to mention a poll showing that 90% of consumers respond favorably to the word ''privacy.'' Well, duh. Consumers don't want their information made available indiscriminately to strangers. But putting up barriers to free exchange inside a company that a customer already has chosen to do business with is a farfetched application of a sensible idea.

Mr. Shelby was a key supporter of language that would push banks to set up their insurance and securities operations as affiliates under a holding company. Now he wants to stop these affiliates from talking to each other. Maybe he's just confused, but it sounds more like a favor to Alabama bankers and insurance agents who want to make life a lot harder for their New York competitors trying to open up local markets.

GROWING COMPATIBILITY ISSUE: COMPUTERS AND USER PRIVACY

[By John Markoff, New York Times, March 3, 1999]

San Francisco, March 2—The Intel Corporation recently blinked in a confrontation with privacy advocates protesting the company's plans to ship its newest generation of microprocessors with an embedded serial number that could be used to identify a computer—and by extension its user.

But those on each side of the dispute acknowledge that it was only an initial skirmish in a wider struggle. From computers to cellular phones to digital video players, everyday devices and software programs increasingly embed telltale identifying numbers that let them interact.

Whether such digital fingerprints constitute an imminent privacy threat or are simply part of the foundation of advanced computer systems and networks is the subject of a growing debate between the computer industry and privacy groups. At its heart is a fundamental disagreement over the role of electronic anonymity in a democratic society.

Privacy groups argue fiercely that the merger of computers and the Internet has brought the specter of a new surveillance society in which it will be difficult to find any device that cannot be traced to the user when it is used. But a growing alliance of computer industry executives, engineers, law enforcement officials and scholars contend that absolute anonymity is not only increasingly difficult to obtain technically, but is also a potential threat to democratic order because of the possibility of electronic crime and terrorism.

''You already have zero privacy—get over it,'' Scott McNealy, chairman and chief executive of Sun Microsystems, said at a recent news conference held to introduce the company's newest software, known as Jini, intended to interconnect virtually all types of electronic devices from computer to cameras. Privacy advocates contend that software like Jini, which assigns an identification number to each device each time it connects to a network, could be misused as networks envelop almost everyone in society in a dense web of devices that see, hear, and monitor behavior and location.

''Once information becomes available for one purpose there is always pressure from other organizations to use it for their purposes,'' said, Lauren Weinstein, editor of Privacy Forum, an on-line journal.

This week, a programmer in Massachusetts found that identifying numbers can easily be

found in word processing and spreadsheet files created with Microsoft's popular Word and Excel programs and in the Windows 95 and 98 operating systems.

Moreover, unlike the Intel serial number, which the computer user can conceal, the numbers used by the Microsoft programs—found in millions of personal computers—cannot be controlled by the user.

The programmer, Richard M. Smith, president of Phar Lap Software, a developer of computer programming tools in Cambridge, Mass., noticed that the Windows operating system contains a unique registration number stored on each personal computer in a small data base known as the Windows registry.

His curiosity aroused, Mr. Smith investigated further and found that the number that uniquely identifies his computer to the network used in most office computing systems, known as the Ethernet, was routinely copied to, each Microsoft Word or Excel document he created.

The number is used to create a longer number, known as a globally unique identifier. It is there, he said, to enable computer users to create sophisticated documents comprising work processing, spreadsheet, presentation and data base information.

Each of those components in a document needs a separate identity, and computer designers have found the Ethernet number a convenient and widely available identifier, he said. But such universal identifiers are of particular concern to privacy advocated because they could be used to compile information on individuals from many data bases.

''The infrastructure relies a lot on serial numbers,'' Mr. Smith said. ''We've let the genie out of the bottle.''

Jeff Ressler, a Microsoft product manager, said that if a computer did not have an Ethernet adapter then another identifying number was generated that was likely to be unique. ''We need a big number, which is a unique identifier,'' he said. ''If we didn't have, it would be impossible to make our software programs work together across networks.''

Indeed, an increasing range of technologies have provisions for identifying their users for either technical reasons (such as connecting to a network) or commercial ones (such as determining which ads to show to Web surfers). But engineers and network designers argue that identify information is a vital aspect of modern security design because it is necessary to authenticate an individual in a network, thereby preventing fraud or intrusion.

Last month at the introduction of Intel's powerful Pentium III chip, Intel executives showed more than a dozen data security uses for the serial number contained electronically in each of the chips, ranging from limiting access to protecting documents or software against piracy.

Intel, the largest chip maker, had recently backed down somewhat after it was challenged by privacy advocates over the identity feature, agreeing that at least some processors for the consumer market would be made in a way that requires the user to activate the feature.

Far from scaling back its vision, however, Intel said it was planning an even wider range of features in its chips to help companies protect copyrighted materials. It also pointed to software applications that would use the embedded number to identify participants in electronic chat rooms on the Internet and thereby, for example, protect children from Internet stalkers.

But in achieving those goals, it would also create a universal identifier, which could be used by software applications to track computer users wherever they surfed on the World Wide Web. And that, despite the chip maker's assertions that it is working to enhance security and privacy, has led some privacy advocates to taunt Intel and accused it of a ''Big Brother Inside'' strategy.

They contend that by uniquely identifying each computer it will make it possible for marketers or Government and law enforcement officials to track the activities of anyone connected to a computer network more closely. They also say that such a permanent identifier could be used in a similar fashion to the data, known as ''cookies,'' that are placed on a computer's hard drive by Web site to track the comings and goings of Internet users.

PUTTING PRIVACY ON THE DEFENSIVE

Intel's decision to forge ahead with identity features in its chip technology may signal a turning point in the battle over privacy in the electronic age. Until now, privacy concerns have generally put industry's executives on the defensive. Now questions are being raised about whether there should be limits to privacy in an Inernet era.

''Judge Brandeis's definition of privacy was 'the right to be left alone,' not the right to operate in absolute secrecy,'' said Paul Saffo, a researcher at the Institute for the Future in Menlo Park, Calif.

Some Silicon Valley engineers and executives say that the Intel critics are being naive and have failed to understand that all devices connected to computer networks require identification features simply to function correctly.

Moreover, they note that identifying numbers have for more than two decades been a requirement for any computer connected to an Ethernet network. (Although still found most widely in office settings, Ethernet connections are increasingly being used for high-speed Internet Service in the home via digital telephone lines and cable modems.)

All of Apple Computer's popular iMac machines come with an Ethernet connection that has a unique permanent number installed in the factory. The number is used to identify the computer to the local network.

While the Ethernet number is not broadcast over the Internet at large, it could easily be discovered by a software application like a Web browser and transmitted to a remote Web site tracking the identities of its users, a number of computer engineers said.

Moreover, they say that other kinds of networks require identify numbers to protect against fraud. Each cellular telephone currently has two numbers: the telephone number, which can easily be changed, and an electronic serial number, which is permanently put in place at the factory to protect against theft or fraud.

The serial number is accessible to the cellular telephone network, and as cellular telephones add Internet browsing and E-mail capabilities, it will potentially have the same identity capability as the Intel processor serial number.

Other examples include DIVX DVD disks, which come with a serial number that permits tracking the use of each movie by a centralized network-recording system managed by the companies that sell the disks.

FEARING THE MISUSE OF ALL THOSE NUMBERS

Industry executives say that as the line between communications and computing becomes increasingly blurred, every electronic device will require some kind of identification to attach to the network

Making those numbers available to networks that need to pass information or to find a mobile user while at the same time denying the information to those who wish to gather information into vast data bases may be an impossible task.

Privacy advocates argue that even if isolated numbers look harmless, they are actually harbingers of a trend toward ever more invasive surveillance networks.

''Whatever we can do to actually minimize the collection of personal data is good,' said March Rotenberg, director of the Electronic Privacy Information Center, one of three groups trying to organize a boycott of Intel's chips.

The groups are concerned that the Government will require ever more invasive hardware modifications to keep track of individuals. Already they point to the 1994 Communications Assistance for Law Enforcement Act, which requires that telephone companies modify their network switches to make it easier for Government wiretappers.

Also, the Federal Communications Commission is developing regulations that will require every cellular telephone to be able to report its precise location for ''911'' emergency calls. Privacy groups are worried that this feature will be used as a tracking technology by law enforcement officials.

''The ultimate danger is that the Government will mandate that each chip have special logic added'' to track identifies in cyberspace, said Vernor Vinge, a computer scientist at San Diego State University. ''We're on a slide in that direction.''

Mr. Vinge is the author of ''True Names'' (Tor Books, 1984), a widely cited science fiction novel in the early 1980's, that forecast a world in which anonymity in computer networks is illegal.

Intel executives insist that their chip is being misconstrued by privacy groups.

''We're going to start building security architecture into our chips, and this is the first step,'' said Pat Gelsinger, Intel vice president and general manager of desktop products. ''The discouraging part of this is our objective is to accomplish privacy.

That quandry—that it is almost impossible to compartmentalize information for one purpose so that it cannot be misused—lies at the heart of the argument. Moreover providing security while at the same time offering anonymity has long been a technical and a political challenge.

''We need to find ways to distinguish between security and identity,'' said James X. Dempsey, a privacy expert at the Center for Democracy and Technology, a Washington lobbying organization.

So far the prospects are not encouraging. One technical solution developed by a cryptographer, David Chaum, made it possible for individuals to make electronic cash payments anonymously in a network.

In the system Mr. Chaum designed, a user employs a different number with each organization, thereby insuring that there is no universal tracking capability.

But while Mr. Chaum's solution has been widely considered ingenious, it has failed in the marketplace. Last year, his company, Digicash Inc. based in Palo Alto, Calif., filed for bankruptcy protection.

''Privacy never seems to sell,'' said Bruce Schneier, a cryptographer and a computer industry consultant. ''Those who are interested in privacy don't want to pay for it.''

PRIVACY ISN'T DEAD YET

[By Amitai Etzioni]

It seems self-evident that information about your shoe size does not need to be as

well guarded as information about tests ordered by your doctor. But with the Federal and state governments' piecemeal approach to privacy protection, if we release information about one facet of our lives, we inadvertently expose much about the others.

During Senate hearings in 1987 about Robert Bork's fitness to serve as a Supreme Court justice, a reporter found out which videotapes Mr. Bork rented. The response was the enactment of the Video Privacy Protection Act. Another law prohibits the Social Security Administration (but hardly anybody else) from releasing our Social Security numbers. Still other laws limit what states can do with information that we provide to motor vehicle departments.

Congress is now seeking to add some more panels to this crazy quilt of narrowly drawn privacy laws. The House recently endorsed a bill to prohibit banks and securities and insurance companies owned by the same parent corporation from sharing personal medical information. And Congress is grappling with laws to prevent some information about our mutual-fund holdings from being sold and bought as freely as hot dogs.

But with superpowerful computers and vast databases in the private sector, personal information can't be segmented in this manner. For example, in 1996, a man in Los Angeles got himself a store card, which gave him discounts and allowed the store to trace what he purchased. After injuring his knee in the store, he sued for damages. He was then told that if he proceeded with his suit the store would use the fact that he bought a lot of liquor to show that he must have fallen because he was a drunkard.

Some health insurers try to ''cherry pick'' their clients, seeking to cover only those who are least likely to have genetic problems or contract costly diseases like AIDS. Some laws prohibit insurers from asking people directly about their sexual orientation. But companies sometimes refuse to insure those whose vocation (designer?), place of residence (Greenwich Village?) and marital status (single at 40-plus?) suggest that they might pose high risks.

Especially comprehensive privacy invaders are ''cookies''—surveillance files that many marketers implant in the personal computers of people who visit their Web sites to allow the marketers to track users' preferences and transactions. Cookies, we are assured, merely inform marketers about our wishes so that advertising can be better directed, sparing us from a flood of junk mail.

Actually, by tracing the steps we take once we gain a new piece of information, cookies reveal not only what we buy (a thong from Victoria's Secret? Antidepressants?) but also how we think. Nineteen eighty-four is here courtesy of Intel, Microsoft and quite a few other corporations.

All this has led Scott McNealy, the chairman and chief executive of Sun Microsystems, to state, ''You already have zero privacy—get over it.'' This pronouncement of the death of privacy is premature, but we will be able to keep it alive only if we introduce general, all-encompassing protections over segmented ones.

Some cyberspace anonymity can be provided by new technologies like anti-cookie programs and encryption software that allow us to encrypt all of our data. Corporate self-regulation can also help. I.B.M., for example, said last week that it would pull its advertising from Web sites that don't have clear privacy policies. Other companies like Disney and Kellogg have voluntarily agreed not to collect information about children 12 or younger without the consent of their parents. And some new Government regulation of Internet commerce may soon be required, if only because the European Union is insisting that any personal information about the citizens of its member countries cannot be used without the citizen's consent.

Especially sensitive information should get extra protection. But such selective security can work only if all the other information about a person is not freely accessible elsewhere.

A MIDDLE GROUND IN THE PRIVACY WAR?

[By John Schwartz—March 29, 1999]

Jim Hightower, the former agriculture commissioner of Texas, is fond of saying that ''there's nothing in the middle of the road but yellow stripes and dead armadillos.''

It's punchy, and has become a rallying cry of sorts for activists on all sides. But is it right? Amitai Etzioni, a professor at George Washington University, thinks not. He thinks he has found a workable middle ground between the combatants in one of the fiercest fights in our high-tech society: the right of privacy.

Etzioni has carved out a place for himself over the decades as a leader in the ''communitarian'' movement. Communitarianism works toward a civil society that transcends both government regulation and commercial intrusion—a society where the golden rule is as important as the rule of law, and the notion that ''he who has the gold makes the rules'' does not apply.

What does all that have to do with privacy? Etzioni has written a new book, ''The Limits of Privacy,'' that applies communitarian principles to this thorny issue.

For the most part, the debate over privacy is carried out from two sides separated by a huge ideological gap—a gap so vast that they seem to feel a need to shout just to get their voices to carry across it. So Etzioni comes in with a theme not often heard, that middle of the road that Hightower hates so much.

What he wants to do is to forge a new privacy doctrine that protects the individual from snooping corporations and irresponsible government, but cedes individual privacy rights when public health and safety are at stake—''a balance between rights and the common good,'' he writes.

In the book, Etzioni tours a number of major privacy issues, passing judgment as he goes along. Pro-privacy decisions that prohibited mandatory testing infants for HIV, for example, take the concept too far and put children at risk, he says. Privacy advocates' campaigns against the government's attempts to wiretap and unscramble encrypted messages, he says, are misguided in the face of the evil that walks the planet.

The prospect of some kind of national ID system, which many privacy advocates view as anathema, he finds useful for catching criminals, reducing fraud and ending the crime of identity theft. The broad distribution of our medical records for commercial gain, however, takes too much away from us for little benefit to society.

I called Etzioni to ask about his book. He said civil libertarians talk about the threat of government intrusion into our lives, and government talks about the threat of criminals, but that the more he got into his research, the more it seemed that the two sides were missing ''the number one enemy—it's a small group of corporations that have more information about us than the East German police ever had about the Germans.''

He's horrified, for example, by recent news that both Microsoft Corp. and Intel Corp. have included identifier codes in their products that could be used to track people's online habits: ''They not only track what we are doing,'' he says. ''They track what we think.''

His rethinking of privacy leads him to reject the notions that led to a constitutional right of privacy, best expressed in the landmark 1965 case *Griswold v. Connecticut*.

In that case, Justice William O. Douglas found a right of privacy in the ''penumbra,'' or shadow border, of rights granted by other constitutional amendments—such as freedom of speech, freedom from unreasonable search and seizure, freedom from having troops billeted in our homes.

Etzioni scoffs at this ''stretched interpretation of a curious amalgam of sundry pieces of various constitutional rights,'' and says we need only look to the simpler balancing act we've developed in Fourth Amendment cases governing search and seizure, which give us privacy protection by requiring proper warrants before government can tape a phone or search a home.

''We cannot say that we will not allow the FBI under any conditions, because of a cyberpunk dream of a world without government, to read any message.'' He finds such a view ''so ideological, so extreme, that somebody has to talk for a sense of balance.''

I was surprised to see, in the acknowledgements in his book, warm thanks to Marc Rotenberg, who heads the Electronic Privacy Information Center. Rotenberg is about as staunch a privacy advocate as I know, and I can't imagine him finding much common ground with Etzioni—but Etzioni told me that ''Marc is among all the people in this area the most reasonable. One can talk to him.''

So I called Rotenberg, too. He said he deeply respects Etzioni, but can't find much in the book to agree with. For all the talk of balance, he say, ''we have invariably found that when the rights of the individual are balanced against the claims of the community, that the individual loses out.''

We're in the midst of a ''privacy crisis'' in which ''we have been unable to come up with solutions to the privacy challenges that new business practices and new technologies are creating,'' Rotenberg told me.

The way to reach answers, he suggested, is not to seek middle ground but to draw the lines more clearly, the way judges do in deciding cases. When a criminal defendant challenges a policeman's pat-down search in court, Rotenberg explained, ''the guy with the small plastic bag of cocaine either gets to walk or he doesn't. . . . Making those lines fuzzier doesn't really take you any closer to finding answers.''

As you can see, this is one argument that isn't settled. But I'm glad that Etzioni has joined the conversation—both for the trademark civility he brings to it, and for the dialogue he will spark.

Mr. TORRICELLI. Mr. President, I rise today to introduce the Privacy Protection Study Commission Act of 1999 with my colleague, Senator KOHL. This legislation creates a Commission to comprehensively examine privacy concerns. This Commission will provide Congress with information to facilitate our decision making regarding how to best address individual privacy protections.

The rise in the use of information technology—particularly the Internet, has led to concerns regarding the security of personal information. As many

as 40 million people around the world have the ability to access the Internet. The use of computers for personal and business transactions has resulted in the availability of vast amounts of financial, medical and other information in the public domain. Information about online users is also collected by Web sites through technology which tracks an individual's every interaction with the Internet.

Despite the ease of availability of personal information, the United States is one of the few countries in the world that does not have comprehensive legal protection for personal information. This is in part due to differences in opinion regarding the best way to address the problem. While some argue that the Internet's size and constantly changing technology demands government and industry self-regulation, others advocate for strong legislative and regulatory protections. And, still others note that such protections, although necessary, could lead to unconstitutional consequences if drafted without a comprehensive understanding of the issue. As a result, congressional efforts to address privacy concerns have been patchwork in nature.

This is why Senator KOHL and I are proposing the creation of a Commission with the purpose of thoughtfully considering the range of issues involved in the privacy debate and the implications of self-regulation, legislation, and federal regulation. The Commission will be comprised of experts in the fields of law, civil rights, business, and government. After 18 months, the Commission will deliver a report to Congress recommending the necessary legislative protections are needed. The Commission will have the authority to gather the necessary information to reach conclusions that are balanced and fair.

Americans are genuinely concerned about individual privacy. The Privacy Commission proposed by Senator KOHL and myself will enable Congress and the public to evaluate the extent to which we should be concerned and the proper way to address those concerns. The privacy debate is multifaceted and I encourage my colleagues to join Senator KOHL and myself in our efforts to gain a better understanding of it. Senator KOHL and I look forward to working with all those interested in furthering this debate and giving Americans a greater sense of confidence in the security of their personal information.

By Mrs. FEINSTEIN:

S. 1902. A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes; to the Committee on the Judiciary.

JAPANESE IMPERIAL ARMY DISCLOSURE ACT OF 1999

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Japanese Imperial Army Disclosure Act of 1999.

This legislation will require the disclosure under the Freedom of Information Act classified records and documents in the possession of the U.S. Government regarding chemical and biological experiments carried out by Japan during the course of the Second World War.

Let me preface my statement by making clear that none of the remarks that I will make in discussing this legislation should be considered anti-Japanese. I was proud to serve as the President of the Japan Society of Northern California, and I have done everything I can to foster, promote, and develop positive relations between Japan, the United States, China, and other states of the region. The legislation I introduce today is eagerly sought by a large number of Californians who believe that there is an effort to keep information about possible atrocities and experiments with poisonous gas and germ warfare from the pubic record.

One of my most important goals in the Senate is to see the development of a Pacific Rim community that is peaceful and stable. I have worked towards this end for over twenty years. I introduce this legislation to try to heal wounds that still remain, particularly in California's Chinese-American community.

This legislation is needed because although the Second World War ended over fifty years ago—and with it Japan's chemical and biological weapons experimentation programs—many of the records and documents regarding Japan's wartime activities remain classified and hidden in U.S. Government archives and repositories. Even worse, according to some scholars, some of these records are now being inadvertently destroyed.

For the many U.S. Army veteran's who were subject to these experiments in POW camps, as well as the many Chinese and other Asian civilians who were subjected to these experiments, the time has long since passed for the full truth to come out.

According to information which was revealed at the International Military Tribunal for the Far East, starting in 1931, when the so-called ''Mukden incident'' provided Japan the pretext for the occupation of Manchuria, the Japanese Imperial Army conducted numerous biological and chemical warfare tests on Chinese civilians, Allied POWs, and possibly Japanese civilians as well.

Perhaps the most notorious of these experiments were carried out under General Ishii Shiro, a Japanese Army surgeon, who, by the late 1930's had built a large installation in China with germ breeding facilities, testing grounds, prisons to hold the human test subjects, facilities to make germ weapons, and a crematorium for the final disposal of the human test victims. General Ishii's main factory operated under the code name Unit 731.

Based on the evidence revealed at the War Crimes trials, as well as subsequent work by numerous scholars, there is little doubt that Japan conducted these chemical and biological warfare experiments, and that the Japanese Imperial Army attempted to use chemical and biological weapons during the course of the war, included reports of use of plague on the cities of Ningbo and Changde.

And, as a 1980 article by John Powell in the Bulletin of Concerned Asia Scholars found,

> Once the fact had been established that Ishii had used Chinese and others as laboratory tests subjects, it seemed a fair assumption that he also might have used American prisoners, possibly British, and perhaps even Japanese.

Some of the records of these activities were revealed during the Tokyo War Crimes trials, and others have since come to light under Freedom of Information Act requests, but many other documents, which were transferred to the U.S. military during the occupation of Japan, have remained hidden for the past fifty years.

And it is precisely for this reason that this legislation is needed: The world is entitled to a full and compel record of what did transpire.

Sheldon Harris, Professor of History Emeritus at California State university Northridge wrote to me on October 7 of this year that:

> In my capacity as an academic Historian, I can testify to the difficulty researchers have in unearthing documents and personal testimony concerning these war crimes * * *. Here in the United States, despite the Freedom of Information Act, some archives remain closed to investigators * * *. Moreover, ''sensitive documents—as defined by archivists and FOIA officers—are at the moment being destroyed.

Professor Sheldon's letter goes on to discuss three examples of the destruction of documents relating to chemical and biological warfare experiments that he is aware of: At Dugway Proving Grounds in Utah, at Fort Detrick in Maryland, and at the Pentagon.

This legislation establishes, within 60 days after the enactment of the act, the Japanese Imperial Army Records Interagency Working Group, including representation by the Department of State and the Archivist of the United States, to locate, identify, and recommend for declassification all Japanese Imperial Army records of the United States.

This Interagency Work Group, which will remain in existence for three

years, is to locate, identify, inventory, recommend for classification, and make available to the public all classified Imperial Army records of the United States. It is to do so in coordination with other agencies, and to submit a report to Congress describing its activities.

It is my belief that the establishment of such an Interagency Working Group is the best way to make sure that the documents which need to be declassified will be declassified, and that this process will occur in an orderly and expeditious manner.

This legislation also includes exceptions which would allow the Interagency Working Group to deny release of records on the basis of: 1. Records which may unfairly invade an individual's privacy; 2. Records which adversely affect the national security or intelligence capabilities of the United States; 3. Records which might ''seriously or demonstrably impair relations between the United States and a foreign government''; and, 4. Records which might contribute to the development of chemical or biological capabilities.

My purpose in introducing this legislation is to help those who were victimized by these experiments and, with the adage ''the truth shall set you free'' in mind, help build a more peaceful Asian-Pacific community for the twenty-first century.

First, the declassification and release of this material will help the victims of chemical and biological warfare experimentation carried out by the Japanese Army during the Second World War, as well as their families and descendants, gain information about what occurred to them fifty years ago. If old wounds are to heal, there must be a full accounting of what happened.

Second, and perhaps just as importantly, this legislation is intended to create an environment of honest dialogue and discussion in the Asia-Pacific region, so that the countries and people of the region can move beyond the problems that have plagued us for the past century, and work together to build a peaceful and prosperous Asian-Pacific community in the next century.

If the countries of Asia are to build a peaceful community it is necessary that we deal fully, fairly, and honestly with the past. It is only by doing so that we can avoid repeating the mistakes of the past and build a more just world for the future.

Indeed, as Rabbi Abraham Cooper has remarked, ''Since the end of World War II, professed neutral nations like Sweden and Switzerland have had the courage to take a painful look back at their World War II record; can Japan be allowed to do anything less?''

I hope that my colleagues will join me in support of this legislation.

Mr. President, I ask unanimous consent that the October 7 letter by Professor Harris and an article outlining some of the scholarly research on this issue: ''Japan's Biological Weapons: 1930–1945,'' by Robert Gromer, John Powell, and Burt Roling be printed in the RECORD.

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

GRANADA HILLS, CA,
October 7, 1999.

Hon. SENATOR DIANNE FEINSTEIN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: Several Asian American activists organizations in California, and organizations representing former Prisoners of War and Internees of the Japanese Imperial Army, have indicated to me that you are proposing to introduce legislation into the United States Senate that calls for full disclosure by the United States Government of records it possesses concerning war crimes committed by members of the Japanese Imperial Army. I endorse such legislation enthusiastically.

My support for the full disclosure of American held records relating to the Japanese Imperial Army's wartime crimes against humanity is both personal and professional. I am aware of the terrible suffering members of the Imperial Japanese Army imposed upon innocent Asians, prisoners of war of various nationalists and civilian internees of Allied nations. These inhumane acts were condoned, if not ordered, by the highest authorities in both the civilian and military branches of the Japanese government. As a consequence, millions of persons were killed, maimed, tortured, or experienced acts of violence that included human experiments relating to biological and chemical warfare research. Many of these actions meet the definition of ''war crimes'' under both the Potsdam Declaration and the various Nuremberg War Crimes trials held in the post-war period.

I am the author of ''Factories of Death, Japanese Biological Warfare, 1932–45, and the American Cover-up'' (Routlege: London and New York; hard cover edition 1994; paperback printings, 1995, 1997, 1998, 1999). I discovered in the course of my research for this book, and scholarly articles that I published on the subject of Japanese biological and chemical warfare preparations, that members of the Japanese Imperial Army Medical Corps committed heinous war crimes. These included involuntary laboratory tests of various pathogens on humans—Chinese, Korean, other Asian nationalities, and Allied prisoners of war, including Americans. Barbarous acts encompassed live vivisections, amputations of body parts (frequently without the use of anesthesia), frost bite exposure to temperatures of 40–50 degrees Fahrenheit below zero, injection of horse blood and other animal blood into humans, as well as other horrific experiments. When a test was completed, the human experimented was ''sacrificed'', the euphemism used by Japanese scientists as a substitute term for ''killed.''

In my capacity as an academic Historian, I can testify to the difficulty researchers have in unearthing documents and personal testimony concerning these war crimes. I, and other researchers, have been denied access to military archives in Japan. These archives cover activities by the Imperial Japanese Army that occurred more than 50 years ago. The documents in question cannot conceivably contain information that would be considered of importance to ''National Security'' today. The various governments in Japan for the past half century have kept these archives firmly closed. The fear is that the information contained in the archives will embarrass previous governments.

Here in the United States, despite the Freedom of Information Act, some archives remain closed to investigators. At best, the archivists in charge, or the Freedom of Information Officer at the archive in question, select what documents they will allow to become public. This is an unconscionable act of arrogance and a betrayal of the trust they have been given by the Congress and the President of the United States. Moreover, ''sensitive'' documents—as defined by archivists and FOIA officers—are at the moment being destroyed. Thus, historians and concerned citizens are being denied factual evidence that can shed some light on the terrible atrocities committed by Japanese militarists in the past.

Three examples of this wanton destruction should be sufficiently illustrative of the dangers that exist, and should reinforce the obvious necessity for prompt passage of legislation you propose to introduce into the Congress:

1. In 1991, the Librarian at Dugway Proving Grounds, Dugway, Utah, denied me access to the archives at the facility. It was only through the intervention of then U.S. Representative Wayne Owens, Dem., Utah, that I was given permission to visit the facility. I was not shown all the holdings relating to Japanese medical experiments, but the little I was permitted to examine revealed a great deal of information about medical war crimes. Sometimes after my visit, a person with intimate knowledge of Dugway's operations, informed me that ''sensitive'' documents were destroyed there as a direct result of my research in their library.

2. I conducted much of my American research at Fort Detrick in Frederick, Md. The Public Information Officer there was extremely helpful to me. Two weeks ago I telephoned Detrick, was informed that the PIO had retired last May. I spoke with the new PIO, who told me that Detrick no longer would discuss past research activities, but would disclose information only on current projects. Later that day I telephoned the retired PIO at his home. He informed me that upon retiring he was told to ''get rid of that stuff'', meaning incriminating documents relating to Japanese medical war crimes. Detrick no longer is a viable research center for historians.

3. Within the past 2 weeks, I was informed that the Pentagon, for ''space reasons'', decided to rid itself of all biological warfare documents in its holdings prior to 1949. The date is important, because all war crimes trials against accused Japanese war criminals were terminated by 1949. Thus, current Pentagon materials could not implicate alleged Japanese war criminals. Fortunately, a private research facility in Washington volunteered to retrieve the documents in question. This research facility now holds the documents, is currently cataloguing them (estimated completion time, at least twelve months), and is guarding the documents under ''tight security.''

Your proposed legislation must be acted upon promptly. Many of the victims of Japanese war crimes are elderly. Some of the victims pass away daily. Their suffering should receive recognition and some compensation. Moreover, History is being cheated. As documents disappear, the story of war crimes committed in the War In The Pacific becomes increasingly difficult to describe. The

end result will be a distorted picture of reality. As an Historian, I cannot accept this inevitability without vigorous protest.

Please excuse the length of this letter. However, I do hope that some of the arguments I made in comments above will be of some assistance to you as you press for passage of the proposed legislation. I will be happy to be of any additional assistance to you, should you wish to call upon me for further information or documentation.

Sincerely yours,

SHELDON H. HARRIS,
Professor of History emeritus,
California State University, Northridge.

[From the Bulletin of the Atomic Scientists, Oct., 1981]

JAPAN'S BIOLOGICAL WEAPONS: 1930–1945—A HIDDEN CHAPTER IN HISTORY

(By Robert Gomer, John W. Powell and Bert V.A. Röling)

When this story first reached the Bulletin, our reaction was horrified disbelief. I think all of us hoped that it was not true. Unfortunately, subsequent research shows that it is all too true. In order to verify the facts set forth here we enlisted the help of a number of distinguished scientists and historians, who are hereby thanked. It seems unnecessary to mention them by name; suffice it that the allegations set forth in this article seem to be true and there is a substantial file of documents in the Bulletin offices to back them up.

What other comment need one really make? Any reader with a sense of justice and decency will be nauseated, not only by these atrocities, but equally so by the reaction of the U.S. Departments of War and State.

The psychological climate engendered by war is horrible. The Japanese tortured and killed helpless prisoners in search of ''a cheap and effective weapon.'' The Americans and British invented firestorms and the U.S. dropped two nuclear bombs on Hiroshima and Nagasaki. In such a climate it may have seemed reasonable not to bring the Japanese responsible for the biological ''experiments'' to justice, but it was and remains monstrous.

By acquiring ''at a fraction of the original cost'' the ''invaluable'' results of the Japanese experiments, have we not put ourselves on the same level as the Japanese experimenters? Some politicians and generals like to speak of the harsh realities of the world in order to act both bestially and stupidly. The world clearly does contain harsh realities but somehow there is a sort of potential divine justice basic decency generally would have been the smartest course in the long run. Unfortunately there are few instances where it was actually taken.

The spirit and psychological climate which made possible the horrors described in this article are not dead; in fact, they seem to be flourishing in the world. The torture chambers are busy in Latin America and elsewhere, and the United States provides economic and military aid to the torturers. The earth-and-people destroying was waged by the United States not long ago in Vietnam, the apparently similar war being waged by the Soviets in Afghanistan, the horrors of the Pol Pot regime in Cambodia, and the contemplation with some equanimity of ''limited'' nuclear war by strategists here and in the Soviet Union display the spirit of General Ishii. If we are to survive as human beings, or more accurately, if we are to become fully human, that spirit must have no place among men.—Robert Gomer (professor of chemistry at the University of Chicago, and member of the Board of Directors of the Bulletin.)

Long-secret documents, secured under the U.S. Freedom of Information Act, reveal details of one of the more gruesome chapters of the Pacific War; Japan's use of biological warfare against China and the Soviet Union. For years the Japanese and American governments succeeded in suppressing this story.

Japan's desire to hide its attempts at ''public health in reverse'' is understandable. The American government's participation in the cover-up, it is now disclosed, stemmed from Washington's desire to secure exclusive possession of Japan's expertise in using germs as lethal weapons. The United States granted immunity from war crimes prosecution to the Japanese participants, and they in turn handed over their laboratory records to U.S. representatives from Camp Detrick (now Fort Detrick).

The record shows that by the late 1930s Japan's biological warfare (BW) program was ready for testing. It was used with moderate success against Chinese troops and civilians and with unknown results against the Russians. By 1945 Japan had a huge stockpile of germs, vectors and delivery equipment unmatched by any other nation.

Japan had gained this undisputed lead primarily because its scientists used humans as guinea pigs. It is estimated that at least 3,000 people were killed at the main biological warfare experimental station, code named Unit 731 and located a few miles from Harbin. They either succumbed during the experiments or were executed when they had become physical wrecks and were no longer fit for further germ tests [1, pp. 19–21]. There is no estimate of total casualties but it is known that at least two other Japanese biological warfare installations—Unit 100 near Changchun and the Tama Detachment in Nanjing—engaged in similar human experimentation.

(End Notes at end of articles)

This much of the story has been available for some years. What has not been known until very recently is that among the human guinea pigs were an undetermined number of American soldiers, captured during the early part of the war and confined in prisoner-of-war camps in Manchuria. Official U.S. reports reveal that Washington was aware of these facts when the decision was made to forego prosecution of the Japanese participants. These declassified ''top secret'' documents disclose the details and raise disturbing questions about the role of numerous highly placed American officials at the time.

The first public indications that American prisoners of war were among the human victims appeared in the published summary of the Khabarovsk trial. A witness stated that a researcher was sent to the camps where U.S. prisoners were held to ''study the immunity of Anglo-Saxons to infectious diseases'' [1, p. 268]. The summary noted: ''As early as 1943, Minata, a researcher belonging to Detachment 731, was sent to prisoner of war camps to test the properties of the blood and immunity to contagious diseases of American soldiers'' [1, p. 415].

On June 7, 1947, Colonel Alva C. Carpenter, chief of General Douglas MacArthur's legal staff, in a top secret cable to Washington, expressed doubt about the reliability of early reports of Japanese biological warfare, including an allegation by the Japanese Communist Party that experiments had been performed ''on captured Americans in Mukden and that simultaneously research on similar lines was conducted in Tokyo and Kyoto.'' On June 27, Carpenter again cabled Washington, stating that further information strengthened the charges and ''warrants conclusion'' that the Ishii group had violated the ''rules of land warfare.'' He warned that the Soviets might bring up evidence of Japanese use of biological warfare against China and ''other evidence on this subject which may have resulted from their independent investigation in Manchuria and in Japan.'' He added that ''this expression of opinion'' was not a recommendation that Ishii's group be charged with war crimes.

Cecil F. Hubbert, a member of the State, War, Navy Coordinating Committee, in a July 15, 1947 memo, recommended that the story be covered up but warned that it might leak out if the Russian prosecutor brought the subject up during the Tokyo war crimes trials and added that the Soviets might have found out that ''American prisoners of war were used for experimental purposes of a BW nature and that they lost their lives as a result of these experiments.''

In his book, *The Pacific War* Professor Ienaga Saburo added a few new details about Unit 731 and described fatal vivisection experiments at Kyushu Imperial University on downed American fliers [2, pp. 188–90].

The biological warfare project began shortly after the Manchurian Incident in 1931, when Japan occupied China's Northeast provinces and when a Japanese Army surgeon, Ishii Shiro, persuaded his superiors that microbes could become an inexpensive weapon potentially capable of producing enormous casualties [1, pp. 105–107; 3]. Ishii, who finally rose to the rank of lieutenant-general, built a large, self-contained installation with sophisticated germ- and insect-breeding facilities, a prison for the human experimentees, testing grounds, an arsenal for makin germ bombs, an airfield, its own special planes and a crematorium for the human victims.

When Soviet tanks crossed the Siberian-Manchurian border at midnight on August 8, 1945, Japan was less than a week away from unconditional surrender. In those few days of grace the Japanese destroyed their biological warfare installations in China, killed the remaining human experimentees (''It took 30 hours to lay them in ashes [4]'') and ship out most of their personnel and some of the more valuable equipment to South Korea [1, pp. 43, 125, 130–31]. Reports that some equipment was slipped into Japan are confirmed by American documents which reveal that slides, laboratory records and case histories of experiments over many years were successfully transported to Japan [4].

A ''top secret'' cable from Tokyo to Washington on May 6, 1947, described some of the information being secured:

''Statements obtained from Japanese here confirm statements of USSR prisoners. . . Experiments on humans were . . . described by three Japanese and confirmed tacitly by Ishii; field trials against Chinese took place . . . scope of program indicated by report . . . that 400 kilograms [880 lbs.] of dried anthrax organisms destroyed in August 1945. . . . Reluctant statements by Ishii indicate he had superiors (possibly general staff) who . . . authorized the program. Ishii states that if guaranteed immunity from ''war crimes'' in documentary form for himself, superiors and subordinates, he can describe program in detail. Ishii claims to have extensive theoretical high-level knowledge including strategic and tactical use of BW on defense and offense, backed by some research on best agents to employ by geographical areas of Far East, and the use of BW in cold climates'' [5, 6].

A top secret Tokyo headquarters ''memorandum for the record'' (also dated May 6),

gave more details: ''USSR interest in Japanese BW personnel arises from interrogations of two captured Japanese formerly associated with BW. Copies of these interrogations were given to U.S. Preliminary investigation[s] confirm authenticity of USSR interrogations and indicate Japanese activity in:

a. Human experiments
b. Field trials against Chinese
c. Large scale program
d. Research on BW by crop destruction
e. Possible that Japanese General Staff knew and authorized program
f. Thought and research devoted to strategic and tactical use of BW.

Data . . . on above topics are of great intelligence value to U.S. Dr. Fell, War Department representative, states that this new evidence was not known by U.S. [6].

Certain low echelon Japanese are now working to assemble most of the necessary technical data. . . . Information to the present have [sic] been obtained by persuasion, exploitation of Japanese fear of USSR and Japanese desire to cooperate with U.S. Additional information . . . probably can be obtained by informing Japanese involved that information will be kept in intelligence channels and not employed for 'war crimes' evidence.

Documentary immunity from ''war crimes'' given to higher echelon personnel involved will result in exploiting twenty years experience of the director, former General Ishii, who can assure complete cooperation of his former subordinates, indicate the connection of the Japanese General Staff and provide the tactical and strategic information'' [7].

A report on December 12, 1947, by Dr. Edwin V. Hill, chief, Basic Sciences, Camp Detrick, Maryland, described some of the technical data secured from the Japanese during an official visit to Tokyo by Hill and Dr. Joseph Victor [8]. Acknowledging the ''wholehearted cooperation of Brig. Gen. Charles A. Willoughby,'' MacArthur's intelligence chief, Hill wrote that the objectives were to obtain additional material clarifying reports already submitted by the Japanese, ''to examine human pathological material which had been transferred to Japan from BW installations,'' and ''to obtain protocols necessary for understanding the significance of the pathological material.''

Hill and Victor interviewed a number of Japanese experts who were already assembling biological warfare archival material and writing reports for the United States. They checked the results of experiments with various specific human, animal and plant diseases, and investigated Ishii's system for spreading disease via aerosol from planes. Dr. Ota Kiyoshi described his anthrax experiments, including the number of people infected and the number who died Ishii reported on his experiments with botulism and brucellosis. Drs. Hayakawa Kiyoshi and Yamanouchi Yujiro gave Hill and Victor the results of other brucellosis tests, including the number of human casualties.

Hill pointed out that the material was a financial bargain, was obtainable nowhere else, and concluded with a plea on behalf of Ishii and his colleagues:

''Specific protocols were obtained from individual investigators. Their descriptions of experiments are detailed in separate reports. These protocols . . . indicate the extent of experimentation with infectious diseases in human and plant species.

Evidence gathered . . . has greatly supplemented and amplified previous aspects of this field. It represents data which have been obtained by Japanese scientists at the expenditure of many millions of dollars and years of work. Information has accrued with respect to human susceptibility to those diseases as indicated by specific infectious doses of bacteria. Such information could not be obtained in our own laboratories because of scruples attached to human experimentation. These data were secured with a total outlay of Y [yen] 250,000 to date, a mere pittance by comparison with the actual cost of the studies.

Furthermore, the pathological material which has been collected constitutes the only material evidence of the nature of these experiments. It is hoped that individuals who voluntarily contributed this information will be spared embarrassment because of it and that every effort will be taken to prevent this information from falling into other hands.''

A memo by Dr. Edward Wetter and Mr. H.I. Stubblefield, dated July 1, 1947, for restricted circulation to military and State Department officials also described the nature and quantity of material which Ishii was beginning to supply, and noted some of the political issues involved [9]. They reported that Ishii and his colleagues were cooperating fully, were preparing voluminous reports, and had agreed to supply photographs of ''selected examples of 8,000 slides of tissues from autopsies of humans and animals subjected to BW experiments.'' Human experiments, they pointed out, were better than animal experiments:

''This Japanese information is the only known source of data from scientifically controlled experiments showing the direct effect of BW agents on man. In the past it has been necessary to evaluate the effects of BW agents on man from data obtained through animal experimentation. Such evaluation is inconclusive and far less complete than results obtained from certain types of human experimentation.''

Wetter and Stubblefield also stated that the Soviet Union was believed to be in possession of ''only a small portion of this technical information'' and that since ''any 'war crimes' trial would completely reveal such data to all nations, it is felt that such publicity must be avoided in the interests of defense and national security of the U.S.'' They emphasized that the knowledge gained by the Japanese from their human experiments ''will be of great value to the U.S. BW research program'' and added: ''The value to U.S. of Japanese BW data is of such importance to national security as to far outweigh the value accruing from war crimes prosecution.''

A July 15 response to the Wetter-Stubblefield memo by Cecil F. Hubbert, a member of the State, War, Navy Coordinating Committee, agreed with its recommendations but warned of potential complications because ''experiments on human beings . . . have been condemned as war crimes by the International Military Tribunal'' in Germany and that the United States ''is at present prosecuting leading German scientists and medical doctors at Nuremberg for offenses which included experiments on human beings which resulted in the suffering and death of most of those experimented upon'' [10].

Hubbert raised the possibility that the whole thing might leak out if the Soviets were to bring it up in cross-examining major Japanese war criminals at the Tokyo trial and cautioned:

''It should be kept in mind that there is a remote possibility that independent investigation conducted by the Soviets in the Mukden area may have disclosed evidence that American prisoners-of-war were used for experimental purposes of a BW nature and that they lost their lives as a result of these experiments.''

Despite these risks, Hubbert concurred with the Wetter-Stubblefield recommendation that the issue be kept secret and that the Japanese biological warfare personnel be given immunity in return for their cooperation. He suggested some changes for the final position paper, including the following casuistry: ''The data on hand . . . does not appear sufficient at this time to constitute a basis for sustaining a war crimes charge against Ishii and/or his associates.''

Hubbert returned to the subject in a memorandum written jointly with E.F. Lyons, Jr., a member of the Plans and Policy Section of the War Crimes Branch. This top secret document stated, in part:

''The Japanese BW group is the only known source of data from scientifically controlled experiments showing direct effects of BW agents on humans. In addition, considerable valuable data can be obtained from this group regarding BW experiments on animals and food crops. . . .

Because of the vital importance of the Japanese BW information . . . the Working Group, State-War-Navy Coordinating Subcommittee for the Far East, are in agreement that the Japanese BW group should be informed that this Government would retain in intelligence channels all information given by the group on the subject of BW. This decision was made with full consideration of and in spite of the following:

(a) That its practical effect is that this Government will not prosecute any members of the Japanese BW group for War Crimes of a BW nature.

(b) That the Soviets may be independent investigation disclose evidence tending to establish or connect Japanese BW activities with a war crime, which evidence the Soviets may attempt to introduce at the International Military Trial now pending at Tokyo.

(c) That there is a remote possibility that the evidence which may be disclosed by the Soviets would include evidence that American prisoners of war were used for experimental purposes by the Japanese BW group'' [11].

In the intervening years the evidence that captured American soldiers were among the human guinea pigs used by Ishii in his lethal germ experiments remained ''closely held'' in the top echelons of the U.S. government. A ''confidential'' March 13, 1956, Federal Bureau of Investigation internal memorandum, addressed to the ''Director, FBI (105–12804)'' from ''SAC, WFO (105–1532)'' stated in part:

''Mr. James J. Kelleher, Jr., Office of Special Operations, DOD [Department of Defense], has volunteered further comments to the effect that American Military Forces after occupying Japan, determined that the Japanese actually did experiment with ''BW'' agents in Manchuria during 1943–44 using American prisoners as test victims. . . . Kelleher added that . . . information of the type in question is closely controlled and regarded as highly sensitive.''

It is perhaps not surprising that it has taken so long for the full story to be revealed. Over the years fragments have occasionally leaked out, but each time were met with denials, initially by the Japanese and later by the United States. During the Korean War when China accused the United States of employing updated versions of Japan's earlier biological warfare tactics, not

only were the charges denied, but it was also claimed that there was no proof of the earlier Japanese actions.

At the time of the Khabarovsk trial, the United States was pressing the Soviet Union to return thousands of Japanese prisoners held in Siberian labor camps since the end of World War II. When news of the trial reached Tokyo, it was dismissed as ''propaganda.'' William J. Sebald, MacArthur's diplomatic chief, was quoted in a United Press story in the Nippon Times on December 29, 1949, as saying the story of the trial might just be fiction and that it obviously was a ''smoke screen'' to obscure the fact that the Soviets had refused to account for the missing Japanese prisoners.

It is possible that some of Ishii's attacks went undetected, either because they were failures or because the resulting outbreaks of disease were attributed to natural causes by the Chinese. However, some were recognized. Official archives of the People's Republic of China list 11 cities as subjected to biological warfare attacks, while the number of victims of artificially disseminated plague alone is placed at approximately 700 between 1940 and 1944 [12, p. 11].

A few of the Chinese allegations received international press coverage at the time. The Chinese Nationalists claimed that on October 27, 1940, plague was dropped on Ningbo, a city near Shanghai. The incident was not investigated in a scientific way, but the observed facts aroused suspicion. Something was seen to come out of a Japanese plane. Later, there was a heavy infestation of fleas and 99 people came down with bubonic plague, with all but one dying. Yet the rats in the city did not have plague, and traditionally, outbreaks of plague in the human population follow an epizootic in the rat population.

In the next few years a number of other Japanese biological warfare attacks were alleged by the Chinese. Generally, they were based on similar cause and effect observations. One incident, however, was investigated with more care.

On the morning of November 4, 1941, a Japanese plane circled low over Changde, a city in Hunan Province. Instead of the usual cargo of bombs, the plane dropped grains of wheat and rice, pieces of paper and cotton wadding, which fell in two streets in the city's East Gate District. During the next three weeks six people living on the two streets died, all with symptoms suggesting plague. Dr. Chen Wen-kwei, a former League of Nations plague expert in India, arrived with a medical team just as the last victim died. He performed the autopsy, found symptoms of plague which were confirmed by culture and animal tests. Again, there was no plague outbreak in the rat population [12, pp. 195–204].

On March 31, 1942, the Nationalist government stated that a follow-up investigation by Dr. Robert K.S. Lim, Director of the Chinese Red Cross, and Dr. R. Politzer, internationally known epidemiologist and former member of the League of Nations Anti-Epidemic Commission, who was then on a wartime assignment to the Chinese government, had confirmed Chen's findings.

Western reaction to the Chinese charges was mixed. Harrison Forman of the New York Times, and Dr. Thomas Parran, Jr., the U.S. Surgeon-General, thought the Chinese had made a case. But U.S. Ambassador Clarence E. Gauss was uncertain in an April 11, 1942, cable to the State Department, while Dr. Theodor Rosebury, the well-known American bacteriologist, felt that failure to produce plague bacilli from cultures of the material dropped at Changde weakened the Chinese claim [13, pp. 109–10]. Chen's full report, in which he suggested that it was fleas that were infected rather than the other material, was not made readily available by the Nationalist government.

Later disclosures of Japanese techniques would support Chen's reasoning: Fleas, after being fed on plague-infected rats, were swaddled in cotton and wrapped in paper, while grain was included in the mix in the hope that it would attract rats so that the fleas would find a new host to infect and thus start a ''natural'' epidemic.

At the December 1949 Soviet trial at Khabarovsk evidence was produced supporting the Nationalist Chinese biological warfare charges [14]. Witnesses testified that films had been made of some tests, including the 1940 attack on Ningbo. Japanese witnesses and defendants confirmed other biological warfare attacks, such as the 1941 Changde incident. Military orders, railroad waybills for shipment of biological warfare supplies, gendarmerie instructions for sending prisoners to the laboratories, and other incriminating Japanese documents were introduced in evidence [1, pp. 19–20, 23–24].

Describing the operation of Unit 731, the main biological warfare installation, located outside Harbin, the transcript summary stated: ''Experts have calculated . . . that it was capable of breeding, in the course of one production cycle, lasting only a few days, no less than 30,000,000 billion microbes. . . . That explains why . . . bacteria quantities [are given] in kilograms, thus referring to the weight of the thick, creamy bacteria mass skimmed directly from the surface of the culture medium [1, pp. 13–14].

Total bacteria production capacity at this one unit was eight tons per month [1, pp. 266–67].

Euphemistically called a ''water purification unit,'' General Ishii's organization also worked on medical projects not directly related to biological warfare. In the Asian countries it overran, the Japanese Army conscripted local young women to entertain the troops. The medical difficulties resulting from this practice became acute. In an effort to solve the problem, Chinese women confined in the detachment's prison ''were infected with syphillis with the object of investigating preventive means against this disease. [1, p. 357].

Another experiment disclosed at the Khabarovsk trial was the ''freezing project.'' During extremely cold winter weather prisoners were led outdoors:

''Their arms were bared and made to freeze with the help of an artificial current of air. This was done until their frozen arms, when struck with a short stick, emitted a sound resembling that which a board gives out when it is struck'' [1, pp. 289, 21–22, 357–58].

Once back inside, various procedures for thawing were tried. One account of Unit 731's prison, adjacent to the laboratories, described men and women with rotting hands from which the bones protruded—victims of the freezing tests. A documentary film was made of one of the experiments.

Simulated field tests were carried out at Unit 731's Anta Station Proving Ground. Witnesses described experiments in which various infecting agents were used. Nishi Toshihide, Chief of the Training Division, testified:

''In January 1945 . . . I saw experiments in inducing gas gangrene, conducted under the direction of the Chief of the 2nd Division, Col. Ikari, and researcher Futaki. Ten prisoners . . . were tied facing stakes, five to ten metres apart. . . . The prisoners' heads were covered with metal helmets, and their bodies with screens . . . only the naked buttocks being exposed. At about 100 metres away a fragmentation bomb was exploded by electricity. . . . All ten men were wounded . . . and sent back to the prison. . . . I later asked Ikari and research Futaki what the results had been. They told me that all ten men had . . . died of gas gangrene.'' [1, pp. 289–90].

Among the many wartime recollections published by Japanese exservicemen are a few by former members of Unit 731 [15]. Akiyama Hiroshi told his story in two magazine articles and Kimura Bumpei, a former captain, has published his memoirs [16]. Sakaki Ryohei, a former major, has described how plague was spread by air-dropping rats and voles and has given details of the flea ''nurseries'' developed by Ishii for rapid production of millions of fleas [17].

A more dramatic confirmation of Ishii's work was an hour-long Japanese television documentary produced by Yoshinaga Haruko and shown by the Tokyo Broadcasting System. A Washington Post dispatch on November 19, 1976, reported:

''In the little-publicized television documentary on the germ warfare unit, Yoshinaga laid bare secrets closely held in Japan during and since the war. . . . [She] traveled throughout Japan to trace down 20 former members of the wartime unit. . . . Four of the men finally agreed to help, and the reporter found their testimony dovetailed with reports of war crime trials held in the Soviet Union.''

Some of those interviewed by Yoshinaga claimed that they had told their stories to American authorities. Eguchi said that he ''was the second to be ordered to G.H.Q. [General Headquarters]'' and ''they took a record'' of his testimony. Takahashi, an ex-surgeon and Army major, stated: ''I went to the G.H.Q. twice in 1947. Investigators made me write reports on the condition that they will protect me from the Soviets.'' Kumamoto, an ex-flight engineer, said that after the war General Ishii went to America and ''took his research data and begged for remission for us all'' [4].

Declassified position papers indicate a difference of opinion on how to deal with the question of immunity. The War Department favored acceding to Ishii's demands for immunity in documentary form. The State Department, however, cautioned against putting anything in writing which might later cause embarrassment, arguing that if the Japanese were told the information would be kept in classified intelligence channels that would be sufficient protection. In any event, a satisfactory arrangement apparently was worked out as none of the biological warfare personnel was subsequently charged with war crimes and the United States obtained full details of Japan's program.

The Japanese experts who, Dr. Hill hoped, would ''be spared embarrassment,'' not only used their human guinea pigs in experiments to determine lethal dosages but on occasion—in their pursuit of exact scientific information—made certain that the experimentees did not survive. A group would be brought down with a disease and, as the infection developed, individuals would be selected out of the group and killed. Autopsies were then performed, so that the progress of the disease could be ascertained at various time-frames.

General Kitano Masaji and Dr. Kasahara Shiro revealed this practice in a report prepared for U.S. officials describing their work on hemorrhagic fever:

''Subsequent cases were produced either by blood or blood-free extracts of liver, spleen or kidney derived from individuals sacrificed at various times during the course of the disease. Morphine was employed for this purpose'' [18].

Kitano and Dr. Kasahara Yukio described the ''sacrificing'' of a human experimentee when he apparently was recovering from an attack of tick encephalitis:

''Mouse brain suspension . . . was injected . . . and produced symptoms after an incubation period of 7 days. Highest temperature was 39.8° C. This subject was sacrificed when fever was subsiding, about the 12th day.''

Clearly, U.S. biological warfare experts learned a lot from their Japanese counterparts. While we do not yet know exactly how much this information advanced the American program, we have the Fort Detrick doctors' testimony that it was ''invaluable.'' And it is known that some of the biological weapons developed later were at least similar to ones that had been part of the Japanese project. Infecting feathers with spore diseases was one of Ishii's achievements and feather bombs later became a weapon in America's biological warfare arsenal [19].

Dr. Leroy D. Fothergill, long-time scientific advisor to the U.S. Army's Biological Laboratories at Fort Detrick, once speculated upon some of the possible spin-off effects of a biological warfare attack:

''Everything that breathes in the exposed area has an opportunity to be exposed to the agent. This will involve vast numbers of mammals, birds, reptiles, amphibians, and insects. . . . Surveys have indicated surprising numbers of wild life inhabiting each square mile of countryside. It is possible that many species would be exposed to an agent for the first time in their evolutionary history . . . Would it create the basis for possible genetic evolution of microorganisms in new directions with changes in virulence of some species? Would it establish public health and environmental problems that are unique and beyond our present experience?'' [20].

Perhaps President Richard Nixon had some of these things in mind when, on November 25, 1969, he renounced the use of biological warfare, declaring:

''Biological weapons have massive unpredictable and potentially uncontrollable consequences. They may produce global epidemics and impair the health of future generations. I have therefore decided that the U.S. shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare'' [21].

Some research on defensive aspects was permitted by the ban. The line between defense and offense is admittedly a thin one. Nearly a year after the Nixon renunciation of biological warfare, Seymour Hersh wrote that the programs the Army wanted to continue ''under defensive research included a significant effort to develop and produce virulent strains of new biological agents, then develop defenses against them. 'This sounds very much like what we were doing before,' one official noted caustically'' [22].

There is a difference of opinion among observers as to whether the United States and other major powers have indeed given up on biological warfare. Some believe the issue is a matter of the past. However, its history has been so replete with deception that one cannot be sure. One thing seems certain: The story did not end with Japan's use of biological war fare against China; there are additional chapters to be written.

Available documents do not reveal whether anyone knows the names of any of the thousands of Chinese Mongolians, Russians, ''half-breeds'' and Americans whose lives were prematurely ended by massive doses of plague, typhus, dysenteries, gas gangrene, typhoid, hemorrhagic fever, cholera, anthax, tularemia, smallpox, tsutsugamushi and glanders; or by such grotesqueries as being pumped full of horse blood; having their livers destroyed by prolonged exposure to X-rays or being subjected to vivisection.

It is known, however, that because of the ''national security'' interests of the United States, General Ishii and many of the top members of Unit 731 lived out their full lives, suffering only the natural afflictions of old age. A few, General Kitano among them, enjoyed exceptional good health and at the time of writing were living in quiet retirement.

GENERAL HEADQUARTERS, SUPREME COMMANDER FOR THE ALLIED POWERS,

Mar 27, 47.

BRIEF FOR THE CHIEF OF STAFF

1. This has to do with Russian requests for transfer of the former Japanese expert in Bacteriological Warfare.

2. The United States has primary interest, has already interrogated this man and his information is held by the U.S. Chemical Corps classified as TOP SECRET.

3. The Russian has made several attempts to get at this man. We have stalled. He now hopes to make his point by suddenly claiming the Japanese expert as a war criminal.

4. Joint Chiefs of Staff direct that this not be done but concur in a SCAP controlled interrogation requiring expert assistance not available in FEC.

5. This memorandum recommends:

a. Radio to WD for two experts.

b. Letter to USSR refusing to turn over Japanese expert.

c. Check Note to International Prosecution Section initiating action on the JCS approved interrogations.

WAR DEPARTMENT,
CLASSIFIED MESSAGE CENTER,
CFE Tokyo Japan (Carpenter Legal Section).

Reurad WAR 80671, 22nd June 47, held another conference with Tavenner of IPS who reports following.

One on 27th October 1940 Japanese planes scattered quantities of wheat grain over Ningpo. Epidemic of bubonic plague broke out 29th October 40. Karazawai affidavit in para 3 below confirms this as Ishii Detachment experiment. 97 plague fatalities.

2. Strong circumstantial evidence exists of use of bacteria warfare at Chuhsien, Kinghwa and Changteh. At Chuhsien Japanese planes scattered rice and wheat grains mixed with fleas on 4th October 1940. Bubonic plague appeared in same area on 12th November. Plague never occurred in Chuhsien before occurrence. Fleas were not properly examined to determine whether plague infected. At Kinghwa, located between Ningpo and Chupuien, 3 Japanese planes dropped a large quantity of small granules on 28th November 1940. Microscopic examination revealed presence of numerous gram-negative bacilli possessing * * *.

* * * * *

A JUDGE'S VIEW

(By Bert V.A. Röling)

As one of the judges in the International Military Tribunal for the Far East, it is a bitter experience for me to be informed now that centrally ordered Japanese war criminality of the most disgusting kind was kept secret from the Court by the U.S. government. This Japanese war criminality consisted, in part, of using human beings, prisoners of war, Chinese as well as American, as ''guinea pigs'' in an endeavor to test the impact of specific biological warfare weapons. Research on and production of these weapons was not forbidden at that time. The Protocol of Geneva, 1925, forbade their use only in battle. But to use human beings for biological experiments, causing the death of at least 3,000 prisoners of war, was among the gravest war crimes.

The first information about these Japanese atrocities became known through the trial at Khabarovsk, December 25 to 30, 1949. I remember reading about it [1], and not believing its contents. I could not imagine that these things had happened, without the Court in Tokyo being informed. According to the book about the trial all the facts were transmitted to the chief prosecutor, Joseph B. Keenan. But some of the information was incorrect. The book mentions that the Military Tribunal was informed of the wicked experiements done by the Tama division in Nanking, and that it requested the American prosecution to submit more detailed proof [1, p. 443]. Such Court procedures would not have been in conformity with Anglo-Saxon practice. It is more likely that the information was given to the chief prosecutor.

A further feature of the Khabarovsk book is the strange character of the confessions made by the accused. Some are quoted as saying that they acted upon the special secret orders of the Japanese emperor [1, pp. 10, 519]. This was bound to cause doubts about its credibility. The emperor does not give orders to perform specific military acts. Everything that is ordered by the government and its officials is ''in the name of the emperor.'' But his role is remarkable in that he may not make decisions; he has only to confirm decisions of the government. The ''imperial will is decisive, but it derives wholly from the government and the small circle around the throne. Titus stresses the ''ratification function'' of the reached consensus [2, p. 321]. It is clear that this imperial confirmation gives a decision an exceptional authority: the command of the emperor is obeyed. In fact, however, the emperor has a kind of loud-speaker function. He is heard, and obeyed, but he speaks only on the recommendation of the government.

Very seldom does the emperor act in a personal manner. One such occasion was his criticism of the behavior of the Japanese army in Manchuria (the so-called Manchurian Incident). Another related to his role in connection with the capitulation at the end of World War II. Despite the atomic bombs and the entry of the Soviet Union into the war, the cabinet was divided and could not come to a decision because the military members refused to surrender. Their motivation: the existence of the imperial system was not sufficiently guaranteed. In a very exceptional move, the emperor was brought in to make the decision. He took the risk, and decided for immediate capitulation.

Thus the emphasis on the personal secret involvement of the emperor in the Khabarovsk trial account make it appear untrustworthy. The whole setup could be perceived as a source of arguments in favor of indicting the emperor. I remember at that time, writing to show the danger of national postwar judgments which could easily be misused for political purposes, and giving the Khabarovsk trial as an example. I must state now that the Japanese misbehavior as described in the judgment, has been confirmed by the recently disclosed American documents.

Immunity from prosecution was granted in exchange for Japanese scientific findings concerning biological weapons, based on disgusting criminal research on human beings. We learn from these documents that it was considered a bargain: almost for nothing, information was obtained that had cost millions of dollars and thousands of human lives. The American authorities were worrying only about the prospect of the human outcry in the United States, which surely would have taken place if the American people had been informed about this ''deal.''

The security that surrounds the military makes it possible for military behavior to deviate considerably from the prevailing public standard, but it is a danger to society when such deviation takes place. It leads gradually to contempt for the military, as witness the public attitude in connection with military behavior in the Vietnam war. The kind of military behavior that occurred in connection with the Japanese biological weapon atrocities can only contribute further to this attitude.

Respect for what the Nuremberg judgment called ''the honorable profession of arms'' is needed. Military power is still indispensable in our present world to provide for peace and security, so it is desirable for it to be held in high esteem. Power which is despised may become dangerous. Moreover, only if the military is regarded with respect, will it attract the personnel it should have.

The same is true of diplomatic service, which needs national and international respect. This respect will disappear if the service indulges in subversive activities, as the U.S. diplomatic mission did in Iran. That diplomatic misbehavior in Iran led to developments—the hostage crisis—which were disastrous for the whole world.

The documents which have come to light inform us also of the use of biological weapons in the war against the Chinese people. The criminal warfare was not mentioned in the Tokyo indictment, and not discussed before the Military Tribunal. It was kept secret from the world. The immunity granted to the Japanese war criminals covered not only deadly research on living persons, but also the use of biological weapons against the Chinese. And all this so that the United States could obtain exclusive access to the information, gained at the cost of thousands of human lives.

Knowledge about what kind of bargain was being struck in the biological weapons area may strengthen the perception of the repulsiveness of war. It may also show the danger of moral depravity, in peacetime, within the circles that have the instruments of military power in their hands.

END NOTES

1. Materials on the Trial of Former Servicemen of the Japanese Army Charged with Manufacturing and Employing Bacteriological Weapons (Moscow: Foreign Languages Publishing House, 1950), pp. 19–21. This volume is a summary of the transcript of the Soviet trial in Khabarovsk, Siberia, Dec. 20–25, 1949, of 12 captured Japanese Army personnel charged with participation in the biological warfare program. For a later reference to the program see Outline History of Science and Technology in Japan, (''Nihon Kagaku Gijutsu-shi Taikei''), Vol. 25 (Medicine 2, 1967), pp. 309–10. This account states that the biological warfare program was organized in 1933 and that ''for special research on bacteria, members of the epidemic-prevention section shall be sent to Manchuria.'' It also stated that little was known about the program after the war since all records were said to have been destroyed and that the only evidence was that produced at the Khabarovsk trial. It did add, however, that there were reports that General Ishii had avoided prosecution by turning over his materials to U.S. authorities. I have not seen this volume and am indebted to John Dower, of the University of Wisconsin, who supplied the citation.

2. Ienaga Saburo, The Pacific War (New York: Pantheon, 1978).

3. Although most U.S. documents and the Soviet trial summary give Ishii credit for originating the biological warfare program, it is possible that he was only the chosen instrument. There are references indicating interest in the program at higher levels. The ''staff officer'' of Ishii's Operations Division was Lieutenant Colonel Miyata, who in real life was Prince Takeda [1, p. 40]. Ishii's friend at court was Gen. Nagata Tetsuzan, long Japan's top military man [1, pp. 106, 295], while the orders establishing the two original units were reputedly issued by the Emperor [1, pp. 10, 104, 413].

4. ''A Bruise—Terror of the 731 Corps,'' Tokyo Broadcasting System television documentary, produced by Yoshinaga Haruko, shown Nov. 2, 1976. It has also been screened in Europe but not in the United States. However, the Washington Post (Nov. 19, 1976) carried a lengthy news story describing the film. In an interview with Post reporter John Saar, Yoshinaga said five former members of the biological warfare unit told her they were promised complete protection in return for cooperation with U.S. authorities. ''All the important documents were given to the United States,'' she said.

5. This ''top secret'' cable [C–52423] also reveals that the first of the biological warfare experts to be sent from Washington to Japan had already arrived, referring to ''Dr. Norbert H. Fell's letters via air courier to General Alden C. Waitt,'' who was then chief of the U.S. Army Chemical Corps.

6. Cable from Washington to Tokyo on April 2, 1947, stating that Fell would leave for Japan on April 5. A cable from Tokyo to the War Department on June 30, 1947, warns that an ''aggressive prosecution will adversely affect U.S. interests'' and urges that Fell (presumably now returned to Washington) be shown recent cables because he is an expert and can appreciate the value of the Japanese BW material.

7. Top secret Memorandum for the Record (May 6, 1947) indicated it was in response to ''War Department Radio W–94446 & SWNCC 351/1 and was signed ''RPM 26–6166''.

8. ''Summary Report on B.W. Investigations.'' Dated Dec. 12, 1947, and addressed to General Alden C. Waitt.

9. Dated july 1, 1947, and titled, ''Interrogation of Certain Japanese by Russian Prosecutor,'' this memo also lists some of the material already obtained, including a ''60 page report'' covering experiments on humans and notes that other data confirms, supplements and complements U.S. research and ''may suggest new fields for future research.'' Record Group No. 153, National Archives.

10. This July 15, 1947, memo is addressed to Commander J.B. Cresap and signed ''Cecil F. Hubbert, member working party (SWNCC 351/2/D).''

11. Undated and titled ''SFE 182/2,'' it was part of National Archives Record Group No. 153.

12. ''Report of the International Scientific Commission for the Investigation of the Facts Concerning Bacterial Warfare in Korea and China,'' Peking, 1952.

13. Theodor Rosebury, Peace or Pestilence (New York: McGraw-Hill, 1949).

14. In order to ascertain the Nationalist position on this issue after the passage of some 40 years, I checked with Taipei and am grateful to Lieutenant General Teng Shu-wei, of the Nationalist Defense Ministry's Medical Bureau, who searched the Taiwan archives. His report is in substantial agreement with the records of the People's Republic in Beijing, although less complete.

15. Bungei Shunjũ, Aug. 1955; Jimbutsu Ōhrai (July 10, 1956).

16. ''Terrible Modern Strategic War'' by Kimura Bumpei. I have not seen this book and am relying upon a brief description of it contained in a March 31, 1959, letter from Tokyo attorney Morikawa Kinju to A.L. Wirin, chief counsel of the American Civil Liberties Union in Los Angeles.

17. Sunday Mainichi, No. 1628 (Jan. 27, 1952).

18. ''Songo-Epidemic Hemorrhagic Fever,'' report dated Nov. 13, 1947, based on interview with General Kitano Masaji and Dr. Kasahara Shiro.

19. ''Feathers as Carriers of Biological Warfare Agents,'' Biological Department, Chemical Corps So and C Divisions (Dec. 15, 1950).

20. Leroy D. Fothergill, M.D., ''Biological Warfare: Nature & Consequences,'' Texas State Journal of Medicine (Jan. 1964).

21. New York Times (Nov. 26, 1969).

22. Washington Post (Sept. 20, 1970).

This article is based, in part, on an article by the author in Bulletin of Concerned Asian Scholars (P.O. Box W, Charlemont, MA 01339), 12:4, pp. 2–15.

By Mr. SHELBY (for himself and Mr. BRYAN):

S. 1903. A bill to amend the privacy provisions of the Gramm-Leach-Bliley Act; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER'S RIGHT TO FINANCIAL PRIVACY ACT

Mr. SHELBY. Mr. President, I rise today to offer the ''Consumer's Right to Financial Privacy Act'' for myself and Senator BRYAN. This bill would address the significant deficiencies in the Financial Services Modernization Act passed by this very body last week.

Our bill would provide that consumers have (1) notice of the categories of nonpublic personal information that institutions collect, as well as the practices and policies of that institution with respect to disclosing nonpublic information; (2) access to the nonpublic personal information collected and shared; (3) affirmative consent, that is that the financial institution must receive the affirmative consent of the consumer, also referred to as an opt-in, in order to share such information with third parties and affiliates. Lastly, my provision would require that this federal law not preempt stronger state privacy laws. This bill is drafted largely after the amendment Senator BRYAN and I offered in the Conference on Financial Services Modernization, but failed to get adopted due to the Conference's rush to pass a financial modernization bill, no matter what the cost.

I know some think that opt-in is extreme, but I have to tell you that is

what the American people want. Over the past year I have learned a great deal about the activities of institutions sharing sensitive personal information. Many may not be aware, but it had become a common practice for state department of motor vehicles to sell the drivers license information, including name, height, weight, social security number, vehicle identification number, motor vehicle record and more. Some states even sold the digital photo image of each driver's license.

I was not aware of this practice going on. When I learned about it and studied it a little closer, I found several groups who were outraged by this practice. One such group was Eagle Forum. Another such group was the ACLU. Still another group was the Free Congress Foundation. Before I knew it, there was an ad hoc coalition of groups not only supporting the issue of driver's license privacy, but demanding it.

Thanks to the hard work of these groups, I was able to include an opt-in provision for people applying for drivers licenses at their state department of motor vehicles. That provision sailed through the Senate and then the House. That bill was signed into law by President Clinton. Despite significant lobbying by the direct marketing industry, not one member of the House or Senate took to the floor and said, ''I believe we should not allow consumers to choose whether or not their drivers license information, including their picture, should be sold or traded away like an old suit.'' No, no one objected to the opt-in. As a result, I believe very strongly that Congress has already set the bar on this issue. Opt-in is not just reasonable, it is the right thing to do.

Meanwhile, the ad hoc coalition, which is continuing to grow and includes every ideology from conservative to liberal, has signed on to four basic principles with regard to financial privacy. The principles include notice, access and consent, but also a requirement that weak federal laws not preempt stronger state laws. Our amendment incorporates those four basic principles.

Now my basic question is this, why would anyone oppose this bill? Only if you believe the financial services industry cannot make money by doing business above the table and on the level for everyone to see in the ''sunshine'' if you will. If you believe that financial institutions make money only by deceiving their customers or leaving those customers in the dark, then maybe you should oppose this bill. I do not subscribe to such a belief.

Industry will tell you that if they are required to include an opt-in, consumers will not, and therefore business will shut down. What does that tell you that consumers won't choose to opt-in? It means people don't want their information shared. If that is such a problem, it seems to me the business would spend more time educating the consumer as to the benefits of information sharing. That is where the burden to convince the consumer to buy the product should be—on the business.

During the financial modernization debate, the financial industry, along with Citigroup communicated to Congress that they would not be able to operate or function appropriately with an opt-in requirement. I find that very difficult to comprehend, seeing as Citibank signed an agreement with their German affiliates in 1995 affording German citizens the opportunity to tell Citibank ''no,'' they did not want their personal data shared with third parties. I have a copy of the contract to prove it.

Entitled, Agreement on ''Interterritorial Data Protection'' one can see this is an agreement on the sharing of customer information between Citibank (South Dakota), referred in the document as CNA, and its German affiliates. On page two paragraph 4, entitled, Use of Subcontractors, Transmission of Data to Third Parties, number 2 reads:

> For marketing purposes, the transfer of personal data to third parties provided by the Card Service Companies (that is Citicorp of Germany and Citicorp Card Operations of Germany) is prohibited, except in those cases where such personal data is transferred to affiliated companies engaged in banking business in order to market financial services; the transfer of such data beyond the aforementioned scope to third parties, shall require the Card Service Companies' express approval. Such approval is limited to the scope of the Card Customers' consent as obtained on the application form.

That ladies and gentlemen, is an opt-in to operate in Germany, by none other than Citigroup, the number one proponent of financial modernization. Now if they can offer financial privacy to individuals in Germany, why on God's green earth can't they agree to an opt-in here in America? Do Germans have special rights over Americans? I should hope not.

Mr. President, simply put, this bill is what Americans want. This bill is workable as proven in the Citicorp agreement. The truth is that the American people do not understand the intricacies of banking law or securities regulation. They probably do not know or care much about affiliates or operating subsidiaries. What I do know, is that if you walked outside and polled people from New York City to Los Angeles, CA, and everywhere in between, they would not only understand financial privacy, 90 percent of them would demand financial privacy and the ability to tell an institution ''no.''

Mr. President, in passing the financial modernization bill, Congress gave mammoth financial services companies significant expanded powers and unprecedented ability to collect, share, buy and sell a consumers nonpublic personal financial information. During the debate, many members promised they would address privacy, but only in a separate bill at a later time. Well, Mr. President, the time is now and the bill is the ''Consumer's Right to Financial Privacy Act.''

The financial industry may have won the battle by keeping stronger financial privacy provisions out of the financial modernization bill. But I assure you they have not won the war. They cannot win the war on financial privacy because the American people just won't allow it.

Mr. President, I ask unanimous consent that the agreement on ''International Data Protection'' be printed in the RECORD.

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

AGREEMENT ON INTERTERRITORIAL DATA PROTECTION

BY AND BETWEEN

1. Citicorp Kartenservice GmbH, Wilhelm-Leuschner-Str. 32, 60329 Frankfurt/M, Germany (CKS)
2. Citicorp Card Operations GmbH, Bentheimer Straβe 118, 48529 Nordhorn, Germany (CCO)

(CKS and CCO hereinafter collectively referred to as: Card Service Companies)

3. Citibank (South Dakota), N.A., Attn.: Office of the President, 701 E. 60th Street North, Sioux Falls, South Dakota 57117 (CNA)
4. Citibank Privatkunden AG, Kasernenstraβe 10, 40213 Düsseldorf, Germany (CIP)

RECITAL

1. CIP has unrestricted authority to engage in banking transactions. As a license of VISA International, CIP issues the Citibank Visa Card''. Additionally, since July 1st, 1995, CIP has been cooperating with the Deutsche Bahn AG in issuing the ''DB/Citibank BahnCard'' with a cash-free payment function—hereinafter referred to as ''DB/Citibank-BahnCard''—on the basis of a Co-Branding Agreement concluded between Deutsche Bahn AG and CIP on November 18th, 1994. After the conclusion of the Agreement, the co-branding business was extended to include the issuance of the DB/Citibank BahnCard without a cash-free payment function, known as BahnCard ''pure''.

2. CIP transferred to CKS the operations of the Citibank Visa credit card business, including accounting and electronic data processing, on the basis of the terms of a Service Agreement (non-gratuitous contract for services) dated March 24, 1998, supplemented as of June 1, 1989 and November 30, 1989. Details are contained in the ''CKS Service Agreement'', according to which CKS performs for CIP all services pertaining to the Citibank Visa card business. Concurrent with the application for a Citibank Visa Card, the Citibank Visa Card customers agree to the transfer of their personal data to CKS and to those companies entrusted by CKS with such data processing.

3. In the Co-Branding Agreement with the Deutsche Bahn AG dated November 18, 1994, CIP assumed responsibility for the issuance of the DB/Citibank BahnCard as well as for the entire management and operations associated with this business.

4. On the basis of a Service Agreement dated April 1, 1995, CIP transferred the entire

operations of the DB/Citibank-BahnCard business, including data processing and accounting, to the Card Service Companies. Details are contained in the ''BahnCard Service Agreement''. Concurrent with the application for issuing a DB/Citibank BahnCard, the BahnCard customers agree to the transfer of their personal data to CCO and to those companies entrusted by CCO with such data processing.

5. Due to reasons of efficiency, service and centralization, the Card Service Companies have entrusted CNA with the processing of the Citibank Visa card business and of the DB/Citibank BahnCard business as of July 1, 1995. In light of such considerations, the Card Service Companies—as principals—and CNA—as contractors—concluded the ''CNA Service Agreement'', to which CIP expressly consented.

6. The performance of the CNA Service Agreement requires the Card Service Companies to transfer the personal data of the Citibank Visa card customers and the DB/Citibank BahnCard customers—hereinafter collectively referred to as ''Card Customers''—to CNA and further requires CNA to process and use these data.

In order to protect the Card Customers' rights with respect to both the data protection law, as well as the banking secrecy, and in order to comply with the banking supervisory and data protection requirements.

The contractual parties agree and covenant as follows:

§1 BASIC PRINCIPLES

The parties hereto undertake to safeguard the Card Customers' right to protection against unauthorized capture, storage and use of their personal data and their right to informational self-determination. The scope of such protection shall be governed by the standards as laid down in the German Federal Data Protection Law (Bundesdatenschutzgesetz, abbreviated to ''BDSG''). The parties hereto additionally agree to comply with the banking secrecy regulations.

§2 INSTRUCTIONS OF THE CARD SERVICE COMPANIES

1. CNA shall process the data provided by the Card Service Companies solely in accordance with the Card Service Companies' instructions and rules, and the provisions contained in this Agreement. CNA undertakes to process and use the data only for the purpose for which the data have been provided by the Card Service Companies to CNA, said purposes including those as described in the CNA Service Agreement. The use of such data for purposes other than described above requires the Card Service Companies' express written consent.

2. At any time, the Card Service Companies may make inquiries to CNA about the personal data transferred by the Card Service Companies and stored at CNA, and the Card Service Companies may require CNA to perform corrections, deletions or blockings of such personal data transferred by the Card Service Companies to CNA.

§3 INSPECTION RIGHTS OF THE CARD SERVICE COMPANIES

At regular intervals, an (joint) agent appointed by the Card Service Companies shall verify whether CNA complies with the terms and conditions of this Agreement, and in particular with the data protection law as well as the banking secrecy regulations. CNA shall grant the Card Service Companies' agent supervised unimpeded access to the extent necessary to accomplish the inspection and review of all data processing facilities, data files and other documentation needed for processing and utilizing the personal data transferred by the Card Service Companies in a fashion which is consistent with the CNA Operational Policies. CNA shall provide the agent with all such information as deemed necessary to perform this inspection function.

§4 USE OF SUBCONTRACTORS, TRANSMISSION OF DATA TO THIRD PARTIES

1. CNA may not appoint non-affiliated third parties, in particular subcontractors, to perform and fulfill CNA's commitments and obligations under this Agreement.

2. For marketing purposes, the transfer of personal data to third parties provided by the Card Service Companies is prohibited, except in those cases where such personal data is transferred to affiliated companies engaged in the banking business in order to market financial services; the transfer of such data beyond the aforementioned scope to third parties shall require the Card Service Companies' express approval. Such approval is limited to the scope of the Card Customers' consent as obtained on the application form. The personal data of customers having obtained a BahnCard ''pure'' may only be used or transferred for BahnCard marketing purposes.

CNA and the Card Service Companies undertake to institute and maintain the following data protection measures:

1. Access control of persons

CNA shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data transferred by the Card Service Companies are processed.

This shall be accomplished by:

a. Establishing security areas;

b. Protection and restriction of access paths;

c. Securing the decentralized data processing equipment and personal computers;

d. Establishing access authorizations for employees and third parties, including the respective documentation;

e. Identification of the persons having access authority;

f. Regulations on key-codes;

g. Restriction on keys;

h. Code card passes;

i. Visitors books;

j. Time recording equipment;

k. Security alarm system or other appropriate security measures.

2. Data media control

CNA undertake to implement suitable measures to prevent the unauthorized reading, copying, alteration or removal of the data media used by CNA and containing personal data of the Card Customers.

This shall be accomplished by:

a. Designating the areas in which data media may/must be located;

b. Designating the persons in such areas who are authorized to remove data media;

c. Controlling the removal of data media;

d. Securing the areas in which data media are located;

e. Release of data media to only authorized persons;

f. Control of files, controlled and documented destruction of data media;

g. Policies controlling the production of back-up copies.

3. Data memory control

CNA undertakes to implement suitable measures to prevent unauthorized input into the data memory and the unauthorized reading, alteration or deletion of the stored data on Card Customers.

This shall be accomplished by:

a. An authorization policy for the input of data into memory, as well as for the reading, alteration and deletion of stored data;

b. Authentication of the authorized personnel;

c. Protective measures for the data input into memory, as well as for the reading, alteration and deletion of stored data,

d. Utilization of user codes (passwords);

e. Use of encryption for critical security files.

f. Specific access rules for procedures, control cards, process control methods, program cataloging authorization;

g. Guidelines for data file organization;

h. Keeping records of data file use;

i. Separation of production and test environment for libraries and data files

j. Providing that entries to data processing facilities (the rooms housing the computer hardware and related equipment) are capable of being locked,

k. Automatic log-off of user ID's that have not been used for a substantial period of time.

4. User control

CNA shall implement suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.

This shall be accomplished by:

a. Identification of the terminal and/or the terminal user to the DP system;

b. Automatic turn-off of the user ID when several erroneous passwords are entered, log file of events, (monitoring of break-in-attempts);

c. Issuing and safeguarding of identification codes;

d. Dedication of individual terminals and/or terminal users, identification characteristics exclusive to specific functions;

e. Evaluation of records.

5 Personnel control

Upon request, CNA shall provide the Card Service Companies with a list of the CNA employees entrusted with processing the personal data transferred by the Card Service Companies, together with a description of their access rights.

6. Access control to data

CNA commits that the persons entitled to use CNA's data processing system are only able to access the data within the scope and to the extent covered by the irrespective access permission (authorization).

This shall be accomplished by:

a. Allocation of individual terminals and/or terminal user, and identification characteristics exclusive to specific functions;

b. Functional and/or time-restricted use of terminals and/or terminal users, and identification characteristics;

c. Persons with function authorization codes (direct access, batch processing) access to work areas;

d. Electronic verification of authorization;

e. Evaluation of records.

7. Transmission control

CNA shall be obligated to enable the verification and tracing of the locations/destinations to which the Card Customers' data are transferred by utilization of CNA's data communication equipment/devices.

This shall be accomplished by:

a. Documentation of the retrieval and transmission programs;

b. Documentation of the remote locations/destinations to which a transmission paths (logical paths).

8. Input control

CNA shall provide for the retrospective ability to review and determine the time and

the point of the Card Customers' data entry into CNA's data processing system.

This shall be accomplished by:

a. Proof established within CNA's organization of the input authorization;

b. Electronic recording of entries.

9. Instructional control

The Card Customers' data transferred by the Card Service Companies to CNA may only be processed in accordance with instructions of the Card Service Companies.

This shall be accomplished by:

a. Binding policies and procedures for CNA employees, subject to the Card Service Companies' prior approval of such procedures and policies,

b. Upon request, access will be granted to those Card Service Companies' employees and agents who are responsible for monitoring CNA's compliance with this Agreement (c.f. §3 hereof.)

10. Transport control

CNA and the Card Service Companies shall implement suitable measures to prevent the Card Customers' personal data from being read, copied, altered or deleted by unauthorized parties during the transmission thereof or during the transport of the data media.

This shall be accomplished by:

a. Encryption of the data for on-line transmission, or transport by means of data carriers, (tapes and cartridges);

b. Monitoring of the completeness and correctness of the transfer of data (end-to-end check).

II. Organization control

CNA shall maintain its internal organization in a matter that meets the requirements of this Agreement.

This shall be accomplished by:

a. Internal CNA policies and procedures, guidelines, work instructions, process descriptions, and regulations for programming, testing, and release, insofar as they relate to data transferred by Card Service Companies;

b. Formulation of a data security concept whose content has been reconciled with the Card Service Companies;

c. Industry standard system and program examination;

d. Formulation of an emergency plan (back-up contingency plan).

§6 DATA PROTECTION SUPERVISOR

1. CNA undertakes to appoint a Data Protection Supervisor and to notify the Card Service Companies of the appointee(s). CNA shall only select an employee with adequate expertise and reliability necessary to perform such a duty, and provide the Card Service Companies with appropriate evidence thereof.

2. The Data Protection Supervisor shall be directly subordinate/accountable to CNA's General Management. He shall not be bound by instructions which obstruct or hinder the performance of his duty in the field of data protection. He shall cooperate with the Card Service Companies' agent—as indicated in §3 hereof—in monitoring the performance of this Agreement and adhering to the data protection requirements in conjunction with the data in question. In the event that CNA chooses to change the person who serves as a Data Protection Supervisor, CNA shall give timely notice to the Card Service Companies of such change. The Data Protection Supervisor shall be bound by confidentiality obligations.

3. The Data Protection Supervisor shall be available as the on-site contact for the Card Service Companies.

§7 CONFIDENTIALITY OBLIGATION

CNA shall impose a confidentiality obligation on those employees entrusted with processing the personal data transferred by the Card Service Companies. CNA shall furthermore obligate its employees to adhere to the banking and data secrecy regulations and document such employees' obligation in writing. Upon request, CNA shall provide the Card Service Companies with satisfactory evidence of compliance with this provision.

§8 RIGHTS OF CONCERNED PERSONS

1. At any time, Card Customers whose data are transferred by CIP to the Card Service Companies, and thereafter further transferred by the Card Service Companies to CNA, shall be entitled to make inquiries to CNA (who are required to respond) as to: the stored personal data, including the origin and the recipient of the data; the purpose of storage; and the persons and locations/destinations to which such data are transferred on a regular basis.

The requested information shall generally be provided in writing.

2. The Card Service Companies shall honour the concerned person's request to correct his personal data at any time, provided that the stored data are incorrect. The same shall apply to data stored at CNA.

3. The concerned person may claim from the responsible Card Service Companies the deletion or blocking of any data stored at the Card Service Companies or CNA, in the event that: such storage is prohibited by law; the data in question relate to information about health criminal actions, violations of the public order, or religious or political opinions, and its truth/correctness cannot be proved by the Card Service Companies; and such data are processed to serve Card Service Companies' own purposes, and such data are no longer necessary to serve the purpose of the data storage under the agreement with the respective Card Customers.

Notwithstanding the foregoing, the parties hereto submit to the provisions of §35 of the German Federal Data Protection Law (BDSG), and agree to be familiar with such provisions.

4. The concerned person may demand that the responsible Card Service Companies block his or her personal data, if he or she contests the correct nature thereof and if it is not possible to determine whether such data is correct or incorrect. This shall also apply to such data stored by CNA.

5. If CIP. the Card Service Companies or CNA should violate the data protection or banking secrecy regulations, the person concerned shall be entitled to claim damages caused and incurred thereby as provided in the German Federal Data Protection Law (BDSG). CIP's and the Card Service Companies' liability shall moreover extend to those claims arising from breach of this Agreement and asserted against CNA and/or its employees in performance of this Agreement.

6. CNA acknowledges the obligation assumed by CIP and the Card Service Companies towards the concerned person, and undertakes to comply with all Card Service Companies' instructions concerning such person. The concerned person may also directly assert claims against CNA and file an action at CNA's applicable place of jurisdiction.

§9 NOTIFICATION TO THE CONCERNED PERSON

The Card Service Companies undertake to appropriately notify the concerned Card Customers of the transfer of their data to CNA.

§10 DATA PROTECTION SUPERVISION

1. According to the German Federal Data Protection Law (BDSG), the Card Service Companies and CIP are subject to public control exercised by the respective responsible supervisory authorities.

2. Upon request of CIP or either of the Card Service Companies, CNA shall provide the respective supervisory authorities with the desired information and grant them the opportunity of auditing to the same extent as they would be entitled to conduct audits at the Card Service Companies and CIP; this includes the entitlement to inspections at CNA's premises by the supervisory authorities or their nominated agents, unless barred by binding instructions of the appropriate U.S. authorities.

§11 BANKING SUPERVISION

1. Any vouchers, commercial books of accounting, and work instructions needed for the comprehension of such documents, as well as other organizational documents shall physically remain at the Card Service Companies, unless electronically archived by scanning devices in a legally permissible fashion.

2. The Card Service Companies and CNA undertake to adhere to the principles of proper accounting practice applicable in Germany for computer-aided processes and the auditing thereof, in particular FAMA 1/1987.

3. The Card Service Companies undertake to submit a data processing concept and a data security concept to the German Federal Authority for the Supervision of Banks (Bundesaufsichtsamt fur das Kreditwesen) prior to commencing transfer of data to CNA.

4. The remote processing of the data shall be subject to the internal audit department of CIP and the Card Service Companies. CNA agrees to cooperate with the internal auditors of CIP and the Card Service Companies, who shall have the right to inspect the files of CNA's internal auditors, insofar as they relate to the data files transferred by the Card Service Companies to CNA. The internal auditors of the Card Service Companies and of CIP shall conduct audits of CNA as required by due diligence.

5. In a joint declaration to the Federal Banking Supervisory Authority; CIP, the Card Service Companies and CNA shall undertake to allow the inclusion of CNA in audits in accordance with the provisions of §44 of the Banking Law (Kreditwesengesetz abbreviated to KWG) at any time and not to impede or obstruct such audits, provided that legal requirements and/or instructions of U.S. authorities bind CNA to the contrary.

6. CNA shall request the US banking supervisory authorities' confirmation in writing to the effect that no objections will be raised against the intended remote data processing concept. In the event that CNA cannot procure such written confirmation upon the Card Service Companies' request, the Card Service Companies and CIP may withdraw from this Agreement and the underlying CNA Service Agreement.

7. CIP, the Card Service Companies and CNA undertake to abide by the requirements for interterritorial remote data processing in bank accounting as set forth in the letter of the Federal Authority for the Supervision of Banks dated October 16, 1992. This letter is appended as a Schedule hereto and forms an integral part of this Agreement.

§12 INDEMNIFICATION CLAIM

1. CNA shall indemnify the Card Service Companies within the scope of their internal and contractual relationship from any claims of damages asserted by the Card Customers, and resulting from CNA's incompliance with the terms and conditions of this Agreement.

2. The Card Service Companies shall indemnify CNA within the scope of their internal and contractual relationship from any claims of damages asserted by the Card Customer, and resulting from one or both of the Card Service Companies' incompliance with the terms and conditions of this Agreement.

§13 TERM OF THE AGREEMENT

1. This Agreement is effective as of July 1st, 1995, until terminated. It may be terminated by any party hereto at the end of each calendar year upon 12 months notice prior to the expiration date, subject to each party's right of termination of the Agreement for material, unremedied breach hereof. The termination of this Agreement by any one of the parties shall result in the termination of the entire Agreement with respect to the other parties.

2. CNA commits to return and delete all personal data stored at the time of termination hereof in accordance with the Card Service Companies' instructions.

§14 CONFIDENTIALITY

The parties hereto commit to treat strictly confidential any trade, business and operating secrets or other sensitive information of the other parties involved. This obligation shall survive termination of this Agreement.

§15 DATA PROTECTION AGREEMENT WITH DEUTSCHE BAHN AG (DB AG)

1. The Deutsche Bahn AG captures personal data at its counters and appears as a joint issuer of the DB/Citibank BahnCard. The parties hereto agree that the Deutsche Bahn AG therefore bears responsibility for such data.

2. The Deutsche Bahn AG and CIP concluded a Data Protection Agreement as of February 13, 1996, defining the scope of data protection obligations and commitments between the parties. The parties hereto are familiar with said Data Protection Agreement and acknowledge the obligations arising for CIP thereunder.

3. The parties hereto authorize CIP to provide DB AG with written notification of this Agreement on Interterritorial Data Protection.

§16 GENERAL PROVISIONS

1. This Agreement sets forth the entire understanding between the parties hereto in conjunction with the subject matter as laid down herein and none of the parties hereto has entered into this Agreement in reliance upon any representation, warranty or undertaking of any other party which is not contained in this Agreement or incorporated by reference herein. Any subsequent amendments to this Agreement shall be in writing duly signed by authorized representatives of the parties hereto.

2. If one or more provisions of this Agreement becomes invalid, or the Agreement is proven to be incomplete, the validity and legality of the remaining provisions hereof shall not be affected or impaired thereby. The parties hereto agree to substitute the invalid part of this Agreement by such a legally valid provision which constitutes the closest representation of the parties' intention and the economical purpose of the invalid term, and the parties hereto further agree to be bound by such a valid term. An incompleteness of this Agreement shall be bridged in a similar fashion.

3. The Parties hereto submit to the jurisdiction and venue of the courts of Frankfurt/M.

4. This Agreement shall be governed by, interpreted and construed in accordance with German law.

What are the main features of the International Agreement?

1. The parties on both sides of the Atlantic agree to apply German Data Protectional Law to their handling of cardholders' data (§1).

2. Customer data may only be processed in the United States for the purpose of producing the cards (§2).

3. Citibank in the United States and in Europe is not allowed to transfer personal data to third parties for marketing purposes except in two cases:

(a) Data of applicants for a RailwayCard with payment function may be transferred to other Citibank companies in order to market financial services; (b) Data of applicants for a pure RailwayCard may only be used or transferred for BahnCard marketing purposes, i.e., to try to convince the cardholder that he should upgrade his RailwayCard to have a ''better BahnCard'' with credit card function (§4 II).

4. The technical requirements on data security according to German law are spelt out in detail in §5.

5. The American Citibank subsidiary has to appoint data protection supervisors again following the German legal requirements (§6).

6. The German card customers have all individual rights against the American Citibank subsidiary which they have under German law. They can ask for inspection, claim deletion, correction or blocking of their data and they can bring an action for compensation under the strict liability rules of German law either against German Railway, the German Citibank subsidiary or directly against the American Citibank subsidiary (§8).

7. The Citibank subsidiaries in the United States accept on-site audits by the German data protection supervisory authority, i.e., the Berlin Data Protection Commissioner, or his nominated agents, e.g. an American consulting or auditing firm acting on his behalf (§10 II).

This very important provision contains a restriction in case US authorities instruct Citibank in their country not to allow foreign auditors in. However, this restriction is not very likely to become practical. On the contrary, US authorities have already declared by way of a diplomatic note sent to the German side that they will accept these audits. This follows an agreement between German and United States banking supervisory authorities on auditing the trans-border processing of accounting data (cf. §11). Indeed this previous agreement very much facilitated the acceptance of German data protection audits by Citibank in the United States. As far as data security concepts are concerned the Federal Banking Supervisory Authority and the Berlin Data Protection Commissioner will be working hand in glove.

8. Finally—and this is not reproduced in the version of the Agreement which you have received—German Railway has been linked to this agreement between Citibank subsidiaries in a specific provision.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1904. A bill to amend the Internal Revenue Code of 1986 to provide for an election for special tax treatment of certain S corporation conversions; to the Committee on Finance.

ELECTION FOR SPECIAL TAX TREATMENT OF CERTAIN S CORPORATION CONVERSIONS

• Mr. THOMAS. Mr. President, today I join Senator ENZI in introducing legislation that will give small businesses more flexibility in how they choose to operate.

One of the most important decisions for the founder of a business is ''choice of entity,'' whether to operate the business through a corporation, partnership, limited liability company or other form of business. This choice is plainly important for reaching business goals, and may be critical to the survival of the business. For the family business, the choice also is inseparable from the owner's preferences as to how the owner wants to relate to family co-owners. Choice of entity is therefore potentially one of the most important decisions for an owner.

The law concerning choice of entity has changed enormously in the last decade, particularly with the widespread adoption of laws authorizing the limited liability company (LLC). As a result, business owners have more flexibility in this area than ever before. Even so, older family businesses operated as S corporations may be ''locked'' into the corporate form, simply because of the tax cost of changing to another form. These businesses are thus unable to take advantages of the recent advancements in choice of entity.

In order to help these older businesses remain competitive with their younger rivals, the bill Senator ENZI and I introduce today will allow a one-time election for an S corporation to change to another form of business without incurring the normal tax cost of doing so.

Thousands of corporations have elected subchapter S status since President Eisenhower signed into law the Technical Amendments Act of 1958, which added subchapter S to the code. The legislative history makes clear that the purpose of subchapter S was to offer simplified tax rules for the small and family-owned business operating in the corporate form.

Until the rise of the LLC in the mid 1990's, the S corporation remained, for all practical purposes, the sole means for a small or family business to obtain the benefits of limited liability without the complex corporate tax. For many years, a change to another form of business was relatively easy. But by the time an alternative to the S corporation became widely available, this avenue had been foreclosed by changes to the tax code. Thus thousands of S corporations are saddled with the cumbersome and inflexible rules of the corporate form.

The Internal Revenue Code itself reflects a policy of respecting economic reality over form in the conduct of a trade or business. For example, Section 1031, which existed even in 1939, allows nonrecognition of gain or loss in the exchange of property used in a trade or business, or for investment, on the theory that the taxpayer has not cashed

out his investment. Code Sections 351 and 721 allow nonrecognition on the contribution of property to a corporation or a partnership, on the rationale that the taxpayer is only changing the form of his investment.

The S election itself was a giant stride in removing tax considerations in choice of entity. More recently, the Internal Revenue Service has done much to remove tax considerations from the choice of business form through the check the box regulations. The Service should be commended for taking this step.

The next step in the process is allowing those S corporations that can more efficiently function as an LLC the one-time chance to make the conversion, without tax cost being the controlling factor. Until these conversions can be accomplished, the task of reducing the role of taxes in choosing a business form will remain unfinished.

I look forward to working with Senator ROTH and the other members of the Senate Finance Committee so we may take action on this measure as soon as possible.●

By Mr. SANTORUM (for himself, Mr. DODD, Mr. TORRICELLI, Mr. LIEBERMAN, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 1905. A bill to establish a program to provide for a reduction in the incidence and prevalence of Lyme disease; to the Committee on Health, Education, Labor, and Pensions.

THE LYME DISEASE INITIATIVE OF 1999

● Mr. SANTORUM. Mr. President, it is with great enthusiasm that I rise today to join my friend and colleague, the senior Senator from Connecticut, CHRISTOPHER DODD, in introducing the Lyme Disease Initiative of 1999. This legislation is aimed at waging a comprehensive fight against Lyme disease—America's most common tick-borne illness.

I know that Mr. DODD shares my sentiments in believing that this legislation could not be more timely or necessary. Lyme remains the 2nd fastest growing infectious disease in this country after AIDS. The number of annually reported cases of Lyme disease in the United States has increased about 25-fold since national surveillance began in 1982, and an average of approximately 12,500 cases annually were reported by states to the Centers for Disease Control and Prevention (CDC) from 1993–1997.

Every summer, tens of thousands of Americans enjoying or working in the outdoors are bitten by ticks. While most will experience no medical problems, others are not so lucky—including the 16,801 Americans who contracted Lyme disease last year.

According to some estimates, Lyme disease costs our nation $1 billion to $2 billion in medical costs annually. The number of confirmed cases of Lyme disease in 1998 increased 31.2 percent from the previous year—and that is only the tip of the iceberg. Many experts believe the official statistics understate the true number of Lyme disease cases by as much as ten or twelve-fold, because Lyme disease can be so difficult to diagnose.

And Lyme is a disease that does not discriminate. Persons of all ages and both genders are equally susceptible, although among the highest attack rates are in children aged 0–14 years.

The Lyme Disease Initiative is a five year, $125 million blueprint for attacking the disease on all fronts. In addition to authorizing the necessary resources to wage this war, this legislation outlines a public health management plan to make the most of our efforts on all fronts to combat Lyme disease:

The Lyme Disease Initiative makes the development of better detection tests for Lyme disease the highest research priority;

The Lyme Disease Initiative sets goals for public health agencies, including a 33 percent reduction in Lyme disease within five years of enactment in the ten states with the highest rates;

The Lyme Disease Initiative fosters better coordination between the scattered Lyme disease programs within the federal government through a five year, joint-agency plan of action;

The Lyme Disease Initiative helps protect workers and visitors at federally-owned lands in endemic areas through a system of periodic, standardized, and publicly accessible Lyme disease risk assessments;

The Lyme Disease Initiative requires a review of current Lyme disease prevention and surveillance efforts to search for areas of improvement;

The Lyme Disease Initiative fosters additional research into other related tick-borne illnesses so that the problem of co-infection can be addressed;

The Lyme Disease Initiative initiates a plan to boost public and physician understanding about Lyme disease;

The Lyme Disease Initiative creates a Lyme Disease Task Force to provide Americans with the opportunity to hold our public health officials accountable as they accomplish these tasks.

This legislation is the product of countless meetings that Senator DODD and I have had with patients and families struggling to cope with this debilitating disease. Although Lyme disease can be treated successfully in the early stages with antibiotics, sadly, the lack of physician knowledge about Lyme disease and the inadequacies of existing laboratory detection tests compound the physical suffering, which can include damage to the nervous system, skin, and joints and other significant health complications where patients go undetected, and hence untreated. Patients relate heart breaking stories about visiting multiple doctors without getting an accurate diagnosis, undergoing unnecessary tests while getting progressively weaker and sicker—and racking massive medical bills in the process.

Although Lyme disease poses many challenges, they are challenges the medical research community is well equipped to meet. This legislation will enhance efforts to discover new information on and establish treatment protocols for Lyme disease. Thanks to the scientific research being conducted here in the United States and around the world, new and promising research is already accumulating at a rapid pace. We have a unique opportunity to help re-build the shattered lives of Lyme victims and their families, and I look forward to working with Senator DODD, my colleagues, and the administration to accomplish this worthy public health goal.●

● Mr. DODD. Mr. President, I rise today to join Senator SANTORUM in introducing The Lyme Disease Initiative of 1999, companion legislation to a bill introduced by Representative CHRISTOPHER SMITH of New Jersey. The objective of this bill is simple—to put us on the path toward eradicating Lyme disease—a disease that is still unfamiliar to some Americans, but one that those of us from Connecticut and the Northeast know all too well.

Last Congress I was pleased to introduce similar legislation, The Lyme Disease Initiative of 1998, and to see a critical component of that legislation enacted into law. Through an amendment that I offered to the FY 1999 Department of Defense (DoD) appropriations bill, an additional $3 million was directed toward the DoD's Lyme disease research efforts. This was an important step in the fight to increase our understanding of this condition, but clearly much more remains to be done.

Almost every resident of my state has witnessed firsthand the devastating impact that this disease can have on its victims. As most of my constituents know, Lyme disease is a ''home-grown'' illness—it first achieved prominence in the 1980s in the state of Connecticut and got its name from the town of Lyme, CT. And today, Connecticut residents have the dubious distinction of being 10 times more likely to contract Lyme disease than the rest of the nation.

To begin to address this crisis, this legislation would establish a five-year, $125 million blueprint for attacking the disease on all fronts by bolstering funding for better detection, prevention, surveillance, and public and physician education. Additionally, this legislation would require the primary federal agencies involved in Lyme disease research and education to substantially

improve the coordination of their efforts, in an effort to minimize duplication and to enhance federal leadership.

In my opinion, money to fund Lyme disease research and public education is money well spent. Studies indicate that long-term treatment of infected individuals often exceeds $100,000 per person—a phenomenal cost to society. Health problems experienced by those infected can include facial paralysis, joint swelling, loss of coordination, irregular heart-beat, liver malfunction, depression, and memory loss. Because Lyme disease mimics other conditions, patients often must visit multiple doctors before a proper diagnosis is made. This results in prolonged pain and suffering, unnecessary tests, costly and futile treatments, and devastating emotional consequences for victims and their families.

Tragically, the number of Lyme disease cases reported to the CDC has skyrocketed—from 500 in 1982 to 17,000 in 1998. In the last year alone, the number of infected individuals rose 25%. And these cases represent only the tip of the iceberg. Several new reports have found that the actual incidence of the disease may be ten times greater than current figures suggest.

While continuing to fight for additional funding for research into this disease, it is also critical that we ensure that current and future federal resources for Lyme disease are used wisely and in the best interest of the individuals and families affected by this condition. To that end, I intend to ask the General Accounting Office to review current federal funding priorities for Lyme disease.

I truly look forward to the day when Lyme disease no longer plagues our nation and view The Lyme Disease Initiative of 1999 as a critical step toward that goal. I urge my colleagues to support this legislation.●

By Mr. BINGAMAN (for himself, Mr. ALLARD, and Mr. CRAIG):

S. 1906. A bill to amend Public Law 104–307 to extend the expiration date of the authority to sell certain aircraft for use in wildfire suppression, and for other purposes; to the Committee on Armed Services.

WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996 EXTENSION LEGISLATION

Mr. BINGAMAN. Mr. President, Airplanes, known as airtankers, play a critical role in fighting wildfires. They are used in the initial attack of wildfires in support of firefighters on the ground and, on large wildfires, to aid in the protection of lives and structures from rapidly advancing fires.

Today, Senators ALLARD, CRAIG and I are introducing legislation that will help ensure that Federal firefighters continue to have access to airtanker services. This technical amendment will extend the expiration date of the Wildfire Suppression Aircraft Transfer Act of 1996 from September 30, 2000 to September 30, 2005. The regulations under the act are still being finalized, so no aircraft have yet been transferred. Extending the 1996 act is critical to help facilitate the sale of former military aircraft to contractors who provide firefighting services to the Forest Service and the Department of the Interior. The existing fleet of available airtankers is aging rapidly, and fleet modernization is critical to the continued success of the firefighting program.

This bill will extend legislative authority to transfer or sell excess turbine-powered military aircraft suitable for conversion to airtankers. If we fail to pass this extension, airtanker operators will not have access to the planes they need to update the aging airtanker fleet. The Wildfire Suppression Aircraft Transfer Act of 1996 required that the aircraft be used only for firefighting activities.

I urge my colleagues to support our efforts to ensure that Federal firefighters have the resources they need to protect the public and their property from the threat of wildfires.

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. 1900

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

SECTION 1. TECHNICAL AMENDMENTS.

Section 2 of the Wildlife Suppression Aircraft Transfer Act of 1996 (Public Law No. 104–307) is amended—

(1) in subsection (a)(1) by striking ''September 30, 2000'' and inserting ''September 30, 2005'';

(2) in subsection (d)(2)(C), by striking ''and'' at the end;

(3) in subsection (d)(2)(D), by striking the period at the end and inserting ''; and'';

(4) in subsection (d)(2), by adding at the end the following:

''(E) be in effect until September 30, 2005''; and

(5) in subsection (f), by striking ''March 31, 2000'' and inserting ''March 31, 2005''.

By Mr. DODD (for himself and Mr. KENNEDY) (by request):

S. 1907. A bill to prohibit employment discrimination against parents and those with parental responsibilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ENDING DISCRIMINATION AGAINST PARENTS ACT OF 1999

Mr. DODD. Mr. President, I rise today to introduce ''the Ending Discrimination Against Parents Act of 1999,'' on behalf of President Clinton, to prohibit employment discrimination against private and public employees because they are parents. I am pleased to be joined by Senator KENNEDY in this effort.

Mr. President, today more than ever parents work. One may argue whether it is right or wrong—but the facts are clear. In 1998, 38 percent of all U.S. workers had children under the age of 18. Nearly one in five working parents is a single parent; moreover, a fifth of these are single fathers. Labor force participation has also increased in two parent families, with both parents often holding down jobs.

Clearly, this has revolutionized our culture. Child care is a constant personal as well as public policy issue. Grocery stores and other retailers are open later—many catalogues offer round the clock service via the telephone or Internet. Take out meals and delivered pizza, which in the past were often reserved as a special weekend treat, are now commonplace on week nights. Cellular telephone companies even offer special family plans with unlimited calling among family members, for those families entirely on the go.

Workplaces too have changed. Women and men work side by side in nearly every occupation. Many employers attract workers with on-site day care, flexible work arrangements and generous family leave. Take Your Daughter to work day has introduced millions of girls and boys to the world of work.

But not all change has come easy. Many parents have made agonizing choices about work and family. Some have chosen to scale back their careers, move to less demanding jobs, pursue part-time work, or take a few years off. Others have continued in their careers without interruption relying on committed child care or the support of a partner. Each working parent has come to their own decision about how to move forward in their jobs and in their role as parents. And most employers are supportive of these decisions. They recognize that good employees are good employees regardless of their status as parents.

Mr. President, this legislation is not about these employers. Frankly, it is not even about encouraging, much less requiring, work place accommodations of parents and their family obligations—as much as I support those efforts. It is, instead, about those hopefully rare cases where employers discriminate in their employment practices against parents. It is about eliminating bias not about guaranteeing accommodation.

Specifically, the proposed statute would include parental status as a protected class with respect to employment discrimination. Parental status would cover parents of children under 18 years of age and children who remain under parental supervision because of a mental or physical disability, as well as those seeking legal custody of children and those who stand ''in loco parentis.'' The legislation would bar discrimination against

parents in all aspects of employment, including recruitment, referral, hiring, promotions, discharge, training and other terms and conditions of employment.

For example, this legislation would make illegal policies against hiring single parents. Employers would be prohibited from taking a mother or a father off a career-advancing path out of a belief that parents uniformly cannot meet the requirements of these jobs. Neither could employers hire less qualified non-parents over parents because of unfounded concerns about parents. Basic discrimination against parents would be barred.

I want to be very clear, Mr. President, this legislation does not release working parents from any job performance requirements. Employers are free to make decisions based on an employee's job performance or ability to meet job requirements or qualifications—no matter what that employee's parental status is. Thus, an employer may discipline an employee who is late because of childcare issues. Similarly, an employer may reject an applicant for a job that requires extensive travel if that applicant is unwilling to travel because of his or her parental responsibilities. What the bill would prohibit is rejection of an applicant who is willing to travel based simply on the assumption that he or she, as a parent, will be unable to fulfill that commitment.

Mr. President, this is unfortunately not a new problem for parents. Several states, including Alaska, Nebraska, New Hampshire, New Jersey, and South Dakota, and the District of Columbia have enacted laws that prohibit discrimination based on parental or familial status. There have also been several federal cases filed under gender discrimination statutes that have found discrimination based on parental status. In one case, an employer transferred a new mother recently back to work from maternity leave into a lower paying job, not based on her request or her performance, but because the employer simply felt it better suited a new mother. Beyond anecdotes and a few court cases, it is difficult to gauge the extent of this problem—rare or common—given the extremely limited avenues of redress open to parents currently.

But no matter how rare—if it happens just once it is wrong. And working parents deserve better. This legislation makes sure they get it. I urge my colleagues to join me in support of this legislation.

Mr. President, 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. 1907

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 ''Ending Discrimination Against Parents Act of 1999.''

SEC. 2. FINDINGS.

(a) In 1998, thirty-eight percent of all United States workers had children under 18.

(b) The vast majority of Americans with children under 18 are employed.

(c) Federal law protects working parents from employment discrimination in a number of important areas. For instance, title VII of the Civil Rights Act of 1964 prohibits discrimination against workers on the basis of sex; the Americans with Disabilities Act of 1990 prohibits discrimination against workers on the basis of disability; and the Pregnancy Discrimination Act of 1978 prohibits discrimination against workers on the basis of pregnancy. Also, the Family and Medical Leave Act of 1993 provides covered workers with job protection when they take time off for certain family responsibilities.

(d) However, no existing Federal statute protects all workers from employment discrimination on the basis of their status as parents.

(e) Such discrimination against parents occurs where, for example, employers refuse to hire or promote both men and women who are parents based on unwarranted stereotypes or overbroad assumptions about their level of commitment to the work force.

(f) Such discrimination has occurred in the workplace and has been largely unremedied.

(g) Such discrimination occurs in both the private and the public sectors.

(h) Such discrimination—

(1) reduces the income earned by families who rely on the wages of working parents to make ends meet;

(2) prevents the best use of available labor resources;

(3) has been spread and perpetuated, through commerce and the channels and instrumentalities of commerce, among the workers of several States;

(4) burdens commerce and the free flow of goods in commerce;

(5) constitutes an unfair method of competition in commerce; and

(6) leads to labor disputes burdening an obstructing commerce and the free flow of goods in commerce.

(i) Elimination of such discrimination would have positive effects, including—

(1) solving problems in the economy created by unfair discrimination against parents;

(2) promoting stable families by enabling working parents to work free from discrimination against parents; and

(3) remedying the effects of past discrimination against parents.

SEC. 3. PURPOSES.

The purposes of this Act are—

(a) to prohibit employers, employment agencies, and labor organizations from discriminating against parents and persons with parental responsibilities based on the assumption that they cannot satisfy the requirements of a particular position; and

(b) to provide meaningful and effective remedies for employment discrimination against parents and persons with parental responsibilities.

SEC. 4. DEFINITIONS.

In this Act:

(a) ''Commission'' means the Equal Employment Opportunity Commission.

(b) ''Complaining party'' means the Commission, the Attorney General, or any other person who may bring an action or proceeding under this Act.

(c) ''Covered entity'' means an employer, employment agency, labor organization, or joint labor-management committee.

(d) ''Demonstrates'' means meet the burden of production and persuasion.

(e)(1) The term ''employee'' means:

(i) an individual to whom section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)) applies;

(ii) an individual to whom section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(iii) an individual to whom section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies;

(iv) a covered employee as defined in section 101(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(3)); and

(v) a covered employee as defined in section 411(c)(1) of title 3, United States Code.

(2) The term ''employee'' includes applicants for employment and former employees.

(f)(1) The term ''employer'' means:

(i) a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h))) who has fifteen or more employees (as defined in section 701(f) of such Act (42 U.S.C. 2000e(f))) for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person;

(ii) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(iii) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies;

(iv) an employing office, as defined in section 101(9) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)); and

(v) an employing office as defined in section 411(c)(2) of title 3, United States Code.

(2) The term ''employer'' does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of title 26, United States Code.

(g) ''Employment agency'' has the meaning given that term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(h) ''Incapable of self-care'' means that the individual needs active assistance or supervision to provide daily self-care in three or more of the ''activities of daily living'' or ''instrumental activities of daily living.'' Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, and similar activities.

(i) ''Labor organization'' has the meaning given that term in sections 701(d) and (e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d), (e)).

(j) ''Office of Compliance'' has the meaning given that term in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(k) ''Parent'' means a person who, with regard to an individual who is under the age of 18, or who is 18 or older but is incapable of self-care because of a physical or mental disability—

(l) has the status of—

(i) a biological parent;
(ii) an adoptive parent;
(iii) a foster parent;
(iv) a stepparent; or
(v) a custodian of a legal ward;
(2) is actively seeking legal custody or adoption; or
(3) stands in loco parentis to such an individual.
(l) ''Person'' has the meaning given that term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).
(m) ''Physical or mental disability'' means a physical or mental impairment that substantially limits one or more of the major life activities of an individual.
(n) ''State'' has the meaning given that term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

SEC. 5. DISCRIMINATION PROHIBITED.

(a) EMPLOYER PRACTICES.—It shall be an unlawful employment practice for an employer—
(1) to fail or refuse to hire, or to discharge, any individual, or otherwise to discriminate against any individual with regard to the compensation, terms, conditions, or privileges of employment of the individual, because such individual is a parent; or
(2) to limit, segregate, or classify employees in any way that would deprive, or
(2) to limit, segregate, or classify employees in any way that would deprive, or tend to deprive, any individual of employment opportunities or otherwise adversely affect the status of the individual as an employee, because such individual is a parent.
(b) EMPLOYMENT AGENCY PRACTICES.—It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because such individual is a parent or to classify or refer for employment any individual because such individual is a parent.
(c) LABOR ORGANIZATION PRACTICES.—It shall be an unlawful employment practice for a labor organization—
(1) to exclude or expel from its membership, or otherwise to discriminate against, any individual because such individual is a parent;
(2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect the status of the individual as an employee, because such individual is a parent; or
(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this Act.
(d) TRAINING PROGRAMS.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because such individual is a parent in admission to, or employment in, any program established to provide apprenticeship or other training.

SEC. 6. RETALIATION AND COERCION PROHIBITED.

(a) RETALIATION.—A covered entity shall not discriminate against an employee because the employee has opposed any act or practice prohibited by this Act or because the employee made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.
(b) INTERFERENCE, COERCION, OR INTIMIDATION.—A covered entity shall not coerce, intimidate, threaten, or interfere with any employee in the exercise or enjoyment of, or on account of the employee's having exercised or enjoyed, or on account of the employee's having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Act.

SEC. 7. OTHER PROHIBITIONS.

(a) COLLECTION OF STATISTICS.—Notwithstanding any other provision of this Act, the Commission shall not collect statistics from covered entities on their employment of parents, or compel the collection of such statistics by covered entities, unless such statistics are to be used in investigation, litigation, or resolution of a claim of discrimination under this Act.
(b) QUOTAS.—A covered entity shall not adopt or implement a quota with respect to its employment of parents.

SEC. 8. MIXED MOTIVE DISCRIMINATION.

(a) An unlawful employment practice is established under this Act when the complaining party demonstrates that—
(1) an individual's status as a parent; or
(2) retaliation, coercion, or threats against, intimidation of, or interference with an individual as described in section 6 of this Act
was a motivating factor for any employment practice, even though other factors also motivated the practice.
(b) When an individual proves a violation under this section, and a respondent demonstrates that the respondent would have taken the same action in the absence of the prohibited motivating factor, a court or any other entity authorized in section 11(a) of this Act to award relief—
(1) may grant declaratory relief, injunctive relief (except as provided in clause (2) below), and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a claim under this section; and
(2) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment.

SEC. 9. DISPARATE IMPACT.

Notwithstanding any other provision of this Act, the fact that an employment practice has a disparate impact on parents, as the term ''disparate impact'' is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), shall not establish a violation of this Act.

SEC. 10. DEFENSES WHERE ACTIONS TAKEN IN A FOREIGN COUNTRY.

(a) It shall not be unlawful under this Act for a covered entity to take any action otherwise prohibited under this Act with respect to an employee in a workplace in a foreign country if compliance with this Act would cause such entity to violate the law of the foreign country in which such workplace is located.
(b) (1) If a covered entity controls a corporation whose place of incorporation is a foreign country, any practice prohibited by this Act engaged in by such corporation shall be presumed to be engaged in by such covered entity.
(2) This Act shall not apply with respect to the foreign operations of a corporation that is a foreign person not controlled by an American covered entity.
(3) For purposes of this subsection, the determination of whether a covered entity controls a corporation shall be based on the factors set forth in section 702(c)(3) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1(c)(3)).
(c) This Act shall not apply to a covered entity with respect to the employment of aliens outside any State.

SEC. 11. ENFORCEMENT AND REMEDIES.

(a) INCORPORATION OF POWERS, REMEDIES, AND PROCEDURES IN OTHER CIVIL RIGHTS STATUTES.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act, the following statutory provisions are hereby incorporated, and shall, along with the provisions in subsection 11(b), establish the powers, remedies, procedures, and jurisdiction that this Act provides to the Equal Employment Opportunity Commission, the Attorney General, the Librarian of Congress, the Office of Compliance and its Board of Directors, the Merit Systems Protection Board, the President, the courts of the United States, and/or any other person alleging a violation of any provision of this Act—
(1) for individuals who are covered under title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.), sections 705, 706, 707, 709, 710, 711, and 717 of that Act (42 U.S.C. 2000e–4, 2000e–5, 2000e–6, 2000e–8, 2000e–9, 2000e–10, and 2000e–16), and sections 7121, 7701, 7702, and 7703 of title 5, United States Code, as applicable;
(2) for individuals who are covered under section 302(a) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)), sections 302(b)(1) and 304(b)–(e) of that Act (2 U.S.C. 1202(b)(1), 1220(b)–(e));
(3) for individuals who are covered under section 101(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(3)), sections 201(b)(1), 225, and 401–416 of that Act (2 U.S.C. 1311(b)(1), 1361, 1401–1416); and
(4) for individuals who are covered under section 411(c)(1) of title 3, United States Code, sections 411(b)(1), 435, and 451–456 of that title:
(b) ADDITIONAL REMEDIES.—
(1) Notwithstanding any express or implied limitation on the remedies incorporated by reference in subsection 11(a), and except as provided in subsection (b)(2) of this section, section 8, or section 12 of this Act, any covered entity that violates this Act shall be liable for such compensatory damages as may be appropriate and for punitive damages if the covered entity engaged in a discriminatory practice or practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual.
(2) Notwithstanding subsection 11(b)(1),
(i) absent its consent to a monetary remedy, a State may be liable for monetary relief only in an action brought by the Attorney General in a court of the United States; and
(ii) a State shall not be liable for punitive damages.
(3) Notwithstanding any express or implied limitation on the remedies incorporated by reference in subsection 11(a) or included in subsection 11(b)(2) above,
(i) an individual may bring an action in a district court of the United States for declaratory or injunctive relief against any appropriate State official for a violation of this Act; and
(ii) the Attorney General may bring an action in a district court of the United States for declaratory or injunctive relief against any appropriate State official or State for a violation of this Act.

SEC. 12. FEDERAL IMMUNITY.

Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States for a violation of this Act, remedies (including remedies at law and in equity, and interest) are available for a violation to the same extent as the remedies are available against a private entity, except that punitive damages are not available.

SEC. 13. POSTING NOTICES.

A covered entity shall post notices for individuals to whom this Act applies that describe the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–10).

SEC. 14. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections 14(b), (c), (d), and (e) below, the Commission shall have authority to issue regulations to carry out this Act.

(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have authority to issue regulations to carry out this Act with respect to employees of the Library of Congress.

(c) BOARD.—The Board of the Office of Compliance shall have authority to issue regulations to carry out this Act, in accordance with sections 303 and 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1383, 1384), with respect to covered employees as defined in section 101(3) of such Act (2 U.S.C. 1301(3)).

(d) PRESIDENT.—The President shall have authority to issue regulations to carry out this Act with respect to covered employees as defined in section 411(c)(1) of title 3, United States Code.

(e) COMMISSION AND MERIT SYSTEMS PROTECTION BOARD.—The Commission and the Merit Systems Protection Board shall each have authority to issue regulations to carry out this Act with respect to individuals covered by sections 7121, 7701, 7702, and 7703 of title 5, United States Code.

SEC. 15. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act shall affect the interpretation or application of, and this Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under, any other Federal law or any law of a State or political subdivision of a State.

SEC. 16. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstances, is held to be invalid, the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected.

SEC. 17. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 18. EFFECTIVE DATE.

This Act shall take effect 180 days after enactment and shall not apply to conduct occurring before the effective date.

By Mr. DODD:

S. 1908. A bill to protect students from commercial exploitation; to the Committee on Health, Education, Labor, and Pensions.

STUDENT PRIVACY PROTECTION ACT

Mr. DODD. Mr. President, I rise today to offer legislation, ''the Student Privacy Protection Act,'' to provide parents and their children with modest, but appropriate, privacy protection from questionable marketing research in the schools.

There are few images as enduring as those we experienced as school-children: the teachers and chalkboards, the principal's office, children at play during recess, school libraries, and desks organized around a room. All define a school in our memories and continue to define schools today. Clearly, there have been changes and many of those for the good. Computers have become more common and are now in a majority of classrooms. Students with disabilities are routinely included in regular classes rather than segregated in separate classrooms or schools.

However, some changes in my view have not been for the best. More and more schools and their classrooms are becoming commercialized. Schools, teachers and their students are daily barraged with commercial messages aimed at influencing the buying habits of children and their parents. A 1997 study from Texas A&M, estimated that children, aged 4–12 years, spent more than $24 billion themselves and influenced their parents to spend $187 billion. Marketing to children and youth is particularly powerful however, because students are not just current consumers, they will be consumers for decades to come. And just as we hope that what students learn in schools stays with them, marketers know their messages stick—be it drinking Coke or Pepsi, or wearing Nikes or Reeboks, these habits continue into adulthood.

There is no question that advertising is everywhere in our society from billboards to bathroom stalls. But what is amazing is how prevalent it has become in our schools. Companies no longer just finance the local school's scoreboard or sponsor a little league team, major national companies advertise in school hallways, in classrooms, on the fields and, even, in curriculum which they have developed specifically to get their messages into classrooms. One major spaghetti sauce firm has encouraged science teachers to have their student test different sauces for thickness as part of their science classes. Film makers and television studios promote new releases with special curriculum tied to their movies or shows. In one school, a student was suspended for wearing a Pepsi T-shirt on the school's Coke Day. In another, credit card applications were sent home with elementary school students for their parents and the school collected a fee for every family that signed up.

Mr. President, this is not to say that companies cannot and should not be active partners in our schools. Indeed, business leaders have been some of the strongest advocates for school improvement. Many corporations partner with schools to contribute to the educational mission of the schools, be it through mentoring programs or through donations of technology. Other businesses have become well-known for their scholarship support of promising students. And one cannot imagine a successful, relevant vocational education program without the participation of business.

Each of these activities meets the central test of contributing to student learning. Unfortunately, too much commercial activity in our schools does not. These issues are not black and white. Channel One which is in many, many of our nation's secondary schools offers high quality programming on the news of the day and issues of importance. They provide televisions, VCR's, and satellite dishes along with other significant educational programming. But Channel One is a business; in exchange for all that is good comes advertising.

Teachers, principals and parents are on the front lines of this issue; each day making decisions on what goes in and what stays out of classrooms. In my view, too often these decisions are made in the face of very limited resources. I believe most educators recognize the potential down-sides of exposing children to commercial messages—but too often they have no choice. They are faced with two poor choices: provide computers, current events or other activities with corporate advertising or not at all.

The legislation I offer today does not second guess these hard decisions. This bill, which is a companion to legislation introduced in the other body by Congressman GEORGE MILLER, would prohibit schools from letting students participate in various forms of market research without their parents' written permission. This bill would also provide for a study of the extent and effect of commercialism in our schools.

This is, I believe, a modest proposal that deals with one of the most disturbing commercial trends in our schools. Existing school privacy laws protect official records and educational research. Current law leaves a loophole for companies to go into classroom and get information directly from children—information about family income, buying habits, preferences, etc. —without the consent of their parents. Marketers and advertisers use this information to target and better hone their message to reach youngsters and their families.

This is not some scenario from a science fiction novel. Elementary school students in New Jersey filled out a 27-page booklet called ''My All About Me Journal'' as part of a marketing survey for a cable television channel. A technology firm provides schools with free computers and Internet access, but monitors students' web activity by age, gender and ZIP code. Children in a Massachusetts school did a cereal taste test and answered an opinion poll. This legislation does not presume that these activities are bad or unrelated to learning—it simply requires parents give their permission before their children participate.

Mr. President, public education is not a new topic for discussion here on the Senate floor. But we rarely think about the actual words we use—''Public education''—and what they mean. These are schools that belong to us, to the public as a whole: schools that

serve all children, schools that are the central element in their communities, and that are financed by all of us through our taxes—local, state and federal. This bill helps ensure that they remain true to their name.

I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

S. 1908

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 ''Student Privacy Protection Act''.

SEC. 2. PRIVACY FOR STUDENTS.

Part E of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8891 et seq.) is amended by adding at the end the following:

''SEC. 14515. PRIVACY FOR STUDENTS.

''(a) IN GENERAL.—None of the funds authorized under this Act may be used by an applicable program to allow a third party to monitor, receive, gather, or obtain information intended for commercial purposes from any student under 18 years of age without prior, written, informed consent of the parent of the student.

''(b) INTENTION OF THIRD PARTY.—Before a school, local educational agency, or State, as the case may be, enters into a contract with a third party, the school, agency, or State shall inquire whether the third party intends to gather, collect, or store information on students, the nature of the information to be gathered, how the information will be used, whether the information will be sold, distributed, or transferred to other parties and the amount of class time, if any, that will be consumed by such activity.

''(c) CONSENT FORM.—The consent form referred to in subsection (a) shall indicate the dollar amount and nature of the contract between a school, local educational agency, or State, as the case may be, and a third party, including the nature of the information to be gathered, how the information will be used, if the information will be sold, distributed, or transferred to other parties, and the amount of class time, if any, that will be consumed by such activity.''.

SEC. 3. GAO STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study in accordance with subsection (b) regarding the prevalence and effect of commercialism in elementary and secondary education.

(b) CONTENTS.—The study shall—

(1) document the nature, extent, demographics, and trends of commercialism (commercial advertising, sponsorships of programs and activities, exclusive agreements, incentive programs, appropriation of space, sponsored educational materials, electronic marketing, market research, and privatization of management) in elementary and secondary schools receiving funds under the Elementary and Secondary Education Act of 1965;

(2) consider the range of benefits and costs, educational, public health, financial and social, of such commercial arrangements in classrooms; and

(3) consider how commercial arrangements in schools affect student privacy, particularly in regards to new technologies such as the Internet, including the type of information that is collected on students, how it is used, and the manner in which schools inform parents before information is collected.

By Mr. TORRICELLI:

S. 1909. A bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President; to the Committee on the Judiciary.

WARTIME VIOLATION OF ITALIAN AMERICAN CIVIL LIBERTIES ACT

Mr. TORRICELLI. Mr. President, I rise today to introduce a bill that is important not only to every American of Italian descent, but to any American citizen who values our Constitutional freedoms. This legislation draws attention to the plight of Italian Americans during World War II. Their story has received little attention until now, and I am pleased to be able to heighten public awareness about the injustices they suffered.

Hours after the Japanese bombed Pearl Harbor on December 7, 1941, the Federal Bureau of Investigation arrested 250 Italian Americans and shipped them to internment camps in Montana and Ellis Island. These men had done nothing wrong. Their only crime was their Italian heritage and the suspicion that they could be dangerous during war time. By 1942, all Italian immigrants, approximately 600,000 people, were labeled ''enemy aliens'' and given photo IDs which they had to carry at all times. They could travel no further than five miles from their homes and were required to turn in all cameras, flashlights and weapons.

These violations did not discriminate against class or social status. In San Francisco, Joe DiMaggio's parents were forbidden to go further than five miles from their home without a permit. Even Enrico Fermi, a leading Italian physicist who was instrumental in America's development of the atomic bomb, could not travel freely along the East Coast. Yet, while these activities persisted in the United States, Italian Americans comprised the largest ethnic group in the Armed Forces. During the war, Italian Americans fought valiantly to defend the freedoms that their loved ones were being denied at home.

These are the stories we know about and the facts which have come to light. Yet more than fifty years after the end of World War II, the American people still do not know the details of the Italian American internment, and the American government has yet to acknowledge that these events ever took place. Through this legislation, the Administration will be required to report on the extent to which civil liberties were violated. The Justice Department would conduct a comprehensive review of the Italian American internment, and report its findings, including the name of every person taken into custody, interned, or arrested. The specific injustices they suffered in camps and jail cells would also be detailed in the report. Moreover, federal agencies, from the Department of Education to the National Endowment for the Humanities, would be encouraged to support projects like ''Una Storia Segreta'' that draw attention to this episode of American history.

The United States has rightfully admitted its error in interning Japanese Americans. However, Americans of Italian descent suffered equal hardships and this same recognition has been denied to them. I look forward to working with my colleagues to secure passage of this legislation so that the United States government will begin to release the facts about this era. Only then can Italian Americans begin to come to terms with the treatment they received during World War II.

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. 1909

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 ''Wartime Violation of Italian American Civil Liberties Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The freedom of more than 600,000 Italian-born immigrants in the United States and their families was restricted during World War II by Government measures that branded them ''enemy aliens'' and included carrying identification cards, travel restrictions, and seizure of personal property.

(2) During World War II more than 10,000 Italian Americans living on the West Coast were forced to leave their homes and prohibited from entering coastal zones. More than 50,000 were subjected to curfews.

(3) During World War II thousands of Italian American immigrants were arrested, and hundreds were interned in military camps.

(4) Hundreds of thousands of Italian Americans performed exemplary service and thousands sacrificed their lives in defense of the United States.

(5) At the time, Italians were the largest foreign-born group in the United States, and today are the fifth largest immigrant group in the United States, numbering approximately 15,000,000.

(6) The impact of the wartime experience was devastating to Italian American communities in the United States, and its effects are still being felt.

(7) A deliberate policy kept these measures from the public during the war. Even 50 years later much information is still classified, the full story remains unknown to the public, and it has never been acknowledged in any official capacity by the United States Government.

SEC. 3. REPORT.

The Inspector General of the Department of Justice shall conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than 1 year after the date of enactment of this Act shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

(1) The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.

(2) The names of all Italian Americans who were taken into custody.

(3) The names of all Italian Americans who were interned and the location where they were interned.

(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army's ''Individual Exclusion Program''.

(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order 9066.

(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.

(7) A list of ports from which Italian American fishermen were restricted.

(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods.

(9) The names of Italian Americans whose boats were confiscated.

(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.

(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes.

(12) An explanation of why some Italian Americans were subjected to civil liberties infringements, as a result of Executive Order 9066, while other Italian Americans were not.

(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the story of the treatment of Italian Americans during World War II needs to be told in order to acknowledge that these events happened, to remember those whose lives were unjustly disrupted and whose freedoms were violated, to help repair the damage to the Italian American community, and to discourage the occurrence of similar injustices and violations of civil liberties in the future;

(2) Federal agencies, including the Department of Education and the National Endowment for the Humanities, should support projects such as—

(A) conferences, seminars, and lectures to heighten awareness of this unfortunate chapter in our Nation's history;

(B) the refurbishment of and payment of all expenses associated with the traveling exhibit ''Una Storia Segreta'', exhibited at major cultural and educational institutions throughout the United States; and

(C) documentaries to allow this issue to be presented to the American public to raise its awareness;

(3) an independent, volunteer advisory committee should be established comprised of representatives of Italian American organizations, historians, and other interested individuals to assist in the compilation, research, and dissemination of information concerning the treatment of Italian Americans; and

(4) after completion of the report required by this Act, financial support should be provided for the education of the American public through the production of a documentary film suited for public broadcast.

SEC. 5. FORMAL ACKNOWLEDGEMENT.

The United States Government formally acknowledges that these events during World War II represented a fundamental injustice against Italian Americans.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 1910. A bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York; to the Committee on Energy and Natural Resources.

HUNT HOUSE PURCHASE AUTHORIZATION LEGISLATION

● Mr. MOYNIHAN. Mr. President, I rise to introduce a bill that would authorize the Secretary of the Interior to purchase the Hunt House in Seneca Falls, New York. This summer the owners of the Hunt House put it on the market for $135,000. Of four historic buildings in Seneca Falls that should be part of the Women's Rights National Historical Park, the Hunt House is the only one that is not. It was the site of the gathering of five women (the founding mothers, you might say) who decided to hold the Nation's first women's rights convention. That convention took place in Seneca Falls in July, 1848. The Women's Rights Park is a monument to the idea they espoused that summer, that women should have equal rights with men; one of the most influential ideas of the last 150 years.

Adding the Hunt House to the Park would complete it. The problem is that the Department was not given the authorization to purchase the Hunt House in the bill I offered 20 years ago so that speculation would not drive up the price of the house when it eventually went on the market. That worked. But now the lack of an authorization should not keep us from being able to acquire the house at all. This bill simply removes the restriction against a fee simple purchase by the Park Service. I hope my colleagues will offer their support, and I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1910

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

SECTION 1. ACQUISITION OF HUNT HOUSE.

(a) IN GENERAL.—Section 1601(d) of Public Law 97–607 (94 Stat. 3547; 16 U.S.C. 410*ll*(d)) is amended—

(1) in the first sentence—

(A) by inserting a period after ''park''; and

(B) by striking the remainder of the sentence; and

(2) by striking the last sentence.

(b) TECHNICAL CORRECTIONS.—Section 1601(c)(8) of Public Law 97–607 (94 Stat. 3547; 16 U.S.C. 410*ll*(c)(8)) is amended by striking ''Williams'' and inserting ''Main''.●

By Mr. BREAUX (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. SHELBY, Mr. KERRY, Mr. SESSIONS, and Ms. LANDRIEU):

S. 1911. A bill to conserve Atlantic highly migratory species of fish, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ATLANTIC HIGHLY MIGRATORY SPECIES ACT

● Mr. BREAUX. Mr. President, I rise today to send to the desk a bill that is called the Atlantic Highly Migratory Species Act of 1999. The legislation cosponsored by Senators SNOWE, HOLLINGS, SHELBY, KERRY, SESSIONS and LANDRIEU results from a far reaching conservation agreement among four key recreational and commercial fishing organizations. These organizations include the Billfish Foundation, the Coastal Conservation Association, the American Sportfishing Association and the Blue Water Fishermen's Association.

The legislation will prohibit pelagic long line fishing for designated months each year in U.S. waters determined to be swordfish nursery and billfish bycatch areas based on extensive analyses of the best available science. Based upon the effectiveness of this type of management strategy in other U.S. fisheries, I am optimistic about the benefits that can come from the legislation.

Mr. President, the legislation has three major components that I would like to briefly outline.

First, the bill would prohibit pelagic longline fishing for certain months each year in U.S. waters where swordfish and billfish are caught with other fish. Essentially, more than 160,000 square nautical miles in the Atlantic Ocean and Gulf of Mexico would become a conservation area to rebuild populations of swordfish, sailfish, tuna, marlin and sharks.

Recognizing the economic impact on commercial fishermen, the legislation provides a fair and equitable program for longline vessel owners who are adversely impacted by the fishing prohibition. Funding of the permit buyback program would come through a partnership of the recreational and commercial fishing industries and federal funds.

The bill also directs the National Marine Fisheries Service to conduct a comprehensive research program in cooperation with the U.S. longline fleet

to identify and test a variety of longline gear configurations to determine which are the most effective at reducing billfish bycatch in the Atlantic and Gulf of Mexico.

I believe that a true solution to the bycatch issue will require international cooperation. Ironically, next week the U.S. Commissioners to the International Commission for the Conservation of Atlantic Tunas (ICCAT) will be meeting in Brazil to consider many challenging issues, including a rebuilding plan for the north Atlantic stock of swordfish.

Under the bill we introduce today, we are taking a bold first step to address the problems in our own coastal waters. I am confident that this first step will serve as an example to the international community on focusing much needed attention to this important issue.●

● Mr. HOLLINGS. Mr. President, I rise today to join my colleague, Senator BREAUX, in introducing the Atlantic Highly Migratory Species Conservation Act of 1999. I am pleased to co-sponsor this legislative effort to promote conservation and bycatch reduction of small swordfish, billfish, and other highly migratory species.

The Atlantic Highly Migratory Species Conservation Act would create time-area closures for pelagic longline fishing along 160,000 miles of the Atlantic and the Gulf of Mexico coasts. These closures include the three major spawning areas where a significant portion of juvenile swordfish and billfish bycatch mortality occurs. I am particularly pleased to see that these closures encompass the coastal waters of my home state of South Carolina and particularly a highly productive swordfish spawning and nursery ground, the Charleston Bump. In conjunction with the closures, the bill would reduce fishing capacity by retiring approximately 68 longline vessels from the commercial fishery through a fair and equitable program funded by the federal government and the recreational and commercial fishing industries. In addition, the Act would establish a research program, in conjunction with the National Marine Fisheries Service, to study longline gear and potential gear improvements. All too frequently we are forced to make fisheries management decisions with too little information; these research provisions will provide data crucial for management of highly migratory species.

The current proposal results from arduous work and negotiation among commercial and recreational fishing groups including the Coastal Conservation Association, the American Sportsfishing Association, the Billfish Foundation, and the Blue Water Fisherman's Association. I commend these groups for their cooperation in developing this truly constructive conservation plan based on extensive analyses of the best available science. I also approve of their effort to make this bill consistent with the principles governing capacity reduction established in the Magnuson-Stevens Fishery Conservation and Management Act.

The introduction of the Atlantic Highly Migratory Species Conservation Act of 1999 couldn't come at a better time. Many of the highly migratory species, including North Atlantic swordfish, are currently overfished. The National Marine Fisheries Service reports that billfish and some shark and tuna species are at all-time lows in abundance as a result of longline fishing bycatch and widespread disregard for international rules by commercial fishermen of other nations. The international management body for highly migratory species, the International Commission for the Conservation of Atlantic Tunas (ICCAT), recently expressed concern about the high catches and discards of small swordfish and emphasized that future gains in yield could accrue if fishing mortality on small fish could be reduced. Further, ICCAT encouraged member nations to consider alternative methods such as time/area closures to aid rebuilding of highly migratory stocks. I commend Senator BREAUX for attempting to establish such areas domestically, and hope that we can serve as a model for other nations.

While this legislation can result in important conservation achievements, we must also employ other means to protect and rebuild our highly migratory species such as swordfish. Next week, ICCAT will convene in Rio de Janero, Brazil to determine new international management measures for Atlantic swordfish. The United States must supplement Senator BREAUX's proposal by securing an agreement at ICCAT that will reduce catches by all member nations sufficient to allow the North Atlantic swordfish population to recover within ten years or less—a goal that scientists tell us can only be achieved if we count discarded dead swordfish against the catch quotas. In addition, I am certain that Senator BREAUX's effort to reduce bycatch and establish time-area closures will serve as a powerful example to the international community of a responsible method for sustaining and restoring highly migratory species.

I applaud my colleague and the other architects of this ambitious conservation effort and look forward to working with Senator BREAUX and other cosponsors to ensure that this legislation is part of an effective national plan that ensures recovery of the North Atlantic swordfish stock within 10 years in a manner consistent with the goals of the Magnuson-Stevens Act.●

● Mr. KERRY. Mr. President, I rise today to co-sponsor a bill introduced by Mr. BREAUX, that is called the Atlantic Highly Migratory Species Act of 1999.

This legislation closes large areas to longline gear, including the important spawning areas where juvenile bycatch of swordfish and other billfish species are the highest. This legislation will also provide a fair and equitable program for longline vessel owners who are adversely impacted by the fishing prohibition. Funding of the permit buyback program would come through a partnership of the recreational and commercial fishing industries and federal funds. Lastly, this legislation directs the National Marine Fisheries Service to conduct a comprehensive research program in cooperation with the U.S. longline fleet to identify and test a variety of longline gear configurations to determine which are the most effective at reducing billfish bycatch in the Atlantic and Gulf of Mexico.

We are introducing this legislation at an important time. It will serve as an example to show the international community at next week's negotiations in Brazil, at the International Commission for the Conservation of Atlantic Tunas (ICCAT), that the U.S. embraces use of time-area closures to help swordfish recover.

I believe that this legislation will serve as one prong, of a two-prong U.S. strategy in international negotiations on swordfish quotas that ensures the total mortality of swordfish, including discards, is limited to levels that will allow the stock to recover in 10 years.

I look forward to working with Mr. BREAUX and other cosponsors of the bill to ensure that this legislation is both consistent with the principles of the Magnuson-Stevens Act and part of an effective national plan to ensure recovery of the North Atlantic swordfish stock within 10 years.●

By Mr. FRIST (for himself, Mr. MCCAIN, and Mr. BINGAMAN):

S. 1912. A bill to facilitate the growth of electronic commerce and enable the electronic commerce market to continue its current growth rate and realize its full potential, to signal strong support of the electronic commerce market by promoting its use within Federal government agencies and small and medium-sized businesses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ELECTRONIC COMMERCE TECHNOLOGY PROMOTION ACT

● Mr. FRIST. Mr. President, I rise today to introduce the Electronic Commerce Technology Promotion Act. I am very pleased to be joined by Senators MCCAIN and BINGAMAN.

Electronic commerce has fundamentally changed the way we do business, promising increased efficiency and improved quality at lower cost. It has been widely embraced by industry, both in the United States and abroad. This is evident in the growth of the electronic commerce market, which

though almost non-existent just a few years ago, is expected to top a staggering $1 trillion by 2003, according to market research reports.

The basis for the growth of electronic commerce is the potential that electronic transactions can be completed seamlessly and simultaneously, regardless of geographical boundaries. Inherent in this is the ability of different systems to communicate and exchange data, commonly referred to as ''system interoperability''. The continued growth of global electronic commerce depends on a fundamental set of technical standards that enable essential technologies to interoperate, and on a policy and legal framework that supports the development that the market demands in a timely manner.

The United States is leading this global revolution. Our industries are at the forefront in every sector, continually evolving their businesses and developing new technologies to adapt to changing market needs. Continued growth of the overall electronic commerce market is vital to our economy as well as the global market.

For the electronic commerce market to sustain its current phenomenal growth rate, companies must be allowed to be agile and flexible in responding to market needs, their activities unfettered by cumbersome and static regulations. The federal government must allow the private sector to continue to take the lead in developing this dynamic global market, and refrain from undue regulatory measures wherever possible.

At the same time, the federal government must unambiguously signal its strong desire to promote and facilitate the growth of the electronic commerce market by adopting and deploying relevant electronic commerce technologies within the federal agencies, as well as widely promoting their use by small and medium-sized enterprises.

Usage of these technologies in the federal agencies enables us to share in the benefits of the electronic commerce revolution and participate more effectively as an active contributor in the private sector efforts to develop the frameworks and specifications necessary for systems and components to interoperate. This has the added advantage of allowing the government to intercede in a timely manner, either in failure conditions or to remove barriers erected by foreign governments. Furthermore, we would be strengthening our global leadership position, while at the same time establishing a model for other governments and enabling the growth of the global electronic commerce market.

Small and medium-sized businesses have traditionally been the fastest growing segment of our economy, contributing more than 50 percent of the private sector output in the United States. Electronic commerce has the potential to enable these enterprises to enter the market with lower entry costs, yet extend their reach to a much larger market. The federal government has an inherent interest in helping them to maintain their global competitiveness.

It is in response to these needs that I introduce today the Electronic Commerce Technology Promotion Act. The legislation establishes a Center of Excellence for Electronic Commerce at the National Institute of Standards and Technologies (NIST) that will act as a centralized resource of information for federal agencies and small and medium-sized businesses in electronic commerce technologies and issues. My intention is not to create yet another program at NIST which will require substantial appropriations, but to create an office that focuses solely on electronic commerce by building upon existing expertise and resources. We have proposed that the Center be organized as a matrix organization that will coordinate existing as well as future activities at the Institute on electronic commerce.

The Center will also coordinate its activities with the Department of Commerce's Manufacturing Extension Program (MEP) and the Small Business Administration to provide assistance to small and medium-sized enterprises on issues related to the deployment and use of electronic commerce technologies, including developing training modules and software toolkits. In working jointly, the Center can build upon the existing MEP infrastructure to reach out to these businesses. It is important to note that my intention is not to enlarge or modify the charter of the MEP program.

Mr. President, I believe that the growth of the electronic commerce market is vital to our economic growth. It is our responsibility to facilitate this growth as well as do our best to enable the market to sustain its current phenomenal growth rate. Therefore, I urge my colleagues to support timely passage of this legislation so that we can give our unambiguous support for the development of electronic commerce as a market-driven phenomenon, and signal our strong desire to promote and facilitate the growth of the electronic commerce market.●

Mr. BINGAMAN. Mr. President, I am very pleased to join Senators FRIST and MCCAIN today in introducing the ''Electronic Commerce Technology Promotion Act.'' This bill, which sets up a center of Excellence in Electronic Commerce at the National Institutes of Standards and Technology, or NIST, is a solid step towards adapting an important federal agency to the digital economy we see blooming around us.

NIST was established in 1901 as the National Bureau of Standards during a time of tremendous industrial development, when technology became a key driver of our economic growth. Making those technologies literally fit together reliably through standards became crucial, and Congress realized that one key to sustaining our industrial growth and the quality of our products would be a federal laboratory devoted to developing standards. The Bureau of Standards is a classic example of how the federal government can support technical progress that undergirds economic growth and enables the competitive marketplace to work.

Around ten years ago, Congress modified the Bureau's charter in response to the problems of the 1980's, increasing its focus on competitiveness, adding efforts like the highly regarded Manufacturing Extension Program (MEP), and changing the name to NIST. Turning to the challenges of today's growing digital economy, this bill makes NIST a focal point in the federal government for promoting electronic commerce throughout our economy by establishing a Center of Excellence in Electronic Commerce there. While the challenges of making things fit together in a digital economy are different—and now go under the un-melodic term ''interoperability''—they are just as crucial as they were in the industrial economy of 1901. And, NIST remains an excellent place to lead the work.

I'm particularly pleased that this bill includes the fundamental idea behind my bill S. 1494, the Electronic Commerce Extension Establishment Act of 1999. That is, NIST ought to lead an electronic commerce extension program or service to provide small businesses with low cost, impartial technical advice on how to enter and succeed in e-commerce. This service will help ensure that small businesses in every part of the nation fully participate in the unfolding e-commerce revolution through a well-proven policy tool—a service analogous to the Department of Agriculture's Cooperative Extension Service and NIST's own MEP. I believe such a service would help both small businesses and our entire economy as the productivity enhancements from e-commerce are spread more rapidly, and I recently asked Secretary Daley for a report on how such a service should work. So, I thank Senator FRIST for including my basic policy idea in his bill and look forward to working with him to flesh it out, particularly in light of the report we should get from the Commerce Department.

Mr. President, I urge my colleagues to join Senators FRIST, MCCAIN, and myself in supporting this bill, as one step the Congress can take to make sure an important federal agency, NIST, continues its strong tradition of helping our economy—our growing digital economy—to be the most competitive in the world.

By Mr. LOTT (for Mr. MCCAIN (for himself and Mr. KYL)):

S. 1913. A bill to amend the Act entitled ''An act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes; to the Committee on Indian Affairs.

THE AK-CHIN WATER RIGHTS SETTLEMENT ACT AMENDMENTS OF 1999

• Mr. MCCAIN. Mr. President, I rise on behalf of myself and my colleague, Senator KYL, to offer legislation that will make an important clarification to the Ak-Chin Water Rights Settlement Act of 1984. Similar legislation has been introduced in the House by Representative Shadegg.

Let me explain why this legislation is necessary.

In 1992, Congress amended the Ak-Chin Water Rights Settlement Act to allow the Ak-Chin Indian Community to enter into leases of the Community's water for a term not to exceed 100 years. On December 15, 1994, the Ak-Chin Indian Community entered into an agreement with the Del Webb Corporation to allow the company the option to lease up to 10,000 acre-feet of water for a period of 100 years from the date the option was exercised. Del Webb exercised the option on December 6, 1996, with a principal objective of providing a water supply for its development of a master-planned community in the Phoenix area.

However, since 1995, the State of Arizona, through its Department of Water Resources, has required certificates of assured water supply for 100 years for developments within the Phoenix Active Management Area. The 100-year assured water supply requirement is one of the key tenets of Arizona's water resource management. A certificate cannot be obtained unless a developer demonstrates that sufficient groundwater, surface water or adequate quality effluent will be continuously available to satisfy the proposed use of the development for at least 100 years.

Unfortunately, the lease as signed in 1996 has now matured for three years without the actual application to the Arizona Department of Water Resources for a certificate of assured water supply. The Arizona Department of Water Resources advised the company that it interprets its regulations to require Del Webb to demonstrate that water leased under the agreement with the Community will be available for a period of 100 years from the date each certificate issued. Under ADWR's interpretation, if Del Webb applies for a certificate of assured water supply on December 6, 1999, it must show that water will be available under the lease agreement until December 6, 2099. However, because Del Webb exercised its option in 1996, the lease agreement between Del Webb and the Community will expire on December 6, 2096, and will not meet the State's test of continuing legal and physical availability of water supply. Moreover, the Community does not have statutory authority to grant leases with terms in excess of 100 years.

To resolve this unanticipated conflict, the affected parties have agreed that what is required is a simple modification to the Ak-Chin Water Rights Settlement Act of 1984 to allow the extension of leasing authority to include options to lease and renew or extend existing leases. This change will allow the Ak-Chin Indian Community to extend or renew the existing lease to Del Webb for a cumulative term that would expire more than 100 years from today.

Mr. President, this legislation will make a technical change to the Ak-Chin Water Rights Settlement Act in order for the Ak-Chin/Del Webb agreement to be in compliance with State law. All parties and interests directly impacted by this lease agreement are supportive of this amendment. Therefore, it is our hope that we can move this legislation quickly.

I ask to include a complete text of the legislation in the RECORD.

The bill follows:

S. 1913

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

SECTION 1. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this Act rests in article I, section 8, authorizing Congress to ''regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes''.

SEC. 2. TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984.

(a) SHORT TITLE.—This section may be cited as the ''Ak-Chin Water Use Amendments Act of 1999''.

(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98–530; 98 Stat. 2698) is amended to read as follows:

''(j)(1) The Ak-Chin Indian Community (hereafter in this subsection referred to as the 'Community') shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational, or other beneficial use, in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into options to lease, to renew options to lease, to extend the initial terms of leases for the same or a lesser term as the initial term of the lease, to renew leases for the same or a lesser term as the initial term of the lease, to exchange or temporarily dispose of water to which it is entitled for the beneficial use in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

''(2) Notwithstanding paragraph (1), the initial term of any lease entered into under this subsection shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, enters into an option to lease, renews an option to lease, extends a lease, renews a lease, or exchanges or temporarily disposes of water, such action shall only be valid pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.''.

(c) APPROVAL OF LEASE AND AMENDMENT OF LEASE.—The option and lease agreement among the Ak-Chin Indian Community, the United States, and Del Webb Corporation, dated as of December 14, 1996, and the Amendment Number One thereto among the Ak-Chin Indian Community, the United States, and Del Webb Corporation, dated as of January 7, 1999, are hereby ratified and approved. The Secretary of the Interior is hereby authorized and directed to execute Amendment Number One, and the restated agreement as provided for in Amendment Number One, not later than 60 days after the date of the enactment of this Act.•

By Mr. MACK (for himself and Mrs. HUTCHISON):

S. 1914. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Finance.

POLICYHOLDER DISASTER PROTECTION ACT

• Mr. MACK. Mr. President, I rise today to address a problem that ought to be a concern to all of us: natural disasters and the exposure of the private insurance industry to catastrophic risks. In my state of Florida, we have a particular concern about hurricane risk, but many areas of the country are exposed to the risks of other major catastrophes—whether they be volcanoes, earthquakes or tornadoes. Increasingly, I am concerned about the state of the private insurance industry and its ability to withstand a major catastrophe—a catastrophe of Hurricane Andrew size ($15 billion in insured losses) or greater.

Today, I am introducing legislation to help address this problem and strengthen disaster protection for homeowners and businesses while protecting the interests of the taxpayer. I am pleased my friend from Texas, Senator HUTCHISON, has joined me in this effort. I believe our approach is an innovative, private-sector solution to the problem of catastrophic risk and I encourage my colleagues to review this proposal carefully.

Consumers of property and casualty insurance must be able to rely on their insurers for protection against the risk of catastrophic loss. However, protection for policyholders in today's system is weak; a major future catastrophe could leave consumers without protection and—if past experience is any indication—the government would intervene to ensure the people in the disaster areas receive timely compensation. It is important to note that

current law actually poses a disincentive for insurers to set aside special reserves for catastrophic events. Any money set aside to cover potential risk is considered taxable income. To fix this flaw in America's insurance system, we need to provide incentives for insurers to set aside a portion of their policy premiums in secure reserve funds that will be available to meet policyholder needs in the event of future catastrophes. Our bill does just that.

The typical property and casualty insurance company in the United States is exposed to multiple forms of catastrophic risk. This risk can take the form of major disasters that occur only once in a decade or once in several decades (e.g., severe earthquakes, major hurricanes). These can also be in the form of localized natural disasters (e.g., tornadoes, wildfires, floods, winter storms) that cause unusually large policyholder losses in a region and imperil the ability of smaller insurance companies to help their policyholders in the area.

The nation's exposure to these large natural disasters is staggering. While millions of families and small businesses rely on insurance payments to recover from natural disasters, it is important to remember that—under our current insurance tax and regulatory systems—many private insurers may not be able to pay all claims arising from a major disaster. Hurricane Andrew and the Northridge Earthquake opened our eyes to the country's massive exposure to catastrophic losses. Insured losses in my state from Hurricane Andrew exceeded $15 billion. But if this storm had passed over Miami, rather than Homestead just 40 miles south, insured losses could have reached $50 billion, leaving the Florida economy crippled and more than a third of all insurers in that market insolvent.

There is always the potential for a major disaster in any given year in the United States. Estimates of insured losses from highly probable events range from about $75 billion in California and Florida to $100 billion or more in areas of the Midwest. The Gulf, Intermountain West, and Atlantic states all face exposures of approximately $20 billion or more.

Unfortunately, our current system of tax laws and accounting rules work against consumers and taxpayers because they discourage private market preparation for future major disasters. Present tax laws do not permit portions of consumers' insurance policy payments to be set aside and tax deferred in order to provide for the risk of truly catastrophic loss events. Ironically, our tax system allows insurers to set aside funds on a tax-deductible basis to address disasters that have already happened but it gives them no incentive to prepare for those major disasters that have not yet happened.

Policyholder premiums needed to fund policyholders' catastrophic losses in future years are subject to current tax if not used in a particular year. This diminishes the power of insurers to protect policyholders against future losses. This structure is inadequate for assuring that property-casualty policies will protect consumers from future major catastrophic losses.

The tax law should be revised in order to make accommodation for disaster protection reserves and bring about a more practical, and sensible, system for insurance companies and consumers.

Under the Policyholder Disaster Protection Act, insurers could set aside portions of policyholder payments in a tax-deferred disaster protection fund. Amounts from this fund used to pay for losses from a major disaster would be subject to taxation. This concept is similar to programs presently in place in many other developed countries.

I believe this legislation would result in greater stability for insurers providing catastrophic coverage and fewer insolvencies after a major disaster. A recent study by a major U.S. accounting firm determined that approximately $21 billion in pre-funded reserves would be accumulated within the first ten years of the program. Also, the tax incentive in the bill will encourage insurers to serve disaster-prone areas in a responsible manner by setting aside funds to pay for major losses.

The treatment of the fund by insurers would be closely regulated. Following is a general description of the provisions of the bill:

Insurers would be able to set aside special tax-deferred reserves to cover potential catastrophic events.

The maximum amount any insurer could set aside in a given year would be determined by reference to each insurance company's exposure to the risk of catastrophic loss events.

Deductible contributions to disaster protection funds would be voluntary, but would be irrevocable once made (except to the extent of ''drawdowns'' for actual catastrophic loss events, or drawdowns otherwise required by state insurance regulators). No company could use these funds to shelter income from taxation.

The maximum allowable reserve for any given company will increase or decrease as they enter or exit lines of business that pose catastrophic risk.

Insurers would only be allowed to drawdown the disaster reserves if the loss event in question is declared an emergency or disaster by certain recognized bodies or government officials (for example, a disaster declared by the President under the Stafford Act) and that losses in a year exceed the specified high level. The amounts distributed from the fund are added to company's taxable income for the year in which the drawdown occurred.

Insurance companies would pay taxes on income generated when funds in the disaster reserve are invested. This income would be distributed out of the fund to the insurance company and taxed to the company on a current basis.

The maximum reserve (or ''cap'') would be phased in at the rate of five percent per year over 20 years. Industry estimates indicate private reserves of $40 billion would be built up over this time.

Various concepts to address the problem of catastrophic losses have been proposed over the years. I look forward to working with all of my colleagues to craft a comprehensive solution to both the short-term and long-term problems presented by the risk of catastrophic disasters. In my view, the private-sector focus of this bill, which puts a strengthened private insurance market for consumers in the forefront of disaster protection, is an approach designed to ensure disaster relief is efficient and cost-effective for taxpayers. While the federal government may still need to provide last-resort safety net for disaster victims, it is important to do what we can to ensure private insurance is available, affordable and secure for those citizens in those areas of the country at risk to a catastrophic disaster. This bill will help to bring precisely that availability, affordability and security to insurance policyholders throughout the country, and I believe it is worthy of support and consideration.

The bill we're introducing today mirrors a bill introduced by Congressman FOLEY and MATSUI in the House of Representatives. It is also supported by taxpayer, homeowner, consumer, business and emergency service organizations, as well as local and state policy makers and insurance organizations. I believe it is a sensible approach and I hope my colleagues will join me in this effort.●

By Mr. JEFFORDS (for himself, Mr. CRAPO, Mr. MURKOWSKI, Mr. SCHUMER, Mr. HARKIN, Mr. BRYAN, Mr. BURNS, and Mr. REID):

S. 1915. A bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations; to the Committee on Environment and Public Works.

SMALL COMMITTEE ASSISTANCE ACT OF 1999

Mr. JEFFORDS. Mr. President, for years small communities across the United States have labored to meet environmental regulations written for major cities. They have struggled unduly with complicated regulations designed for Chicago or Los Angeles. Today I am introducing legislation designed to end this problem: the Small Community Assistance Act of 1999.

We who live in small towns such as my home town of Shrewsbury, Vermont are proud of our community and our environment. We want to comply with reasonable health and environmental standards in order to leave a healthy legacy for our children. But we do not have the staff or financial capacity of larger communities to respond to far-reaching regulations. We are concerned about standards written without consideration for the special circumstances small towns in America face. While we recognize the importance of environmental regulations in safeguarding our air and water, we need the ability to respond intelligently to local priorities and needs. We want to comply with environmental regulations, but we need some flexibility in order to comply in a reasonable manner. We do not want preferential treatment, we want treatment that recognizes our unique size and fiscal situation.

In 1991, I authored the Small Town Environmental Planning Act. This act passed overwhelmingly in the House and Senate and was signed into law by President Bush in 1992. This act mandated that the Environmental Protection Agency give more assistance to small towns. It created a task force comprised of representatives from small communities across the nation. These small town representatives developed a list of ways in which the EPA can better help small towns enjoy and maintain a healthy environment.

It is now time to take their advice. The Small Community Assistance Act of 1999 will give much needed assistance to small towns and communities in Vermont and across the nation. This bill will give small communities more input into the regulatory review process, clearer and simpler environmental guidelines, and more assistance in meeting environmental obligations.

This legislation acts on the recommendations of people from small communities throughout the United Stats. Small community members provided the impetus for this bill, helped write the bill itself, and provided numerous helpful comments. To these small community members I offer my sincere appreciation. I would especially like to thank the members of EPA's Small Community Advisory Subcommittee for all of their help, and I thank the committee for its unanimous endorsement of this bill.

I would like to thank the original cosponsors of this bill, Senators CRAPO, MURKOWSKI, SCHUMER, HARKIN, BRYAN, BURNS, and REID. Their leadership on this bill underscores their dedication to helping people in our small towns. I urge every one of my colleagues to cosponsor this bill. Together, we can improve the quality of life and further environmental protections in our small communities nationwide.

Mr. REID. Mr. President, I am pleased to join today with a geographically and politically diverse group of Senators to introduce the Small Community Assistance Act of 1999. I commend Senator JEFFORDS for investing his time and energy in developing this important legislation. This Small Community Assistance Act will help ensure that small towns all across America are included in a combined local, state, and national effort to protect the environment.

This bill would help increase communications and cooperation between the U.S. Environmental Protection Agency and smaller communities. By establishing a Small Town Ombudsman Office in each of EPA's regions, this bill will ensure that communities with less than 7500 residents have improved access to the technical expertise and information that are necessary for small towns to cost effectively protect the quality of their air and water and their citizens' health.

By incorporating the perspectives of a Small Community Advisory Committee early in the development of EPA's environmental policies, this bill will improve the working relationship between small towns and EPA and ultimately strengthen environmental protection.

The Small Community Advisory Committee will build on the valuable work already done by EPA's Small Community Task Force, which includes representatives of towns, governmental agencies, and public interest groups from across the country. Cherie Aiazzi of Carlin, a town of about 2800 people in northern Nevada, contributed her time, insight and creativity to this task force and I know that perspectives of rural towns across the country are better understood as a result of her efforts.

By coincidence of history and geography Nevada is a state with more small towns than big cities. In our efforts to enhance the quality of life for all Nevadans, it is crucial that small communities play an important role in the development and achievement of our environmental goals. The Small Community Assistance Act of 1999 provides an valuable opportunity for small towns to contribute to and benefit from this important effort.

By Mr. FEINGOLD:

S. 1917. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

THE FEDERAL DEATH PENALTY ABOLITION ACT OF 1999

• Mr. FEINGOLD. Mr. President, I rise today to introduce the Federal Death Penalty Abolition Act of 1999. This bill will abolish the death penalty at the federal level. It will put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of federal law.

Since the beginning of this year, this Chamber has echoed with debate on violence in America. We've heard about violence in our schools and neighborhoods. Some say it's because of the availability of guns to minors. Some say Hollywood has contributed to a culture of violence. Others argue that the roots of the problem are far deeper and more complex. Whatever the causes, a culture of violence has certainly infected our nation. As schoolhouse killings have shown, our children now can be reached by that culture of violence. And they aren't just casual observers; some of them are active participants and many have been victims.

But, Mr. President, I'm not so sure that we in government don't contribute to this casual attitude we sometimes see toward killing and death. With each new death penalty statute enacted and each execution carried out, our executive, judicial and legislative branches, at both the state and federal level, add to a culture of violence and killing. With each person executed, we're teaching our children that the way to settle scores is through violence, even to the point of taking a human life.

At the same time, the public debate on the death penalty, which was an intense national debate not very long ago, is muted. As the online magazine Slate recently noted, with crime rates down and incomes up, ''unspeakable crimes are no longer spoken of, murder is what happens to your portfolio on a bad day, 'family values' are debated through the Internal Revenue code, and the 'death penalty' is [often used as a term for] a tax issue.'' What has happened to our nation's sense of striving to do what we know to be the right thing? Those who favor the death penalty should be pressed to explain why fallible human beings should presume to use the power of the state to extinguish the life of a fellow human being on our collective behalf. Those who oppose the death penalty should demand that explanation adamantly, and at every turn. But only a zealous few try.

Our nation is a great nation. We have the strongest democracy in the world. We have expended blood and treasure to protect so many fundamental human rights at home and abroad and not always for only our own interests. But we can do better. Mr. President, we should do better. And we should use this moment to do better as we step not only into a new century but also a new millennium, the first such landmark since the depths of the Middle Ages.

Courtesy of the Internet and CNN International, the world observes, perplexed and sometimes horrified, the violence in our nation. When the Littleton tragedy erupted, newspapers all over the world marveled at how readily available guns are to American children. And across the globe, with every American who is executed, the entire world watches and asks how can the

Americans, the champions of human rights, compromise their own professed beliefs in this way.

Religious groups and leaders express their revulsion at the continued practice of capital punishment. Pope John Paul II frequently appeals to American governors when a death row inmate is about to die. I am pleased that in a recent case, involving an inmate on death row in Missouri, the Missouri governor heeded the good advice of the pontiff and commuted the killer's sentence to life without parole. That case generated a lot of press—but only as a political issue, rather than a moral question or a human rights challenge.

But the Pope is not standing alone against the death penalty. He is joined by the chorus of voices of various people of faith who abhor the death penalty. Religious groups from the National Conference of Catholic Bishops, the United Methodist Church, the Presbyterian Church, the Evangelical Lutheran Church in America, the Mennonites, the Central Conference of American Rabbis, and so many more people of faith have proclaimed their opposition to capital punishment. And, I might add, even conservative Pat ROBERTSon protested the execution in 1998 of Karla Faye Tucker, a born-again Christian on Texas death row. Mr. President, I would like to see the commutation of sentences to life without parole for all death row inmates—whether they are Christians, Muslims, Jews, Buddhists, or some other faith, or no faith at all.

The United States' casual imposition of capital punishment is abhorrent not only to many people of faith. Our use of the death penalty also stands in stark contrast to the majority of nations that have abolished the death penalty in law or practice. Even Russia and South Africa—nations that for years were symbols of egregious violations of basic human rights and liberties—have seen the error of the use of the death penalty. The United Nations Commission on Human Rights has called for a worldwide moratorium on the use of the death penalty. And soon, Italy and other European nations are expected to introduce a resolution in the UN General Assembly calling for a worldwide moratorium.

The European Union denies membership in their alliance to those nations that use the death penalty. In fact, the European Union recently warned Turkey that if it executes the Kurdish leader, Abdullah Ocalan, Turkey would jeopardize its membership application. Just this past December, the European Union actually passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called on all states within the United States to abolish the death penalty. This is significant because it reflects the unanimous view of the nations with which the United States enjoys its closest relationships—nations that so often follow our lead.

Mr. President, what is even more troubling in the international context is that the United States is now one of only six countries that imposes the death penalty for crimes committed by children. I'll repeat that because it is remarkable. We are one of only six nations on this earth that puts to death people who were under 18 years of age when they committed their crimes. The others are Iran, Pakistan, Nigeria, Saudi Arabia and Yemen. These are countries that are often criticized for human rights abuses. And let's look at the numbers. Since 1990, the United States has executed ten child offenders. That's more than any one of these five other countries and equal to all five countries combined. Even China —the country that many members of Congress, including myself, have criticized for its human rights violations—apparently has the decency not to execute its children. This is embarrassing. Is this the kind of company we want to keep? Is this the kind of world leader we want to be? But these are the facts for this past decade, 1990 to the present.

Now, let's look at the last two years. In the last two years, the United States has been the only nation in the world to put to death people who were minors when they committed their crimes. We have executed four child offenders during the last two years. Today, over 70 child offenders remain on death row. No one, Mr. President, no one can reasonably argue that based on this data, executing child offenders is a normal or acceptable practice in the world community. And I don't think we should be proud of the fact that the United States is the world leader in the execution of child offenders.

Is the death penalty a deterrent for our children's conduct, as well as that of adult Americans? For those who believe capital punishment is a deterrent, they are sadly, sadly mistaken. The federal government and most states in the U.S. have a death penalty, while our European counterparts do not. Following the logic of death penalty supporters who believe it's a deterrent, you would think that our European allies, who don't use the death penalty, would have a higher murder rate than the United States. Yet, they don't and it's not even close. In fact, the murder rate in the U.S. is six times higher than the murder rate in Britain, seven times higher than in France, five times higher than in Australia, and five times higher than in Sweden.

But we don't even need to look across the Atlantic to see that capital punishment has no deterrent effect on crime. Let's compare Wisconsin and Texas. I'm proud of the fact that my great state, Wisconsin, was the first state in this nation to abolish the death penalty completely, when it did so in 1853. Wisconsin has been death penalty-free for nearly 150 years. In contrast, Texas is the most prodigious user of the death penalty, having executed 192 people since 1976. Let's look at the murder rate in Wisconsin and Texas. During the period 1995 to 1998, Texas has had a murder rate that is nearly double the murder rate in Wisconsin. This data alone calls into question the argument that the death penalty is a deterrent to murder.

In fact, according to a 1995 Hart Research poll, the majority of our nation's police chiefs do not believe the death penalty is a particularly effective law enforcement tool. When asked to rank the various factors in reducing crime, police chiefs ranked the death penalty last. Rather, the police chiefs —the people who deal with hardened criminals day in and day out —cite reducing drug abuse as the primary factor in reducing crime, along with a better economy and jobs, simplifying court rules, longer prison sentences, more police officers, and reducing guns. It looks like most police chiefs recognize what our European allies and a few states like Wisconsin have known all along: the death penalty is not an effective deterrent.

Mr. President, let me be clear. I believe murderers and other violent offenders should be severely punished. I'm not seeking to open the prison doors and let murderers come rushing out into our communities. I don't want to free them. The question is: should the death penalty be a means of punishment in our society? One of the most frequent refrains from death penalty supporters is the claim that the majority of Americans support the death penalty. It's repeated so often, everybody assumes it's true. Mr. President, the facts do not support this claim. Survey after survey, from around the country, shows that when offered sentencing alternatives, more Americans prefer life without parole plus restitution for the victim's family over the death penalty. For example, a 1993 national poll found that when offered alternatives to the death penalty, 44% of Americans supported the alternative of life without parole plus restitution over the death penalty. Only 41% preferred the death penalty and 15% were unsure. This is remarkable. Sure, if you ask Americans the simple, isolated question of whether they support the death penalty, a majority of Americans will agree. But if you ask them whether they support the death penalty or a realistic, practical alternative sentence like life without parole plus restitution, support for the death penalty falls dramatically to below 50%. More Americans support the alternative sentence than Americans who support the death penalty.

The fact that our society relies on killing as punishment is disturbing

enough. Even more disturbing, however, is the fact that the States' and federal use of the death penalty is often not consistent with principles of due process, fairness and justice. These principles are the foundation of our criminal justice system and, in a broader sense, the stability of our nation. It is clearer than ever before that we have put innocent people on death row. In addition, those States that have the death penalty are more likely to put people to death for killing white victims than for killing black victims.

Mr. President, are we certain that innocent persons are not being executed? Obviously not. Are we certain that racial bias is not infecting the criminal justice system and the administration of the death penalty? I doubt it.

It simply cannot be disputed that we are sending innocent people to death. Since the modern death penalty was reinstated in the 1970s, we have released 79 men and women from death row. Why? Because they were innocent. Seventy-nine men and women sitting on death row, awaiting a firing squad, lethal injection or electrocution, but later found innocent. That's one death row inmate found innocent for every seven executed. One in seven! That's a pretty poor performance for American justice. A wrong conviction means that the real killer may have gotten away. The real killer may still be on the loose and a threat to society. What an injustice that the victims' loved ones cannot rest because the killer is still not caught. What an injustice that an innocent man or woman has to spend even one day in jail. What a staggering injustice that innocent people are sentenced to death for crimes they did not commit. What a disgrace when we carry out those sentences, actually taking the lives of innocent people in the name of justice.

I call my colleagues' attention to the recent example of an Illinois death row inmate, Ronald Jones, who had been sentenced to death for the rape and murder of a Chicago woman. After a lengthy interrogation in which Mr. Jones was beaten by police, he signed a confession. As a class assignment, a group of Northwestern University journalism students researched the case of Ronald Jones. What did they learn? They learned that Mr. Jones was clearly innocent and not for some technical reason—he just didn't do it. As a result of the students' efforts, Mr. Jones was later exonerated based on DNA evidence. Mr. President, our criminal justice system sent an innocent man to death row. Mr. Jones was tried and convicted in a justice system that is sometimes far from just and that sometimes just gets it wrong. And Mr. Jones is not alone. In Illinois alone, three death row inmates so far this year have been proven innocent. Since 1987, Illinois has freed 12 inmates from death row because they were later found innocent.

Innocent, Mr. President, and they were sitting on death row. Innocent, and yet they were about to be killed. Why? Because our criminal justice system is sometimes far from fair and far from just. We can all agree that it is profoundly wrong to convict and condemn innocent people to death. But sadly, that's what's happening. With the greater accuracy and sophistication of DNA testing available today compared to even a couple of years ago, states like Illinois are finding that people sitting on death row did not commit the crimes to which earlier, less accurate DNA tests appeared to link them. This DNA technology should be further reviewed and compared to other tests. We should consider the role of DNA tests in all those committed to death row.

Some argue that the discovery of the innocence of a death row inmate proves that the system works. This is absurd. How can you say the criminal justice system works when a group of students—not lawyers or investigators but students with no special powers, who were very much outside the system—discover that a man about to be executed was in fact innocent? That's what happened in Illinois to Ronald Jones. The system doesn't work. It has failed us.

A primary reason why justice has been less than just is a series of Supreme Court decisions that seem to fail to grasp the significance and responsibility of their task when a human life is at stake. The Supreme Court has been narrowly focused on procedural technicalities, ignoring the fact that the death penalty is a unique punishment that cannot be undone to correct mistakes. One disturbing decision was issued by the Supreme Court just a few months ago. In Jones v. United States, which involved an inmate on death row in Texas and the interpretation of the 1994 Federal Death Penalty Act, the judge refused to tell the jury that if they deadlocked on the sentence, the law required the judge to impose a sentence of life without possibility of parole. As a result, some jurors were under the grave misunderstanding that lack of unanimity would mean the judge could give a sentence where the defendant might one day go free. The Supreme Court, however, upheld the lower court's imposition of the death penalty. And one more person will lose a life, when a simple correction of a misunderstanding could have resulted in a severe yet morally correct sentence of life without parole.

As legal scholar Ronald Dworkin recently observed, ''[t]he Supreme Court has become impatient, and super due process has turned into due process-lite. Its impatience is understandable, but is also unacceptable.'' Mr. President, America's impatience with the protracted appeals of death row inmates is understandable. But this impatience is unacceptable. The rush to judgment is unacceptable. And the rush to execute men, women and children who might well be innocent is horrifying.

The discovery of the innocence of death row inmates and misguided Supreme Court decisions disallowing potentially dispositive exculpatory evidence, however, aren't the only reasons we need to abolish the death penalty. Another reason we need to abolish the death penalty is the continuing racism in our criminal justice system. Our nation is facing a crucial test. A test of moral and political will. We have come a long way through this nation's history, and especially in this century, to dismantle state-sponsored and societal racism. Brown v. Board of Education, ensuring the right to equal educational opportunities for whites and blacks, was decided only 45 years ago. Unfortunately, however, we are still living with vestiges of institutional racism. In some cases, racism can be found at every stage of a capital trial—in the selection of jurors, during the presentation of evidence, when the prosecutor contrasts the race of the victim and defendant to appeal to the prejudice of the jury, and sometimes during jury deliberations.

After the 1976 Supreme Court Gregg decision upholding the use of the death penalty, the death penalty was first enacted as a sentence at the federal level with passage of the Drug Kingpin Statute in 1988. Since that time, numerous additional federal crimes have become death penalty-eligible, bringing the total to about 60 statutes today. At the federal level, 21 people have been sentenced to death. Another eight men sit on the military's death row. Of those 21 defendants on the federal government's death row, 14 are black and only 5 are white. One defendant is Hispanic and another Asian. That means 16 of the 21 people on federal death row are minorities. That's just over 75%. And the numbers are worse on the military's death row. Seven of the eight, or 87.5%, on military death row are minorities.

Some of my colleagues may remember the debates of the late 1980's and early 1990's, when Congress considered the Racial Justice Act and other attempts to eradicate racism in the use of capital punishment. A noted study evaluating the role of race in death penalty cases was frequently discussed. This was the study by David Baldus, a professor at the University of Iowa College of Law. The Baldus study found that defendants who kill white victims are more than four times more likely to be sent to death row than defendants who kill black victims. An argument against the Baldus study was made by some opponents of the Racial Justice Act. They argued that we just needed to ''level up'' the playing field. In other words, send all the defendants who killed black victims to death row,

too. They argued that legislative remedies were not needed, just tell prosecutors and judges to go after perpetrators of black homicide as strongly as against perpetrators of white homicide.

In theory, this may sound reasonable but one thing is clear: no matter how hard we try, we cannot overcome the inevitable fallibility of being human. That fallibility means that we will not be able to apply the death penalty in a fair and just manner. We will always run the risk that we will condemn innocent people to death. Mr. President, let's restore some certainty, fairness, and justice to our criminal justice system. Let's have the courage to recognize our human fallibilities. Let's put a halt to capital punishment.

The American Bar Association agrees. In 1997, the American Bar Association called for a moratorium on the death penalty because it found that the application of the death penalty raises fairness and due process concerns. Several states are finally beginning to recognize the great injustice when the ultimate punishment is carried out in a biased and unfair way. Moratoriums have been considered by the legislatures of at least ten states over the last several months. The legislatures of Illinois and Nebraska have made the most progress. They actually passed moratorium measures earlier this year.

I am glad to see that some states are finally taking steps to correct the practice of legalized killing that was again unleashed by the Supreme Court's Gregg decision in 1976. The first post-Gregg execution took place in 1977 in Utah, when Gary Gilmore did not challenge and instead aggressively sought his execution by a firing squad. The first post-Gregg involuntary execution took place on May 25, 1979. I vividly remember that day. I had just finished my last law school exam that morning. Later that day, I recall turning on the television and watching the news report that Florida had just executed John Spenkelink. I was overcome with a sickening feeling. Here I was, fresh out of law school and firm in my belief that our legal system was advancing through the latter quarter of the twentieth century. Instead, to my great dismay, I was witnessing a throwback to the electric chair, the gallows, and the routine executions of our nation's earlier history.

Mr. President, I haven't forgotten that experience or what I thought and felt on that day. At the end of 1999, at the end of a remarkable century and millennium of progress, I cannot help but believe that our progress has been tarnished with our nation's not only continuing, but increasing use of the death penalty. As of today, the United States has executed 584 people since the reinstatement of the death penalty in 1976. In those 23 years, there has been a sharp rise in the number of executions. This year the United States has already set a record for the most executions in our country in one year, 84—the latest execution being that of Thomas Lee Royal, Jr., who was executed by lethal injection just last night by the state of Virginia. And the year isn't even over yet. We are on track to hit close to 100 executions this year. This is astounding and it is embarrassing. We are a nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a nation that scrutinizes the human rights records of other nations. We are one of the first nations to speak out against torture and killings by foreign governments. It is time for us to look in the mirror.

Two former Supreme Court justices did just that. Justice Harry Blackmun penned the following eloquent dissent in 1994:

> From this day forward, I no longer shall tinker with the machinery of death. For more than 20 years I have endeavored—indeed, I have struggled—along with a majority of this Court, to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty endeavor. Rather than continue to coddle the Court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed. It is virtually self-evident to me now that no combination of procedural rules or substantive regulations ever can save the death penalty from its inherent constitutional deficiencies. The basic question—does the system accurately and consistently determine which defendants ''deserve'' to die?—cannot be answered in the affirmative. . . . The problem is that the inevitability of factual, legal, and moral error gives us a system that we know must wrongly kill some defendants, a system that fails to deliver the fair, consistent, and reliable sentences of death required by the Constitution.

Justice Lewis Powell also had a similar change of mind. Justice Powell dissented from the Furman decision in 1972, which struck down the death penalty as a form of cruel and unusual punishment. He also wrote the decision in McCleskey v. Kemp in 1987, which denied a challenge to the death penalty on the grounds that it was applied in a discriminatory manner against African Americans. In 1991, however, Justice Powell told his biographer that he had decided that capital punishment should be abolished.

After sitting on our nation's highest court for over 20 years, Justices Blackmun and Powell came to understand the randomness and unfairness of the death penalty. Mr. President, it is time for our nation to follow the lead of these two distinguished jurists and revisit its support for this form of punishment.

At the end of 1999, as we enter a new millennium, our society is still far from fully just. The continued use of the death penalty demeans us. The death penalty is at odds with our best traditions. It is wrong and it is immoral. The adage ''two wrongs do not make a right,'' could not be more appropriate here. Our nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of suspected criminals. Just as our nation did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty as we enter the next century. And it's not just a matter of morality. Mr. President, the continued viability of our justice system as a truly just system requires that we do so. And in the world's eyes, the ability of our nation to say truthfully that we are the leader and defender of freedom, liberty and equality demands that we do so.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great nation. Today, I introduce a bill that abolishes the death penalty at the federal level. I call on all states that have the death penalty to also cease this practice. Let us step away from the culture of violence and restore fairness and integrity to our criminal justice system. I close with this reminder to my colleagues. Where would our nation be if members of Congress were followers, not leaders, of public opinion? We, of course, would still be living with slavery, segregation and without a woman's right to vote. Like abolishing slavery and segregation and establishing a woman's right to vote, abolishing the death penalty will not be an easy task. It will take patience, persistence and courage. As we head into the next millennium, let us leave this archaic practice behind.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1917

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 ''Federal Death Penalty Abolition Act of 1999''.

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) HOMICIDE-RELATED OFFENSES.—

(1) MURDER RELATED TO THE SMUGGLING OF ALIENS.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking ''punished by death or''.

(2) DESTRUCTION OF AIRCRAFT, MOTOR VEHICLES, OR RELATED FACILITIES RESULTING IN DEATH.—Section 34 of title 18, United States Code, is amended by striking ''to the death penalty or''.

(3) MURDER COMMITTED DURING A DRUG-RELATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking ''death or''

(4) MURDER COMMITTED AT AN AIRPORT SERVING INTERNATIONAL CIVIL AVIATION.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking ''punished by death or''.

(5) CIVIL RIGHTS OFFENSES RESULTING IN DEATH.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking '', or may be sentenced to death'';

(B) in section 242, by striking ", or may be sentenced to death";

(C) in section 245(b), by striking ", or may be sentenced to death"; and

(D) in section 247(d)(1), by striking ", or may be sentenced to death".

(6) MURDER OF A MEMBER OF CONGRESS, AN IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME COURT JUSTICE.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking "death or"; and

(B) in subsection (d)(2), by striking "death or".

(7) DEATH RESULTING FROM OFFENSES INVOLVING TRANSPORTATION OF EXPLOSIVES, DESTRUCTION OF GOVERNMENT PROPERTY, OR DESTRUCTION OF PROPERTY RELATED TO FOREIGN OR INTERSTATE COMMERCE.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking "or to the death penalty";

(B) in subsection (f)(3), by striking "subject to the death penalty, or";

(C) in subsection (i), by striking "or to the death penalty"; and

(D) in subsection (n), by striking "(other than the penalty of death)".

(8) MURDER COMMITTED BY USE OF A FIREARM DURING COMMISSION OF A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.—Section 924(j)(1) of title 18, United States Code, is amended by striking "by death or".

(9) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "death or".

(10) FIRST DEGREE MURDER.—Section 1111(b) of title 18, United States Code, is amended by striking "by death or".

(11) MURDER BY A FEDERAL PRISONER.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by death or"; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting "or" before "an indeterminate"; and

(ii) by striking ", or an unexecuted sentence of death".

(12) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by sentence of death or"; and

(B) in subsection (b)(1), by striking "or death".

(13) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking "death or".

(14) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking "death or".

(15) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking "the death penalty or".

(16) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(i) of title 18, United States Code, is amended by striking "to the death penalty or".

(17) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking "death or"; and

(B) in subsection (d)(2), by striking "death or".

(18) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking "death or".

(19) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking "death or".

(20) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992(b) of title 18, United States Code, is amended by striking "to the death penalty or".

(21) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking "death or".

(22) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking ", or sentenced to death".

(23) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking "unless the death penalty is imposed,".

(24) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking "punished by death or".

(25) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(d) of title 18, United States Code, is amended by striking "punished by death or".

(26) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking "punished by death or".

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking "punished by death or".

(28) TERRORIST MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking "death or".

(29) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), by striking "punished by death or"; and

(B) in subsection (b), by striking "by death, or".

(30) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1) of title 18, United States Code, is amended by striking "by death, or".

(31) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking "punished by death or".

(32) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(A) in each of subparagraphs (A) and (B) of subsection (e)(1), by striking ", or may be sentenced to death";

(B) by striking subsections (g) and (h) and inserting the following:

"(g) [Reserved.]

"(h) [Reserved.]";

(C) in subsection (j), by striking "and as to appropriateness in that case of imposing a sentence of death";

(D) in subsection (k), by striking ", other than death," and all that follows before the period at the end and inserting "authorized by law"; and

(E) by striking subsections (l) and (m) and inserting the following:

"(l) [Reserved.]

"(m) [Reserved.]".

(33) DEATH RESULTING FROM AIRCRAFT HIJACKING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2), by striking "put to death or"; and

(B) in subsection (b)(1)(B), by striking "put to death or".

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking "punished by death or" and all that follows before the period and inserting "imprisoned for any term of years or for life".

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking "suffer death, or".

(c) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(1) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law .

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.●

By Mrs. BOXER:

S. 1918. A bill to waive the 24-month waiting period for disabled individuals to qualify for Medicare benefits in the case of individuals suffering from terminal illness with not more than 2 years to live; to the Committee on Finance.

MEDICARE FOR INDIVIDUALS WITH TERMINAL ILLNESS ACT

Mrs. BOXER. Mr. President, today I am introducing legislation to correct a weakness in the Medicare law for those who develop a terminal illness.

Under current law, individuals under age 65 who are unable to work because of a disability can qualify for Medicare after a two-year waiting period. That is, two years after developing a disability, individuals can start to receive Medicare benefits to help pay for their health care.

There are reasons for this two-year waiting period, and this legislation would not change that. What I am concerned about, Mr. President, is the fact that thousands of individuals develop a disability that is terminal within two years.

I am talking about people with cancer, people with AIDS, people with Lou Gehrig's Disease, to name to just a few examples. In some cases, when these individuals are diagnosed and can no longer work, they have less than two years to live. That means they will die before the end of the waiting period, before they become eligible for Medicare, before they qualify to receive health care benefits. That is not right and not fair.

The Medicare for Individuals with Terminal Illness Act would change

this. My bill would say that for people whose doctors expect them to live less than two years because of their disability or illness, there will be no waiting period. They would qualify for Medicare immediately and could get the health care they need.

Mr. President, to date, 10 individuals and 44 organizations—groups involved with AIDS, cerebral palsy, Alzheimer's Disease, hospice care, and diabetes, among others—have endorsed this legislation.

Mr. President, I encourage my colleagues to look at this list of supporters, look at the bill, and join me in correcting a problem that is denying health care benefits to thousands of Americans.

Mr. President, I ask unanimous consent that the text of the bill and a list of endorsements be printed in the RECORD.

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

S. 1918

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 ''Medicare for Individuals With Terminal Illnesses Act of 1999''.

SEC. 2. ELIMINATION OF MEDICARE WAITING PERIOD FOR INDIVIDUALS WITH A TERMINAL ILLNESS.

(a) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following:

''(j)(1) Notwithstanding subsection (f), each individual with a terminal illness (as defined in paragraph (2)) who would be described in subsection (b) but for the requirement that the individual has been entitled to the specified benefits for 24 months shall be entitled to hospital insurance benefits under part A of title XVIII for each month beginning with the latest of—

''(A) the first month after the expiration of the 24-month period,

''(B) in the case of a qualified railroad retirement beneficiary (as defined in subsection (d)), the first month of the individual's entitlement or status as such a beneficiary, or

''(C) the date of enactment of the Medicare for Individuals With Terminal Illnesses Act of 1999.

''(2) As used in this subsection, the term 'terminal illness' means a medically determinable physical impairment which is expected to result in the death of such individual within the next 24 months.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF1974.—Section 7(d)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)) is amended—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after clause (ii) the following:

''(iii)(I) has not attained age 65;

''(II) has a terminal illness (as defined in section 226(j)(2) of the Social Security Act); and

''(III) is entitled to an annuity under section 2 of this Act, or under the Railroad Retirement Act of 1937 and section 2 of this Act, or could have been includable in the computation of an annuity under section 3(f)(3) of this Act, and could currently be entitled to monthly insurance benefits under section 223 of the Social Security Act or under section 202 of that Act on the basis of disability if service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act and if an application for disability benefits had been filed,''.

(2) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(A) DESCRIPTION OF PROGRAM.—Section 1811 of the Social Security Act (42 U.S.C. 1395c) is amended by striking ''and (3)'' and inserting ''(3) individuals under age 65 who have a terminal illness (as defined in section 226(j)(2)) and who are eligible for benefits under title II of this Act (or would have been so entitled to such benefits if certain government employment were covered under such title) or under the railroad retirement system on the basis of a disability, and (4)''.

(B) HOSPITAL INSURANCE BENEFITS FOR DISABLED INDIVIDUALS WHO HAVE EXHAUSTED THEIR ENTITLEMENT.—Section 1818A of the Social Security Act (42 U.S.C. 1395i–2a) is amended—

(i) in subsection (a)(2)(A), by striking ''section 226(b)'' and inserting ''subsection (b) or (j) of section 226'';

(ii) in subsection (a)(2)(C), by striking ''section 226(b)'' and inserting ''subsection (b) or (j) of section 226'';

(iii) in subsection (b)(2), by striking ''section 226(b)'' and inserting ''subsection (b) or (j) of section 226''; and

(iv) in subsection (d)(1)(B)(ii), by striking ''section 226(b)'' and inserting ''subsection (b) or (j) of section 226''.

(C) ENROLLMENT PERIODS.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended—

(i) in subsection (g)(1), by inserting ''but does not satisfy the requirements of section 226(j)'' after ''section 226(b)''; and

(ii) in subsection (i)(4)(A), by striking ''section 226(b)'' and inserting ''subsection (b) or (j) of section 226''.

(D) EXCLUSIONS FROM COVERAGE AND MEDICARE AS SECONDARY PAYER.—Section 1862(b)(1)(B)(i) of the Social Security Act (42 U.S.C. 1395y(b)(1)(B)(i)) is amended by striking ''section 226(b)'' and inserting ''subsection (b) or (j) of section 226''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to any application for hospital insurance benefits submitted to the Secretary of Health and Human Services on or after the date of enactment of this Act.

MEDICARE FOR INDIVIDUALS WITH TERMINAL ILLNESSES ACT—LIST OF ENDORSEMENTS

ORGANIZATIONS (44)

AIDS Legal Referral Panel—San Francisco, Altamed Health Services—Los Angeles, Alzheimer's Aid Society—Sacramento, American Diabetes Association, African American Chapter—Los Angeles, American Lung Association of California—Sacramento, Asian American Drug Abuse Program, Inc. (AADAP)—Los Angeles, California Prevention and Education Project (CALPEP)—Oakland, California Hospice and Palliative Care Association (CHAPCA)—Sacramento, California Coalition of United Cerebral Palsy Associations—Sacramento, Camarillo Hospice—Camarillo, Caring for Babies with AIDS—Los Angeles, City of Los Angeles, Common Ground Community Center—Santa Monica, County of Sacramento, Covenant House California—Hollywood, Dolores Street Community Services—San Francisco, Families First—Davis, The Family Link—San Francisco, Feedback Foundation—Anaheim, Friends of Chelation Society—Palm Springs, Homeowner Options for Massachusetts Elders—Boston, Massachusetts, and Hospice Education Institute—Essex, Connecticut.

Hospice of Marin—Corte Madera, Lambda Letters Project—Carmichael, Legal Center for the Elderly and Disabled—Sacramento, Mental Health Association of Sacramento, Mission Neighborhood Health Center—San Francisco, National Organization for Rare Disorders—New Fairfield, Connecticut, National Health Federation—Monrovia, California, Neptune Society—San Francisco, New Village Project—Los Angeles, Ohlhoff Recovery Programs—San Francisco, Parkinson's Disease Association of the Sacramento Valley, Retired Senior Volunteer Program—Santa Barbara, Sacramento AIDS Foundation, San Francisco Community Clinic Consortium, Serra Project—Los Angeles, Shascade Community Services—Redding, Vital Options—Sherman Oaks, Westside Community Mental Health Center, Inc.—San Francisco, Women and Children's Family Services, Yolo Hospice—Davis, YMCA of Greater Sacramento, and YWCA of Sacramento.

INDIVIDUALS (10)

Barbara Kaufman—Member, SFBOS, Sue Bierman—Member, SFBOS, Ricardo Hernandez—Public Administrator/Public Guardian, City & County of SF, Steve Cohn—Member, Sacramento City Council, Eve Meyer—Executive Director, San Francisco Suicide Prevention, Mike McGowan—Member, Yolo County Board of Supervisors, Rev. Gwyneth MacKenzie Murphy—Associate Pastor, Grace Cathedral, Teresa Brown—Program Coordinator, HIV Services Division, Alameda County Medical Ctr., Lois Wolk—Yolo County Supervisor, Sarah Bennett—Executive Director, Ad Hoc Committee to Defend Health Care—Cambridge, MA.

By Mr. DODD (for himself and Mr. LEAHY):

S. 1919. A bill to permit travel to or from Cuba by United States citizens and lawful resident aliens of the United States; to the Committee on Foreign Relations.

THE FREEDOM TO TRAVEL TO CUBA ACT OF 2000

• Mr. DODD. Mr. President, today my colleague, Senator LEAHY and I are introducing ''The Freedom to Travel to Cuba Act of 2000.'' We believe the time has come to lift the very archaic, counterproductive, and ill-conceived ban on Americans traveling to Cuba. Not only does this ban hinder rather than help our effort to spread democracy, it unnecessarily abridges the rights of ordinary Americans. The United States was founded on the principles of liberty and freedom. Yet when it comes to Cuba, our Government abridges these rights with no greater rationale than political and rhetorical gain.

Cuba lies just 90 miles from America's shore. Yet those 90 miles of water might as well be an entire ocean. We have made a land ripe for American influence forbidden territory. In doing so, we have enabled the Cuban regime to be a closed system with the Cuban people having little contact with their closest neighbors.

Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit that island nation. Today Americans are free to travel to Iran, Sudan, Burma, Yugoslavia, North Korea—but not to Cuba. You can fly to North Korea; you can fly to Iran; you can travel freely. It seems to me if you can go to those countries, you ought not be denied the right to go to Cuba. If the Cubans want to stop Americans from visiting that country, that ought to be their business. But to say to an American citizen that you can travel to Iran, where they held American hostages for months on end, to North Korea, which has declared us to be an enemy of theirs completely, but that you cannot travel 90 miles off our shore to Cuba, is a mistake.

To this day, some Iranian politicians believe the United States to be ''the Great Satan.'' We hear it all the time. Just two decades ago, Iran occupied our Embassy and took innocent American diplomats hostage. To this day, protesters in Tehran burn the American flag with the encouragement of some officials in that Government. Those few Americans who venture into such inhospitable surroundings often find themselves pelted by rocks and accosted by the public.

Similarly, we do not ban travel to Sudan, a nation we attacked with cruise missiles last summer for its support of terrorism; to Burma, a nation with one of the most oppressive regimes in the world today; to North Korea, whose soldiers have peered at American servicemen through gun sights for decades; or Syria, which has one of the most egregious human rights records and is one of the foremost sponsors of terrorism.

We believe that it is time to end the inconsistency with respect to U.S. travel restrictions to Cuba. We ban travel to Cuba, a nation which is neither at war with the United States nor a sponsor of international terrorist activities. Why do we ban travel? Ostensibly so that we can pressure Cuban authorities into making the transition to a democratic form of government.

I fail to see how isolating the Cuban people from democratic values and ideals will foster the transition to democracy in that country. I fail to see how isolating the Cuban people from democratic values and from the influence of Americans when they go to that country to help bring about the change we all seek serves our own interests.

The Cuban people are not currently permitted the freedom to travel enjoyed by many peoples around the world. However, because Fidel Castro does not permit Cubans to leave Cuba and come to this country is not justification for adopting a similar principle in this country that says Americans cannot travel freely. We have a Bill of Rights. We need to treasure and respect the fundamental rights that we embrace as American citizens. Travel is one of them. If other countries want to prohibit us from going there, then that is their business. But for us to say that citizens of Connecticut or Alabama cannot go where they like is not the kind of restraint we ought to put on people.

If Americans can travel to North Korea, to the Sudan, to Iran, then I do not understand the justification for saying that they cannot travel to Cuba. I happen to believe that by allowing Americans to travel to Cuba, we can begin to change the political climate and bring about the changes we all seek in that country.

Today, every single country in the Western Hemisphere is a democracy, with one exception: Cuba. American influence through person-to-person and cultural exchanges was a prime factor in this evolution from a hemisphere ruled predominantly by authoritarian or military regimes to one where democracy is the rule. Our current policy toward Cuba blocks these exchanges and prevents the United States from using our most potent weapon in our effort to combat totalitarian regimes, and that is our own people. They are the best ambassadors we have. Most totalitarian regimes bar Americans from coming into their countries for the very reasons I just mentioned. They are afraid the gospel of freedom will motivate their citizens to overthrow dictators, as they have done in dozens of nations over the last half century. Isn't it ironic that when it comes to Cuba we do the dictator's bidding for him in a sense? Cuba does not have to worry about America spreading democracy. Our own Government stops us from doing so.

Let me review for my colleagues who may travel to Cuba under current Government regulations and under what circumstances. The following categories of people may travel to Cuba without applying to the Treasury Department for a specific license to travel. They are deemed to be authorized to travel under so-called general license: Government officials, regularly employed journalists, professional researchers who are ''full time professionals who travel to Cuba to conduct professional research in their professional areas'', Cuban Americans who have relatives in Cuba who are ill (but only once a year.)

There are other categories of individuals who theoretically are eligible to travel to Cuba as well, but they must apply for a license from the Department of the Treasury and prove they fit a category in which travel to Cuba is permissible. What are these categories? The first is so called freelance journalists, provided they can prove they are journalists; they must also submit their itinerary for the proposed research. The second is Cuban Americans who are unfortunate enough to have more than one humanitarian emergency in a 12-month period and therefore cannot travel under a general license. The third is students and faculty from U.S. academic institutions that are accredited by an appropriate national or regional educational accrediting association who are participating in a ''structural education program.'' The fourth is members of U.S. religious organizations. The fifth is individuals participating in public performances, clinics, workshops, athletic and other competitions and exhibitions. If that isn't complicated enough—just because you think you may fall into one of the above enumerated categories does not necessarily mean you will actually be licensed by the U.S. Government to travel to Cuba.

Under current regulations, who decides whether a researcher's work is legitimate? Who decides whether a freelance journalist is really conducting journalistic activities? Who decides whether or not a professor or student is participating in a ''structured educational program''? Who decides whether a religious person is really going to conduct religious activities? Government bureaucrats are making those decisions about what I believe should be personal rights of American citizens.

It is truly unsettling, to put it mildly, when you think about it, and probably unconstitutional at its core. It is a real intrusion on the fundamental rights of American citizens. It also says something about what we as a Government think about our own people. Do we really believe that a journalist, a Government official, a Senator, a Congressman, a baseball player, a ballerina, a college professor or minister is somehow superior to other citizens who do not fall into those categories; that only these categories of people are ''good examples'' for the Cuban people to observe in order to understand American values?

I do not think so. I find such a notion insulting. There is no better way to communicate America's values and ideals than by unleashing average American men and women to demonstrate by daily living what our great country stands for and the contrasts between what we stand for and what exists in Cuba today.

I do not believe there was ever a sensible rationale for restricting Americans' right to travel to Cuba. With the collapse of the Soviet Union and an end to the cold war, I do not think any excuse remains today to ban this kind of travel. This argument that dollars and tourism will be used to prop up the regime is specious. The regime seems to have survived 38 years despite the Draconian U.S. embargo during that entire period. The notion that allowing Americans to spend a few dollars in Cuba is somehow going to give major aid and

comfort to the Cuban regime is without basis, in my view.

This spring, we got a taste of what people-to-people exchanges between the United States and Cuba might mean when the Baltimore Orioles and the Cuban National Team played a home-and-home series. The game brought players from two nations with the greatest love of baseball together for the first time in generations. It is time to bring the fans together. It is time to let Americans and Cubans meet in the baseball stands and on the streets of Havana.

Political rhetoric is not sufficient reason to abridge the freedoms of American citizens. Nor is it sufficient reason to stand by a law which counteracts one of the basic premises of American foreign policy; namely, the spread of democracy. The time has come to allow Americans—average Americans—to travel freely to Cuba. I urge my colleagues to support the legislation that Senator LEAHY and I have introduced today. We will be working to ensure that the full Senate has an opportunity to debate and vote on this matter when the Senate convenes next year. I hope our colleagues will join with us at that time in restoring American citizens' rights to travel wherever they choose, including to the Island of Cuba.●

By Mr. LEVIN (for himself and Mr. SPECTER):

S. 1920. A bill to combat money laundering and protect the United States financial system by addressing the vulnerabilities of private banking to money laundering, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MONEY LAUNDERING ABATEMENT ACT OF 1999

Mr. LEVIN. Mr. President, today I am introducing, along with Senator SPECTER, the Money Laundering Abatement Act of 1999.

The Senate Permanent Subcommittee on Investigations, of which I am the ranking member, is currently holding hearings on problems specific to private banking, a rapidly-growing financial service in which banks provide one-on-one services tailored to the individual needs of wealthy individuals. The Subcommittee's investigation and hearings show that private bankers have operated in a culture which emphasizes secrecy, impeding account documentation for regulators and law enforcement entities. This culture makes private banking peculiarly susceptible to money laundering.

The Money Laundering Abatement Act is intended to supplement and reinforce the current anti-money-laundering laws and bolster the efforts of regulators and law enforcement bodies in this nation and around the world and the efforts of others in Congress.

The Subcommittee's year-long investigation and testimony by distinguished financial experts, regulators, and banking industry personnel, revealed that private bankers regularly create devices such as shell corporations established in offshore jurisdictions to hide the source of and movement of clients' funds. The motives may be benign or they may be questionable but one thing is certain: they make it harder for regulators and law enforcement personnel to track the ownership and flow of funds and avert or apprehend laundering of the proceeds of drug and weapons trafficking, tax evasion, corruption, and other malfeasance. To make matters worse, many activities which Americans find reprehensible and which can destabilize regimes and economies are not currently illegal under foreign laws. Therefore, as the current money laundering laws are written, transactions in funds derived from such activities do not constitute money laundering, but they ought to constitute money laundering punishable under United States laws.

My bill would patch these holes, particularly as they apply to private banking activities, the volume of which experts predict will grow exponentially as more and more wealth is created and banks compete for this lucrative line of business. Accordingly, I am today introducing legislation that would significantly increase the transparency of our banking system and make it possible for law enforcement and civil process to pierce the veil of secrecy that for too long has made it possible for institutions and individuals operating in largely unregulated off-shore jurisdictions to gain unfettered access to the U.S. financial system for purposes of legitimizing the proceeds of illegal or unsavory activity.

A great problem in detecting money laundering is that many private banking transactions are conducted through fictitious entities or under false names or numbered accounts in which the actual or beneficial owner is not identified. The bill requires a financial institution that opens or maintains a U.S. account for a foreign entity to identify and maintain a record in the U.S. of the identity of each direct or beneficial owner of the account. The bill would further help banks in verifying customers' identities by making it illegal to misrepresent the true ownership of an account to a bank. The bill also imposes a ''48-hour rule'' under which, within 48 hours of a request by a federal banking agency, a financial institution would have to provide account information and documentation to the agency.

Our investigation into private banking has shown that money launderers may launder their transactions by commingling the proceeds in so-called ''concentration accounts'' and aggregate the funds from multiple customers and transactions. The bill curtails the illicit use of these accounts by prohibiting institutions from using these accounts anonymously. The bill also prohibits U.S. financial institutions from opening or maintaining correspondent accounts with so-called ''brass plate'' banks—most often in off-shore locations—that are not licensed to provide services in their home countries and are not subject to comprehensive home country supervision on a consolidated basis, reducing the likelihood that U.S.-based institutions will receive funds that may derive from illicit sources.

The bill would also eliminate significant gaps in current U.S. law by expanding the list of crimes committed on foreign soil that can serve as predicate offenses for money laundering prosecutions in the U.S., including corruption and the misappropriation of IMF funds. It would expand the jurisdiction of U.S. courts, by including transactions in which money is laundered through a foreign bank as a U.S. crime if the transaction has a ''nexus'' in the United States. The bill addresses the reality that governmental corruption weakens economies and causes political instability and when U.S. banks profit from the fruits of such corruption they run counter to U.S. interests in ending such corruption.

Another problem that we have encountered repeatedly in our investigation is that many private banks have written policies that repeatedly stress that the banker must know a customer's identity and source of funds. Yet in practice, many private bankers do not comply with their own bank's policies. To rectify this, the bill requires financial institutions to develop and apply due diligence standards for accounts for private banking customers to verify the customers' identity and source of wealth, both when opening such accounts and on an ongoing basis.

Finally, the bill would authorize funding for FinCEN to develop an automated ''alert database.'' FinCEN, an arm of the Department of the Treasury, tracks Currency Transaction Reports and Suspicious Activity Reports, important tools in fighting money laundering. However, FinCEN officials have told me that they lack a database which will automatically alert them to patterns of suspicious activity that could indicate money laundering or other illicit activity. Such a database is imperative to enable FinCEN to adequately serve the law enforcement bodies that it supplies information to.

This bill will close gaps in our anti-money-laundering laws and regulations. I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

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

S. 1920

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 ''Money Laundering Abatement Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Money laundering is a serious problem that enables criminals to reap the rewards of their crimes by hiding the criminal source of their profits.

(2) When carried out by using banks, money laundering erodes the integrity of our financial institutions.

(3) United States financial institutions are a critical link in our efforts to combat money laundering.

(4) In addition to organized crime enterprises, corrupt government officials around the world increasingly employ sophisticated money laundering schemes to conceal wealth they have plundered or extorted from their nations or received as bribes, and these practices weaken the legitimacy of foreign states, threaten the integrity of international financial markets, and harm foreign populations.

(5) Private banking is a growing activity among financial institutions based in and operating in the United States.

(6) The high profitability, competition, high level of secrecy, and close relationships of trust developed between private bankers and their clients make private banking vulnerable to money laundering.

(7) The use by United States bankers of financial centers located outside of the United States that have weak financial regulatory and reporting regimes and no transparency facilitates global money laundering.

(b) PURPOSE.—The purpose of this Act is to eliminate the weaknesses in Federal law that allow money laundering to flourish, particularly in private banking activities.

SEC. 3. IDENTIFICATION OF ACTUAL OR BENEFICIAL OWNERS OF ACCOUNTS.

(a) TRANSACTIONS AND ACCOUNTS WITH OR ON BEHALF OF FOREIGN ENTITIES.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

''§ 5331. Requirements relating to transactions and accounts with or on behalf of foreign entities

''(a) DEFINITIONS.—Notwithstanding any other provision of this subchapter, in this section the following definitions shall apply:

''(1) ACCOUNT.—The term 'account'—

''(A) means a formal banking or business relationship established to provide regular services, dealings, and other financial transactions; and

''(B) includes a demand deposit, savings deposit, or other asset account and a credit account or other extension of credit.

''(2) CORRESPONDENT ACCOUNT.—The term 'correspondent account' means an account established to receive deposits from and make payments on behalf of a correspondent bank.

''(3) CORRESPONDENT BANK.—The term 'correspondent bank' means a depository institution that accepts deposits from another financial institution and provides services on behalf of such other financial institution.

''(4) DEPOSITORY INSTITUTION.—The term 'depository institution' has the same meaning as in section 19(b)(1)(A) of the Federal Reserve Act.

''(5) FOREIGN BANKING INSTITUTION.—The term 'foreign banking institution' means a foreign entity that engages in the business of banking, and includes foreign commercial banks, foreign merchant banks, and other foreign institutions that engage in banking activities usual in connection with the business of banking in the countries where they are organized or operating.

''(6) FOREIGN ENTITY.—The term 'foreign entity' means an entity that is not organized under the laws of the Federal Government of the United States, any State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

''(b) PROHIBITION ON OPENING OR MAINTAINING ACCOUNTS BELONGING TO OR FOR THE BENEFIT OF UNIDENTIFIED OWNERS.—A depository institution or a branch of a foreign bank (as defined in section 1 of the International Banking Act of 1978) may not open or maintain any account in the United States for a foreign entity or a representative of a foreign entity, unless—

''(1) for each such account, the institution completes and maintains in the United States a form or record identifying, by a verifiable name and account number, each person having a direct or beneficial ownership interest in the account; or

''(2) some or all of the shares of the foreign entity are publicly traded.

''(c) PROHIBITION ON OPENING OR MAINTAINING CORRESPONDENT ACCOUNTS OR CORRESPONDENT BANK RELATIONSHIP WITH CERTAIN FOREIGN BANKS.—A depository institution, or branch of a foreign bank, as defined in section 1 of the International Banking Act of 1978, may not open or maintain a correspondent account in the United States for or on behalf of a foreign banking institution, or establish or maintain a correspondent bank relationship with a foreign banking institution (other than in the case of an affiliate of a branch of a foreign bank), that—

''(1) is organized under the laws of a jurisdiction outside of the United States; and

''(2) is not subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in such jurisdiction.

''(d) 48-HOUR RULE.—Not later than 48 hours after receiving a request by the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) for information related to anti-money laundering compliance by a financial institution or a customer of that institution, a financial institution shall provide to the requesting agency, or make available at a location specified by the representative of the agency, information and account documentation for any account opened, maintained, or managed in the United States by the financial institution.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5330 the following:

''5331. Requirements relating to transactions and accounts with or on behalf of foreign entities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) with respect to any account opened on or after the date of enactment of this Act, as of such date; and

(2) with respect to any account opened before the date of enactment of this Act, as of the end of the 6-month period beginning on such date.

SEC. 4. PROPER MAINTENANCE OF CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code, is amended by adding at the end the following:

''(3) AVAILABILITY OF CERTAIN ACCOUNT INFORMATION.—The Secretary shall prescribe regulations under this subsection that govern maintenance of concentration accounts by financial institutions, in order to ensure that such accounts are not used to prevent association of the identity of an individual customer with the movement of funds of which the customer is the direct or beneficial owner, which regulations shall, at a minimum—

''(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

''(B) prohibit financial institutions and their employees from informing customers of the existence of, or means of identifying, the concentration accounts of the institution; and

''(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that, any time a transaction involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is documented.''.

SEC. 5. DUE DILIGENCE REQUIRED FOR PRIVATE BANKING.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 10 the following:

''SEC. 5A. DUE DILIGENCE.

''(a) PRIVATE BANKING.—In fulfillment of its anti-money laundering obligations under section 5318(h) of title 31, United States Code, each depository institution that engages in private banking shall establish due diligence procedures for opening and reviewing, on an ongoing basis, accounts of private banking customers.

''(b) MINIMUM STANDARDS.—The due diligence procedures required by paragraph (1) shall, at a minimum, ensure that the depository institution knows and verifies, through probative documentation, the identity and financial background of each private banking customer of the institution and obtains sufficient information about the source of funds of the customer to meet the anti-money laundering obligations of the institution.

''(c) COMPLIANCE REVIEW.—The appropriate Federal banking agencies shall review compliance with the requirements of this section as part of each examination of a depository institution under this Act.

''(d) REGULATIONS.—The Board of Governors of the Federal Reserve System shall, after consultation with the other appropriate Federal banking agencies, define the term 'private banking' by regulation for purposes of this section.''.

SEC. 6. SUPPLEMENTATION OF CRIMES CONSTITUTING MONEY LAUNDERING.

Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) by striking clause (ii) and inserting the following:

''(ii) any conduct constituting a crime of violence;''; and

(2) by adding at the end the following:

''(iv) fraud, or any scheme to defraud, committed against a foreign government or foreign governmental entity under the laws of that government or entity;

''(v) bribery of a foreign public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a foreign public official under the laws of the country in which the subject conduct occurred or in which the public official holds office;

''(vi) smuggling or export control violations involving munitions listed in the United States Munitions List or technologies with military applications, as defined in the Commerce Control List of the Export Administration Regulations;

''(vii) an offense with respect to which the United States would be obligated by a multilateral treaty either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

''(viii) the misuse of funds of, or provided by, the International Monetary Fund in contravention of the Articles of Agreement of the Fund or the misuse of funds of, or provided by, any other international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) in contravention of any international treaty or other international agreement to which the United States is a party, including any articles of agreement of the members of such international financial institution;''.

SEC. 7. PROHIBITION ON FALSE STATEMENTS TO FINANCIAL INSTITUTIONS CONCERNING THE IDENTITY OF A CUSTOMER.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code (relating to fraud and false statements), is amended by inserting after section 1007 the following:

''§ 1008. False statements concerning the identity of customers of financial institutions

''(a) IN GENERAL.—Whoever knowingly in any manner—

''(1) falsifies, conceals, or covers up, or attempts to falsify, conceal, or cover up, the identity of any person in connection with any transaction with a financial institution;

''(2) makes, or attempts to make, any materially false, fraudulent, or fictitious statement or representation of the identity of any person in connection with a transaction with a financial institution;

''(3) makes or uses, or attempts to make or use, any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry concerning the identity of any person in connection with a transaction with a financial institution; or

''(4) uses or presents, or attempts to use or present, in connection with a transaction with a financial institution, an identification document or means of identification the possession of which is a violation of section 1028;

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section:

''(1) FINANCIAL INSTITUTION.—In addition to the meaning given to the term 'financial institution' by section 20, the term 'financial institution' also has the meaning given to such term in section 5312(a)(2) of title 31.

''(2) IDENTIFICATION DOCUMENT AND MEANS OF IDENTIFICATION.—The terms 'identification document' and 'means of identification' have the meanings given to such terms in section 1028(d).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking ''1014 (relating to fraudulent loan'' and inserting ''section 1008 (relating to false statements concerning the identity of customers of financial institutions), section 1014 (relating to fraudulent loan''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1007 the following:

''1008. False statements concerning the identity of customers of financial institutions.''.

SEC. 8. APPROPRIATION FOR FINCEN TO IMPLEMENT SAR/CTR ALERT DATABASE.

There is authorized to be appropriated $1,000,000, to remain available until expended, for the Financial Crimes Enforcement Network of the Department of the Treasury to implement an automated database that will alert law enforcement officials if Currency Transaction Reports or Suspicious Activity Reports disclose patterns that may indicate illegal activity, including any instance in which multiple Currency Transaction Reports or Suspicious Activity Reports name the same individual within a prescribed period of time.

SEC. 9. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

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

(3) by inserting '', or section 1957'' after ''or (a)(3)''; and

(4) by adding at the end the following:

''(2) For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, that commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States, if service of process upon such foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found.

''(3) The court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.''.

SEC. 10. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c)(6) of title 18, United States Code, is amended to read as follows:

''(6) the term 'financial institution' includes—

''(A) any financial institution described in section 5312(a)(2) of title 31, or the regulations promulgated thereunder; and

''(B) any foreign bank, as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).''.

SEC. 11. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

SUMMARY OF THE MONEY LAUNDERING ABATEMENT ACT OF 1999

A United States depository institution or a United States branch of a foreign institution could not open or maintain an account in the United States for a foreign entity unless the owner of the account was identified on a form or record maintained in the United States.

A United States depository institution or branch of a foreign institution in the United States could not maintain a correspondent account for a foreign institution unless the foreign institution was subject to comprehensive supervision or regulation.

Within 48 hours of receiving a request from a federal banking agency, a financial institution would be required to provide account information and documentation to the requesting agency.

The Secretary of the Treasury would be required to issue regulations to ensure that customer funds flowing through a concentration account (which comingles funds of an institution's customers) were earmarked to each customer.

The list of crimes that are predicates to money laundering would be broadened to include, among other things, corruption or fraud by or against a foreign government under that government's laws or the laws of the country in which the conduct occurred, and misappropriation of funds provided by the IMF or similar organizations.

Institutions that engage in private banking would be required to implement due diligence procedures encompassing verification of private banking customers' identities and source of funds.

It would be a federal crime to knowingly falsify or conceal the identity of a financial institution customer.

An appropriation would be authorized for FinCEN, which tracks reports filed by financial institutions under the Bank Secrecy Act, to establish an automated system of alerting authorities when multiple reports are filed regarding the same customer.

United States courts would be given ''long-arm'' jurisdiction over foreign persons and institutions that commit money laundering offenses that occur in whole or part in the United States.

The definition of money laundering in current statutes would be expanded to include laundering money through foreign banks.

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 279

At the request of Mr. CRAPO, his name was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 329

At the request of Mr. ROBB, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Montana (Mr. BURNS), the Senator from Nevada (Mr. REID), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alaska (Mr. STEVENS), the Senator from Nebraska (Mr. KERREY), the Senator from

New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD), the Senator from Texas (Mrs. HUTCHISON), the Senator from Louisiana (Mr. BREAUX), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from California (Mrs. FEINSTEIN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Missouri (Mr. ASHCROFT), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Nevada (Mr. BRYAN), the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAIG), the Senator from South Dakota (Mr. DASCHLE), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Washington (Mr. GORTON), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MACK), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Rhode Island (Mr. REED), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Maryland (Mr. SARBANES), the Senator from Alabama (Mr. SHELBY), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. THOMAS), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WARNER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 470

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 470, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction.

S. 664

At the request of Mr. L. CHAFEE, his name, and the name of the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 761

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 761, a bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 901

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 901, a bill to provide disadvantaged children with access to dental services.

S. 1120

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1120, a bill to ensure that children enrolled in medicaid and other Federal means-tested programs at highest risk for lead poisoning are identified and treated, and for other purposes.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1332

At the request of Mr. BAYH, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Louisiana (Mr. BREAUX), the Senator from Mississippi (Mr. COCHRAN), the Senator from Delaware (Mr. ROTH), the Senator from Hawaii (Mr. AKAKA), the Senator from Idaho (Mr. CRAPO), the Senator from Delaware (Mr. BIDEN), the Senator from Montana (Mr. BAUCUS), the Senator from Nevada (Mr. REID), the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. BRYAN), the Senator from West Virginia (Mr. BYRD), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1332, a bill to authorize the President to award a gold medal on behalf of Congress to Father Theodore M. Hesburg, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

S. 1369

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1378

At the request of Mr. VOINOVICH, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Missouri (Mr. BOND), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 1378, a bill to amend chapter 35 of title 44, United States Code, for the purposes of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes.

S. 1443

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. DASCHLE), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1443, a bill to amend section 10102 of the Elementary and Secondary Education Act of 1965 regarding elementary school and secondary school counseling.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1511

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1511, a bill to provide for education infrastructure improvement, and for other purposes.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1590, a bill to amend title 49, United

States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1666

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1666, a bill to provide risk education assistance to agricultural producers, and for other purposes.

S. 1693

At the request of Mr. GRAMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1693, a bill to protect the Social Security surplus by requiring a sequester to eliminate any deficit.

S. 1701

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1701, A bill to reform civil asset forfeiture, and for other purposes.

S. 1738

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1738, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 1862

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1862, a bill entitled ''Vermont Infrastructure Bank Program.''

S. 1867

At the request of Mr. ROBB, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1867, a bill to amend the Internal Revenue Code of 1986 to provide a tax reduction for small businesses, and for other purposes.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1896

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1896, a bill to amend the Public Buildings Act of 1959 to give first priority to the location of Federal facilities in central business areas, and for other purposes.

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Mr. GORTON), the Senator from Ohio (Mr. DEWINE), the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. DURBIN), the Senator from Missouri (Mr. ASHCROFT) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of Senate Resolution 108, a resolution designating the month of March each year as ''National Colorectal Cancer Awareness Month.''

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 128, a resolution designating March 2000, as ''Arts Education Month.''

SENATE RESOLUTION 216

At the request of Mr. CAMPBELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 216, a resolution designating the Month of November 1999 as ''National American Indian Heritage Month.''

At the request of Mr. CHAFEE, his name was added as a cosponsor of Senate Resolution 216, supra.

SENATE RESOLUTION 217

At the request of Mr. HUTCHINSON, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Florida (Mr. MACK) were added as cosponsors of Senate Resolution 217, a resolution relating to the freedom of belief, expression, and association in the People's Republic of China.

SENATE RESOLUTION 220

At the request of Mr. INHOFE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Resolution 220, a resolution expressing the sense of the Senate regarding the February 2000 deployment of the U.S.S. Eisenhower Battle Group and the 24th Marine Expeditionary Unit to an area of potential hostilities and the essential requirements that the battle group and expeditionary unit have received the essential training needed to certify the warfighting proficiency of the forces comprising the battle group and expeditionary unit.

SENATE RESOLUTION 223

At the request of Mr. HELMS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of Senate Resolution 223, a resolution condemning the violence in Chechnya.

SENATE RESOLUTION 224

At the request of Mr. CLELAND, the names of the Senator from Virginia (Mr. WARNER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Senate Resolution 224, a resolution expressing the sense of the Senate to designate November 11, 1999, as a special day for recognizing the members of the Armed Forces and the civilian employees of the United States who participated in the recent conflict in Kosovo and the Balkans.

SENATE RESOLUTION 227

At the request of Mr. BOND, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. LOTT), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Senate Resolution 227, a resolution expressing the sense of the Senate in appreciation of the National Committee for Employer Support of the Guard and Reserve.

At the request of Mr. BRYAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Resolution 227, supra.

AMENDMENT NO. 2515

At the request of Mr. LEAHY his name was added as a cosponsor of Amendment No. 2515 proposed to S. 625, a bill to amend title 11, United States Code, and for other purposes.

AMENDMENT NO. 2516

At the request of Mr. KOHL the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of Amendment No. 2516 proposed to S. 625, a bill to amend title 11, United States Code, and for other purposes.

AMENDMENT NO. 2650

At the request of Mr. SESSIONS his name was added as a cosponsor of Amendment No. 2650 proposed to S. 625, a bill to amend title 11, United States Code, and for other purposes.

AMENDMENT NO. 2771

At the request of Mr. HATCH the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of Amendment No. 2771 proposed to S. 625, a bill to amend title 11, United States Code, and for other purposes.

SENATE CONCURRENT RESOLUTION 72—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

Mr. WELLSTONE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 72

Whereas in 1999 approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide and hundreds of thousands more are at risk of being conscripted at any given moment;

Whereas many of these children are forcibly conscripted through kidnapping or coercion, while others join military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety;

Whereas many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children;

Whereas many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation;

Whereas child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections;

Whereas many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home;

Whereas children in northern Uganda continue to be kidnapped by the Lords Resistance Army (LRA) which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda;

Whereas children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country;

Whereas an estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone, some as young as age 10, with many being forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front;

Whereas the international community is developing a consensus on how to most effectively address the problem, and toward this end, the United Nations has established a working group to negotiate an optional international agreement on child soldiers which would raise the legal age of recruitment and participation in armed conflict to age 18;

Whereas on October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peacekeeping personnel that are made available by member nations of the United Nations;

Whereas United Nations Under-Secretary General for Peacekeeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25, and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age;

Whereas on August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts;

Whereas in addressing the Security Council, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combat the use of children in armed conflict: first, to raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18; second, to increase international pressure on armed groups which currently abuse children; and third, to address the political, social, and economic factors which create an environment where children are induced by appeal of ideology or by socio-economic collapse to become child soldiers; and

Whereas the United States delegation to the United Nations working group relating to child soldiers has opposed efforts to raise the minimum age of participation in armed conflict to the age of 18 despite the support of an overwhelming majority of countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress joins the international community in condemning the use of children as soldiers by governmental and nongovernmental armed forces worldwide; and

(2) it is the sense of the Congress that—

(A) the United States should not oppose current efforts to negotiate an optional international agreement to raise the international minimum age for military service to the age of 18;

(B) the Secretary of State should address positively and expediently this issue in the next session of the United Nations working group relating to child soldiers before this process is abandoned by the international community; and

(C) the President and the Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers.

Mr. WELLSTONE. Mr. President, today I am submitting a 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.

In 1999, an estimated 300,000 individuals under the age of 18, some as young as age 5, were serving as soldiers in dozens of armed conflicts around the world, some with armed insurgencies, and some in regular armies.

Over the past five years, children were combatants in at least 33 countries around the world: in Africa, in the Americas, in Europe, the Middle East and Persian Gulf, and in Asia.

Throughout the world, children are exploited by adults for cruel purposes. These children have no voice. Some children are kidnaped and forced to become combatants. In the conflict in Sierra Leone, rebel armies willfully conscripted children into their ranks after forcing them to kill their family members and neighbors.

Once conscripted, many children are subject to brutal induction ceremonies. The impact of the regular use of physical and emotional abuse involving degradation and humiliation of younger recruits to ''indoctrinate'' discipline, and to induce fear of superiors usually results in low self-esteem, guilt feelings and violent solutions to problems.

In addition, children are treated like their adult counterparts. This can have severe physical effects. Poor and inadequate food and medical care have more serious implications for children, whose bodies are still growing and may be weakened by the exertions of military life. Children who cannot ''keep up'' are routinely killed by their leaders so that they cannot reveal any secrets.

Child soldiers are sometimes drugged so that they will fight even more fiercely. They may be used as human shields, to protect the more valuable, trained adult soldiers.

Some children may appear to become combatants of their own accord. These are children—children without the capacity to judge what is in their own best interest. Children who are subject to subtle manipulations by family and community members may succumb to pressures that lead them to participate in hostilities.

Some children become so enraged by the violence against their families and communities they become combatants to seek revenge. These ''volunteers'' are children who have witnessed extremes of physical violence, including death squad killings, disappearances, torture, destruction of home or property and massacres. Young children seldom appreciate the dangers which they face. Alone, orphaned, frightened, bored, and frustrated, they will often finally choose to fight.

When a conflict has ended, child soldiers often do not receive any special treatment for their reintegration into civil society. Child soldiers have different needs than adult soldiers and require special services, such as education, training, and social and psychological rehabilitation.

Although child soldiers are subjected to unspeakable horrors, the international community has been slow in outlawing the use of children under 18 in armed conflicts. Today, international law regarding child soldiers is governed primarily by the UN Convention on the Rights of the Child. The Convention states that children under 15 cannot be recruited, conscripted, or made to participate in armed conflict. Every country in the United Nations, except the United States and Somalia has ratified the Convention.

Currently, a number of governments are working in Geneva to establish an Optional Protocol to the Convention on the Rights of the Child that would raise the minimum age for recruitment and participation in conflict in 18. The working group has met over the past five years, but so far has been unable to reach consensus as to the wording and terms of the protocol. This delay is in part due to the United States, which does not want to give up its practice of recruiting youths under 18 for military service.

Although in the United States conscription is limited to those 18 and over, the United States military has a long standing practice of recruiting youths under the age of 18 and allowing them to be designated to fill combat positions. According to the U.S. Defense Department, children under the age of 18 make up less than one-half of one percent of active U.S. troops, about 7,000 individuals. I urge the Defense Department to examine its policy of recruiting children under the age of 18. Further, I urge the Defense Department to reassign those recruits under 18 to non-combat positions and adopt a clear policy barring those under 18 from participating in armed conflict. These steps would bring the United States closer to the emerging international consensus regarding the minimum age for military service.

Further, to move forward, the United States government must drop its objection to an international agreement establishing 18 as the minimum age for recruitment or participation in armed conflict. Since the United States is not even a party to the parent treaty, our opposition is inappropriate. The United States should not object to other countries moving forward in protecting their children even if we choose not to follow suit.

Mr. President, I speak today for these children who have grown up surrounded by violence and can only see this as a permanent way of life; for the children who are the victims of unfathomable terror and violence; and, for the children who are forced to perpetrate equal atrocities upon others.

I speak for the children who have no other voice to speak for them, and no voice to speak for themselves. I submit this resolution so that the United States Congress can speak for these children.

I ask the United States Senate, as we look to the new millennium, to begin the process whereby we eliminate the use of children as soldiers. I ask the Senate to give voice to these children and to future generations of children through passage of this concurrent resolution.

The resolution simply provides that (1) the Congress joins the international community in condemning the use of children as soldiers; and (2) it is the sense of the Congress that (A) the United States should not oppose current efforts to negotiate an optional international agreement to raise the international minimum age for military service to the age of 18; (B) The Secretary of State should address positively and expediently this issue in the next session of the United Nations working group relating to child soldiers before this process is abandoned by the international community; and (C) the President and the Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers.

SENATE CONCURRENT RESOLUTION 73—EXPRESSING THE SENSE OF THE CONGRESS REGARDING FREEDOM DAY

Mr. LIEBERMAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 73

Whereas on November 9, 1989, the Berlin Wall was torn down by those whom it had imprisoned;

Whereas the fall of the Berlin Wall has become the preeminent symbol of the end of the Cold War;

Whereas the Cold War, at is essence, was a struggle for human freedom;

Whereas the end of the Cold War was brought about in large measure by the dedication, sacrifice, and discipline of Americans and many other peoples around the world united in their opposition to Soviet Communism;

Whereas freedom's victory on the Cold War against Soviet Communism is the crowning achievement of the free world's long 20th century struggle against totalitarianism; and

Whereas it is highly appropriate to remind Americans, particularly those in their formal educational years, that America paid the price and bore the burden to ensure the survival of liberty on this planet: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a Freedom Day should be celebrated each year in the United States; and

(2) the United States should join with other nations, specifically including those which liberated themselves to help end the Cold War, to establish a global holiday called Freedom Day.

Mr. LIEBERMAN. Mr. President, we have just marked the 10th anniversary of the fall of the Berln Wall, one of the most important milestones of our era. In honor of this event, I am submitting a resolution urging that a ''Freedom Day'' be celebrated each year in the United States. It also calls on the United States to work with other nations to establish a global holiday called ''Freedom Day.'' The House already passed an identical resolution, introduced by my friend House Policy Chairman CHRISTOPHER COX, by a vote of 417–0, and it is my hope that we can pass it in the Senate before adjournment.

A decade later, it is sometimes easy to forget the profound significance of November 9, 1989, the day that Berlin Wall came down. It was the symbolic end of four decades of a Cold War that had dominated our foreign and defense policies and threatened international stability. The Cold War's end was a resounding success for the United States and the international community, that set off a worldwide movement toward greater democratization and the embrace of free markets.

In the United States, credit for this success can be generously distributed to generations of American leaders, both Democrats and Republicans, who never wavered in their courageous determination to contain the Soviet Union and resist totalitarianism. The end of the Cold War was truly a bi-partisan effort and a national achievement, and is a model of cooperation that we should not forget as we seek to address the international concerns we face now and in the future.

The fall of the wall was a transcendent moment in the struggle against totalitarianism and for democracy, a smashing victory for the human spirit and the cause of human rights. It is only fitting that we choose the anniversary of this epochal triumph to honor and celebrate freedom's march of progress across the planet.

This effort to establish a ''Freedom Day,'' in recognition of the end of the Cold War, was inspired by my good friend Ben Wattenberg, Senior Fellow at the American Enterprise Institute and a long time champion of freedom and democracy. His recent column entitled ''moving Forward With Freedom Day'' is particularly noteworthy.

Mr. President, I ask unanimous consent that the complete text of Mr. Wattenberg's column be inserted in the RECORD.

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

MOVING FORWARD WITH FREEDOM DAY

Ten years ago, on Nov. 9, 1989, the Berlin Wall was battered down by the people it had imprisoned. The event is regarded as the moment the Cold War ended. For Americans without sentiment memories of World War II, the end of the Cold War has been the most momentous historical event of their lifetimes, and so it will likely remain.

Long yearned for, the end of the Cold War has more than lived up to expectations: Democracy is on the march globally, defense budgets are proportionately down, market economies are beginning to flourish most everywhere, everyday people are benefiting each and every day.

The end of the Cold War actually was a process, not an event. By early 1989, Soviet President Mikhail Gorbachev had pulled his troops from Afghanistan, whipped. Poles elected a noncommunist government; the Soviets did nothing. Hungary, Czechoslovakia, East Germany and later Bulgaria installed non-communist governments. It was called ''the velvet revolution,'' with only Romania the exception; Nicolae Ceausescu and his empress were executed.

For almost two years, the U.S.S.R. remained a one-party communist state, gradually eroding. Hard-liners attempted to resist the slow motion dis-memberment. On Aug. 19, 1991, Boris Yeltsin stood on a tank to resist a hard-line coup. The hammer-and-sickle came down; the Russian tricolor went up. Other Soviet republics declared independence, including the big guy on the block, Ukraine.

U.S. diplomats did not ''gloat'' about it. The sovereign state of Russia would be unstable enough without the United States rubbing it in.

On Dec. 4, 1991, I proposed in a column that a new national holiday be established to commemorate the end of the Cold War. I asked readers to participate in a contest to: 1. Name it; 2. pick a date; and 3. propose a method of celebration.

Several hundred submissions came in. Some of the most imaginative entries for a name were: ''Defrost Day,'' ''Thaw Day,'' ''Ronald Reagan Day,'' ''Gorbachev Day,'' ''Borscht Day,'' ''Peace Through Strength Day,'' ''E Day'' (which would stand for ''Evil Empire Ends Day''), ''E2D2'' (''Evil Empire Death Day''), ''Jericho Day,'' ''Pax Americana Day'' and ''Kerensky Future Freedom Day'' (recalling that Mr. Yeltsin was not the first pro-democratic leader of Russia).

Scores of respondents offered ''Liberty Day,'' ''Democracy Day,'' and, mostly, ''Freedom Day.'' In June of 1992, I publicly proclaimed ''Freedom Day'' the winner.

One suggestion for the date of the new holiday was June 5, for Adam Smith's birthday. But the most votes went for Nov. 9, the day the wall fell. So today I proclaim that date Freedom Day.

There were ideas about how to celebrate and commemorate Freedom Day: Build a sibling sculpture to the Statue of Liberty; eat potatoes, the universal food; build a tunnel to Russia across the Bering Strait; thank God for peace; welcome immigrants; meditate; issue a U.N. stamp; build ice sculptures; send money to feed Russians; and do something you can't do in an unfree country—make a public speech, see a dirty movie, celebrate a religion, travel across a border.

I propose that discussion on the matter of how to celebrate be put on hold until we get the holiday established.

How? Because all the major presidential candidates participated in the Cold War, they should endorse the holiday. Legislators ought to push for it. Anyone who worked in a defense industry, or paid federal taxes from 1945 to 1989, ought to support it. President Clinton ought to go to the Reagan Library to endorse it.

I met with Mark Burman of the Reagan Presidential Foundation. He says they are on board for a campaign. The other great presidential libraries—Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford and Carter—should join in.

So should anyone concerned with the teaching of American history. The holiday will remind American children that their recent ancestors preserved freedom. The Cold War generation may not be ''the greatest'' but they did their job—victory without a major hot war.

Americans can only create an American holiday. But we ought to invite all other countries to join in, Russia first. The citizens of Russia won the Cold War as surely as we did. If I were a Chinese dissident I'd promote the idea; it might give their leaders a clue.

If you like the idea, or have ideas, you may e-mail me at Watmail@aol.com. I'll pass the correspondence along to the appropriate persons, as soon as I figure out who they are.

SENATE RESOLUTION 231—REFERRING S. 1456 ENTITLED ''A BILL FOR THE RELIEF OF ROCCO A. TRECOSTA OF FORT LAUDERDALE, FLORIDA'' TO THE CHIEF JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A REPORT THEREON

Mr. GRAHAM submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 231

Resolved,

SECTION 1. REFERRAL.

S. 1456 entitled ''A bill for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida'' now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

SEC. 2. PROCEEDING AND REPORT.

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to Rocco A. Trecosta of Fort Lauderdale, Florida.

SENATE RESOLUTION 232—MAKING CHANGES TO SENATE COMMITTEES FOR THE 106TH CONGRESS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S.RES. 232

Resolved, That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of rule XXV, the following changes shall be effective on those Senate committees listed below for the 106th Congress, or until their successors are appointed:

Committee on Intelligence: effective the 2nd session of the 106th Congress, remove Mr. DeWine, and Mr. Kerrey.

AMENDMENTS SUBMITTED

PRIVACY PROTECTION STUDY COMMISSION ACT OF 1999

KOHL (AND TORRICELLI) AMENDMENT NO. 2777

(Ordered referred to the Committee on the Judiciary)

Mr. KOHL (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill (S. 1901) to establish the Privacy Protection Study Commission to evaluate the efficacy of the Freedom of Information Act and the Electronic Freedom of Information Act Amendments of 1996, to determine whether new laws are necessary, and to provide advice and recommendations; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Privacy Protection Study Commission Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the right of privacy is a longstanding personal right embedded in United States history and jurisprudence;

(2) the openness of Government records, procedures, and actions has become increasingly important in recent years, and should remain so in a free and democratic society;

(3) the use of electronic data collection, storage, communications, transfer, and usage has increased exponentially, thus heightening the potential impact upon individual privacy;

(4) national surveys indicate that the growth and expansion of technology has resulted in concern regarding electronic data privacy for more than 80 percent of United States citizens;

(5) currently, there is no uniform Government policy addressing either Government or private sector uses of personal data;

(6) the right of individual privacy must be weighed against legitimate uses of personal information that benefit the public good; and

(7) the private sector has made notable efforts to self-regulate privacy protection, especially in the online environment, but there remains room for improvement.

(b) PURPOSE.—The purpose of this Act is to establish a study commission to—

(1) examine the implications of new and existing technologies on individual privacy;

(2) ensure appropriate privacy protection of both Government and private sector uses of personal information, recognizing that a balance exists between individual rights and the public good including the legitimate needs of law enforcement;

(3) identify Government efforts to establish privacy policy, including recommendations for improved coordination among Government agencies, and foreign governments, and if necessary, legislative proposals;

(4) evaluate new technology (i.e. biometrics) to enhance electronic data privacy; and

(5) study the extent, need, and feasibility of individual control over personal information.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Privacy Protection Study Commission (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members of whom—

(A) 3 shall be appointed by the President of the United States;

(B) 2 shall be appointed by the Majority Leader of the Senate and 1 shall be appointed by the Minority Leader of the Senate; and

(C) 2 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Commission shall be chosen based on their knowledge and expertise in law, civil rights and liberties, privacy matters, government, business, telecommunications, media, or information technology.

(3) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall elect a Chairman and Vice Chairman from among its members. The Chairman, or a member appointed by the Chairman, shall be the official spokesperson of the Commission in its relations with Congress, Government agencies, other persons, and the public.

(4) TERM OF APPOINTMENT; VACANCIES.—

(A) APPOINTMENT.—

(i) IN GENERAL.—Members shall initially be appointed not later than 90 days after the date of enactment of this Act.

(ii) TERM.—Members shall be appointed for the life of the Commission.

(B) VACANCY.—Any vacancy in the Commission shall not affect its powers and shall

be filled in the same manner as the original appointment.

(5) VOTING.—Each member of the Commission shall have equal responsibility and authority in all decisions and actions of the Commission, and shall have 1 vote. Action of the Commission shall be determined by a majority vote of the members present.

(6) QUORUM.—Five members of the Commission shall constitute a quorum, however a lesser number of members may hold hearings.

SEC. 4. DUTIES OF THE COMMISSION.

(a) INVESTIGATION.—The Commission is authorized to conduct a thorough investigation of all matters relating to privacy policy.

(b) MANDATORY COMMISSION FUNCTIONS.—The Commission shall—

(1) research and investigate the actual and potential implications to individual privacy of electronic collection, storage, transfer, and usage of personal information by Federal, State, and local governments and the private sector;

(2) review enacted law and proposed Federal and State legislation pertinent to privacy protection and electronic data protection, including sections 552 and 552a of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act, respectively), the 1996 Electronic Freedom of Information Act Amendments of 1996 (5 U.S.C. 552 note)), Electronic Communications Privacy Act of 1986 (18 U.S.C. 2510 note), Fair Credit Reporting Act (15 U.S.C. 1601 et seq.), and the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. 521 et seq.), and if necessary, propose any legislation to—

(A) ensure appropriate privacy protection for both Government and private sector uses of personal information;

(B) provide the proper balance between privacy protection and legitimate, effective uses of information and the needs of law enforcement agencies; and

(C) eliminate and resolve any conflict between laws; and

(3) evaluate the effectiveness and success of self-regulation privacy initiatives undertaken by the private sector.

(c) DISCRETIONARY COMMISSION FUNCTIONS.—The Commission may—

(1) evaluate the status of Federal and State laws for the purpose of establishing policy objectives for Federal privacy protection and electronic data protection, including efforts to harmonize United States law with that of foreign jurisdictions;

(2) develop model privacy protection, electronic data protection, and fair information practices, standards, and guidelines;

(3) evaluate potential technology that will enhance privacy protection and electronic data protection;

(4) identify privacy protection policies of Federal agencies, and evaluate the possible need for coordination of such policies; and

(5)(A) determine the need for the establishment of a permanent Federal agency, department, or bureau to maintain uniform privacy protection and electronic data protection policy; and

(B) if the Commission determines such an agency is advisable, develop a business plan for the establishment and maintenance of such agency.

(d) REPORTS; RECOMMENDATIONS.—

(1) PROGRESS REPORTS.—The Commission may provide periodic written reports to the President and the Judiciary Committees of the Senate and the House of Representatives on the Commission's activities and findings.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date on which the first meeting of the Commission occurs, the Commission shall submit a written final report to the President and Congress on the Commission's findings.

(B) CONTENTS.—The report shall contain a detailed statement of the Commission's findings and conclusions, together with any recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings and sit and act at such times and places, administer oaths, and require by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memorandums, papers, and documents as the Commission considers necessary.

(b) SUBPOENA POWERS.—

(1) IN GENERAL.—Subpoenas issued under subsection (a)—

(A) may only be issued pursuant to a majority vote of all the members of the Commission, including affirmative votes by the Chairman and the Vice-Chairman of the Commission;

(B) shall bear the signature of the Chairman of the Commission or any designated member; and

(C) may be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence.

(B) PUNISHMENT.—Any failure to obey the order of the court may be punished by the court.

(3) WITNESS ALLOWANCE AND FEES.—The provisions of section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality any information, suggestions, estimates, and statistics for the purpose of carrying out this Act. Any entity from which such information is requested is authorized and directed, to the extent authorized by law, to furnish the requested information to the Commission, upon request made jointly by the Chairman and Vice Chairman.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—The Commission may accept from any Federal agency or other person, any identifiable personal data if such data is necessary to carry out its powers and functions.

(2) SAFEGUARDS.—In any case in which the Commission accepts such information, it shall provide all appropriate safeguards to ensure that the confidentiality of the information is maintained and that upon completion of the specific purpose for which such information is required, the information is destroyed or returned to the agency or person from which it was obtained.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF COMMISSION MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the actual performance of the duties of the Commission.

(2) GOVERNMENT PERSONNEL.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, the members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5326 of such title.

(3) SPECIAL EXPERTS AND CONSULTANTS.—The Chairman of the Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which its final report is submitted to the President and Congress.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $5,000,000 to carry out the provisions of this Act.

(b) AVAILABILITY.—Any sums appropriated in this section shall remain available, without fiscal year limitation, until expended.

BANKRUPTCY REFORM ACT OF 1999

HUTCHISON (AND OTHERS) AMENDMENT NO. 2778

Mrs. HUTCHISON (for herself, Mr. BROWNBACK, and Mr. GRAHAM) proposed an amendment to amendment No. 2516 proposed by Mr. KOHL to the bill (S. 625) to amend title 11, United States Code, and for other purposes; as follows:

Strike the period at the end and insert the following: ''. The provisions of this section

shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 10, 1999, beginning at 10 a.m., in Dirksen Room 226, to conduct a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 10, 1999 after the first vote, approximately 12 p.m., in the President's Room to conduct a markup.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet on Wednesday, November 10, 1999, at 1 p.m., for a hearing entitled ''Private Banking and Money Laundering: A Case Study of Opportunities and Vulnerabilities.''

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Governmental Affairs and the Senate Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, November 10, 1999 at 10 a.m. for a hearing regarding Federal Contracting and Labor Policy: Could the Administration's Change to Procurement Regulations Lead to ''Blacklisting'' Contractors?

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

SUBCOMMITTEE ON INTERNATIONAL RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Relations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 10, 1999 at 2 p.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

GEORGE GABRIEL CELEBRATING HIS 90TH BIRTHDAY

• Mr. MOYNIHAN. Mr. President, I rise today to honor my fellow New Yorker George Gabriel on the occasion of his 90th birthday. George has been a war veteran, tennis instructor, lawyer, and vice president of Broadcast Music, Incorporated (B.M.I.). His family will always know him for his love of classical music, quick wit, and pertinent advice.

During World War II, George was stationed in Australia and the Philippines. He distinguished himself as a member of the Army's code-breaking operations, reading enciphered cables intercepted from Japan. This might explain his affinity for the always challenging New York Times crossword puzzles!

After the war, he graduated from Brooklyn Law School and went to work for B.M.I. His work in the field of music copyright prompted a quick rise up the corporate ladder. He was eventually promoted to the position of vice president, where he remained until the time of his retirement.

Yet, for all his professional achievements, it is his personal life that gives him the most fulfillment. This epochal moment marks a grand achievement for a man who is a mentor to grandchildren, nieces, and nephews. I offer my prayers to George for continued good health and cheer, and close with a particularly apt Irish blessing:

May joy and peace surround you,
Contentment latch your door,
And happiness be with you now,
And bless you evermore.•

COMPREHENSIVE TEST BAN TREATY

• Mr. COVERDELL. Mr. President, several weeks ago the Senate wisely rejected the Comprehensive Test Ban Treaty. Much was written about how the debate evolved here in the Senate. As one closely involved in this historic debate, I submit for the RECORD an excellent article in the November 8 issue of National Review by Richard Lowry.

The article follows.

[From the National Review, Nov. 8, 1999]

TEST-BAN BAN

(By Richard Lowry)

''If we had a hearing and had a vote on the CTBT, we would win overwhelmingly.''

—Sen. Joe Biden, July 29, 1998

Jesse Helms mounted his motorized cart and left the Republican cloakroom, just off the Senate floor. Arizona senator Jon Kyl was right behind him. Georgia's Paul Coverdell got word in his office and immediately headed out the door. All were converging on the offices of majority leader Trent Lott late Tuesday afternoon, Oct. 12, as Senate staffers and others buzzed of an imminent deal to avoid a vote on the Comprehensive Test Ban Treaty. Minority leader Tom Daschle had just offered Lott a treaty-saving agreement. Now the small group of Republicans-after clearing Lott's cramped conference room of all staff, to ensure privacy—would decide whether the Senate would vote down a major international treaty for the first time in 80 years.

Their decision would be the culmination of months of work, and it would determine whether the congressional wing of the GOP would win its most significant victory since welfare reform in 1996. They knew they had a strong case on the merits. Defeating the treaty would, among other things, fit into a two-pronged national-security strategy featuring both missile defense and nuclear deterrence; deterrence is impossible without a safe, reliable American arsenal of the sort that the treaty would endanger. Shrewd GOP tactics and a series of Democratic miscalculations had brought the treaty to the brink, and now the senators were back where they had started—around that conference table—pondering whether to push it over the edge.

The first meeting in Lott's office had been in late April, when those same four began a quiet, well-organized effort to defeat the treaty. Kyl was the point man. A bright, serious-minded conservative and an authority on arms control, he had hosted meetings of anti-treaty staff as early as February. Soon after, he enlisted the help of Coverdell, always an important behind-the-scenes Senate player. Treaty opponents realized from the beginning that they would be wise to learn from their defeat on the Chemical Weapons Convention two years earlier, when Lott undercut them at the last minute. The first lesson? Get Lott on board early.

At the April meeting, Lott indicated his opposition to the treaty but said that no decisions could be made until the group determined how many Republicans were with them. So, in early May, treaty opponents began the first in a series of careful ''whip checks'' of how GOP Senators intended to vote. They gave wide berth to Senators who were likely to support the treaty or might spread word that something was afoot. ''There were 15 to 20 members we didn't even ask,'' says a Senate aide. The first count showed 24 votes against the treaty—10 short of the number needed to stop it—with another 11 ''leaning against.''

Around this time, an internal debate among treaty opponents was close to resolution, at least in the minds of Kyl and Coverdell. The question had been whether it was better to ''go fast''—gather the votes to defeat the treaty, then vote on it right away—or ''go slow,'' in the hope of bottling it up forever. The ''go fast'' advocates figured treaty opponents would only lose strength as the November 2000 elections neared. With the approach of Election Day, Senators would want to avoid any controversial vote, while the White House would benefit from additional time to hammer its opponents. The chemical-weapons fight had demonstrated the awesome communications power of the administration. Why wait for it to shift into gear?

In early August, Lott was shown a binder full of clips—op-eds and letters—that supported the treaty, which seemed to indicate that the administration's push for it was underway. For a long time, treaty opponents had feared the administration would use a September conference commemorating the third anniversary of the treaty's signing as a deadline for Senate action. A July 20 letter from all the Senate Democrats—demanding hearings and a vote by October—seemed to confirm this plan. A fall treaty fight would coincide nicely with the period in which Republicans would be scrambling to pass appropriations bills. Democrats would have leverage to threaten to bollix up the spending process—creating the conditions for another ''government shutdown''—unless Republicans released the treaty.

Lott settled on a three-part interim strategy: (1) Helms—with 25 years' experience opposing ill-conceived arms-control treaties—

would continue to hold up the treaty in his Foreign Relations Committee; (2) meanwhile, influential former national-security officials would continue to be lined up in opposition to it; and (3) Kyl and Coverdell would continue to work the vote count. By the time of a Sept. 14 meeting in Lott's office, Kyl could guarantee 34 votes in opposition—just enough. He could also deliver the energetic help of former secretary of defense (and secretary of energy) James Schlesinger.

Before long, the education effort by treaty opponents was in full swing. Kyl's staff prepared briefing books to distribute to other Senate staffers. Two nuclear-weapons experts who had worked in the labs briefed senators both individually and in small groups. And Schlesinger, who had served in both Republican and Democratic administrations, spoke at a luncheon for Republican Senators, then returned for more briefings the following week. ''He was key to us,'' says the Senate aide. The effort began to show in the steadily rising vote count: Sept. 14–34 opposed; Sept. 17–35; Sept. 22–38; Sept. 30—an amazing 42.

At the same time, Democrats heedlessly stepped up their agitation for action on the treaty. North Dakota Senator Byron Dorgan was threatening to tie up Senate business, getting under Lott's skin. ''They were a huge influence on the decision to say, 'Okay, let's just hold this vote,'' says Coverdell about the Democrats. On Sept. 28, Biden showed Helms a resolution that he planned to offer, proposing hearings on the treaty this year and a vote by March 31, 2000. Biden's ploy seemed to indicate that the Democrats now planned to raise the temperature on the treaty in the spring, when it would get enmeshed in the presidential campaign and discomfit George W. Bush. As a result, Lott decided to move. He quietly reassured Biden that his resolution would be unnecessary.

On Sept. 30, Lott offered a ''unanimous consent'' agreement—all Senators have to sign on to such an agreement for it to go into effect—to bring up the treaty for an immediate vote. Daschle objected, charging that, among other things, there wasn't enough time for debate. Lott gave the Democrats the additional time they wanted, and on Oct. 1, Daschle lent his support to a new agreement. There would be a vote on the treaty within two weeks. Every Democrat in the Senate had endorsed the timing—and this was a mistake of major proportions.

Why did the Democrats do it? In part, they were trapped by their own rhetoric. Gleeful GOP staffers had a sheaf of statements from Democrats demanding a treaty vote this year. How could they back out now? They were also probably unaware of the direness of their situation. ''It was plain arrogance,'' says Kyl. ''They didn't have any idea they wouldn't win.'' Democrats also might have figured that they could, if necessary, cut a last-minute deal with Lott to avert a vote. The final days of the treaty fight featured a panicked Democratic effort to reverse course and do just that, even as the vote count against them continued to mount: Oct. 1–43 against; Oct. 7–45.

Lott was still open to avoiding a vote, but only if he could get an ironclad agreement from the Democrats that it would not come up again for the duration of the Clinton administration. It was this possibility—and the wiggle room the administration would surely find in any such deal—that had treaty opponents on edge. ''We were nervous until the vote took place that something was going to sidetrack it,'' says Arkansas Senator Tim Hutchinson. On Oct. 12, Daschle sent Lott a letter proposing to shelve the treaty, barring ''unforeseen changes.'' Lott promised to run it by his members. Hence the call that brought Helms, Kyl, and Coverdell dashing to Lott's office. Daschle's staff was already telling reporters that a deal was at hand, prompting yet another treaty opponent, Oklahoma's Jim Inhofe, to sprint to Lott's office unbidden.

Kyl, Helms, and Coverdell huddled with Lott over Daschle's proposal. What did ''unforeseen changes'' mean? Coverdell thought it was a ''glaring escape clause.'' The consensus of the group was that it was unacceptable. ''We couldn't have had a more calm, considerate discussion,'' says Kyl. ''Lott didn't need to be persuaded or harangued in the least.'' There was a brief discussion of going back to the Democrats with a draft of a foolproof deal. But it dawned on everyone that any deal would be impossible. The Democrats weren't serious, and some Republicans were unwilling to go along no matter what. Inhofe, arriving at Lott's office, emphasized just that. The only way out, as one Senate aide puts it, would have been ''an internal Republican bloodbath.''

So, the next day, all systems were go. Lott firmly rejected a last-minute floor attempt by Democratic lion Robert Byrd to place obstacles in the way of a vote. Byrd threw a fit—to no avail. It was too late. Republican Senator John Warner was running around the floor, still gathering signatures on a letter asking that the vote be put off. Again, too late. President Clinton called Lott, asking if there was anything he could do. Replied Lott: Too late. When the floor debate was concluded, 51 Republican Senators voted down the Comprehensive Test Ban Treaty in the face of international pressure, the opposition of the White House, and hostile media.

Surprising? Well, yes. ''I thought we had 50,'' says Jon Kyl.●

RECOGNITION OF JULIE ROLING

● Mr. JOHNSON. Mr. President, I rise today to express my appreciation for the hard work of Julie Roling, a Brookings Institution Fellow who has worked as part of my staff for the past six months. Julie has been a tremendous asset to my legislative staff, and I am fortunate to have had her assistance. When she returns to the National Security Agency in December, I know she will be missed by me and my staff.

Very often, Brookings Fellows have reputations that precede them in Capitol Hill offices. Known as some of the best and brightest government employees, they are considered secret weapons to the Members they assist. Julie has been no exception. She came to my office with a wealth of government experience and policy knowledge, as well as a model work ethic and positive attitude. While her expertise lies in defense procurement, Julie welcomed projects in a broad array of new issue areas and contributed a great deal to my legislative staff.

Throughout the past six months, Julie has worked on a number of projects dealing with the environment, natural resources, agriculture and trade. Julie led research efforts regarding a controversial wetlands policy during her time in my office. The unfortunate circumstances surrounding this issue pitted the interests of agricultural producers against environmental groups. It was imperative that my staff and I have access to the most recent information, in order to effectively address the concerns of my constituents. Julie's research provided my office with up-to-date and unbiased information that enabled me to communicate clearly with both farmers and environmentalists during this time. Julie handled frequent communication with government agencies and almost daily communications with South Dakotans.

Julie also provided valuable assistance on crop insurance legislation this year as well. Both the House of Representatives and the Senate introduced numerous bills to reform the crop insurance program in this Congress, an issue of great importance to the farmers of South Dakota. Julie collected and synthesized information that enabled me and my staff to decide which crop insurance reform bills most effectively addressed the concerns of South Dakota farmers.

One of the most challenging tasks Julie undertook was the creation of a comprehensive resource guide regarding restructuring of the electricity industry. The end result of Julie's work was a thorough index of restructuring terms, industry positions, key issues and legislative proposals. Anyone who is familiar with the complexity of deregulation proposals can appreciate the hard work and attention to detail required to create such a resource, which will be invaluable to me as the Senate Energy Committee continues to discuss and evaluate restructuring legislation.

Again, I wish to express my deep gratitude to Julie for a job well done. I wish her the very best in her future endeavors.●

TRIBUTE TO CIVIL WAR HERO FREDERICK ALBER

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the late Frederick Alber of Lapeer County, MI. On November 13, 1999, the community of Oregon Township will dedicate a new headstone for Mr. Alber and also honor other veterans buried in the Oregon Township Cemetery.

Frederick Alber enlisted in the Seventeenth Michigan Infantry on July 2, 1862 at age 24 and served valiantly during the Civil War. On July 30, 1896, Private Alber was issued the Medal of Honor for his undaunted bravery in the wilderness and his heroic actions at Spotsylvania. On May 12, 1864, Private Alber rescued Lieutenant Charles Todd of the 17th Michigan Infantry who was in the hands of a party of rebels. Private Alber shot down one enemy rebel and knocked over another with the butt of his musket. He then took the rebels as prisoners and conducted them both to the rear of the formation.

The Civil War is one of the most important events in our nation's history. Thanks to the brave actions of soldiers like Frederick Alber, we are a united, free country. It is only fitting that we remember the great sacrifices made by those who have gone before us. The marker dedication at Frederick Alber's grave site is a meaningful way to remember and honor the past heroes of our country and is an appropriate manner in which to salute our cherished liberties.

I join the entire community of Oregon Township and Lapeer County as they pay their respects to a real American hero, Frederick Alber.●

TRIBUTE TO RICHARD P. AUGULIS

● Mr. HOLLINGS. I rise today to pay tribute to Richard P. Augulis on the occasion of his retirement as director of the National Weather Service Central Region.

In Mr. Augulis' 35 years with the National Weather Service, including 13 years as director of the 14-state Central Region, he has held public safety paramount, whether as a forecaster or as a manager. He has now retired to Las Vegas, Nevada where he is able to enjoy this new venture with members of his family.

Mr. Augulis joined the National Weather Service in August 1961 as a Weather Bureau Student Trainee at WBAS Midway Airport while attending St. Louis University. He earned his Bachelor of Science in Meteorology in 1963 and added a Masters Degree in 1967. He distinguished himself in a variety of forecasting and management positions—in Salt Lake City; Anchorage and Fairbanks, Alaska; Garden City, New York; and, finally, Kansas City.

Beginning in 1974, as Meteorologist in Charge of the new Fairbanks Weather Forecast Office, Mr. Augulis presided over a staff that operated service programs during the exciting and challenging times of the Trans-Alaska Pipeline construction. Mr. Augulis' leadership was also invaluable to employees during the mid-1970s when the National Weather Service implemented the Automation of Field Operations (AFOS) communications network, making a breakthrough transition from teletype to computers.

Mr. Augulis' last decade with the National Weather Service included the largest modernization and reorganization ever undertaken by the agency. He helped guide his region through the introduction and implementation of state-of-the-art Doppler radar, computer-enhanced weather modeling and forecasting, and restructuring from more than 300 offices of varying sizes and capabilities to an efficient network of 123 21st Century Weather Forecast Offices across the United States.

Mr. Augulis has served proudly as an employee and a manager of the National Weather Service. He is a distinguished executive branch employee whose accomplishments reflect credit on himself, the National Weather Service and our nation.

On this occasion, I am honored to join his family, friends and colleagues as we recognize Richard P. Augulis on his retirement from the National Weather Service.●

DAVID GRISWOLD—LOYAL STAFFER

● Ms. COLLINS. Mr. President, in the days since the untimely death of our beloved friend and colleague, Senator John Chafee, we have heard numerous testimonies to the impact Senator Chafee had on the lives of those who were fortunate enough to associate with him. From those with whom he served, both in Rhode Island and here on the floor of this august body, we have heard of his skills as a statesman and his benevolent manner as a friend. I am sure all of us are also aware of the love and pride he felt for those who were most important in his life—his family.

We would be remiss, however, if we did not also acknowledge another set of lives that Senator Chafee touched—those of his staff. His significance in their lives is perhaps best reflected in the story of David Griswold, Senator Chafee's chief-of-staff.

As a friend of Senator Chafee's, I wanted to thank Dave for the invaluable assistance that he provided the Senator over the past 23 years. A recent article in the Providence Journal reflects on the years that Dave worked with Senator Chafee for the people of Rhode Island and the people of this great nation. This article, which is a thoughtful reflection on Dave's 23 years of dedicated service, captures beautifully the loyalty, modesty and sincerity with which he did his job. I ask that it be printed in the RECORD.

The article follows:

[From the Providence Journal-Bulletin, Oct. 30, 1999]

AIDE BECAME A REFLECTION OF JOHN CHAFEE

IN A 23-YEAR JOURNEY, DAVID J. GRISWOLD ROSE FROM BEING THE SENATOR'S DRIVER TO SERVING AS HIS CHIEF OF STAFF

(By Maria Miro Johnson)

U.S. Sen. John H. Chafee in a bowling alley.

That was a bad night, says David J. Griswold, reflecting yesterday on his life alongside the man he'd served for 23 years.

Griswold started out as his go-fer and driver, then rose through the ranks to become his chief of staff, a position he has held for 10 years.

Now he sat in the senator's sunny office on Dorrance Street, having just come from a service, which he wrote himself, at the State House rotunda. His mind, he said, was ''numb.'' At one point, he interrupted himself in mid-sentence ''It's so hurtful to be referring to him in the past tense, I cannot tell you.''

But he also laughed now and then to recall certain stories. Such as the bowling alley story.

It was an October day in 1982, says Griswold, the closing days of a tense reelection campaign against Democratic Atty. Gen. Julius Michaelson. President Ronald Reagan had tumbled in the polls and people were anxious about the economy. Republicans feared people might vote Democratic simply to signal their displeasure with the president.

Griswold, working as a scheduler then in Chafee's Providence office, had an idea: Why not campaign in a Cranston bowling alley on a Saturday night? The place was sure to be full of good-natured Rhode Islanders.

Chafee had never campaigned in a bowling alley, Griswold is sure, ''he said, 'All right, we'll try this.' '' So they loaded up the car with brochures and headed for the lanes on Elmwood Avenue.

''And it was awful,'' says Griswold. The place was full of kids and teenagers, the adult leagues having bowled during the week. ''They didn't know who he was. They weren't rude, but they were just not tuned in. Many of them were not even voting age.''

Nonetheless, ''we schlepped along dowwwn one side and baaaaack up the other side,'' with Chafee shaking every hand. ''He must've been just ready to burst and I was feeling like I wanted to die, 'cause I knew immediately, 'Oh boy, this was not a good idea.' ''

Griswold drove the senator home to Warwick, and that's when ''he let me have it.''

''He said, 'Whose idea was this? That was the biggest waste of time I ever had. Don't you know how tired I am? Don't you know how stressful this is? What was the point of wasting time in there with that crowd? They weren't very friendly

''And I said, 'Senator, it was my idea. I'm sorry.' And he was very quiet. The whole way home, neither of us said anything, and I dropped him off.''

The next day, Griswold returned from some errands to find a phone message: ''Senator Chafee called. He called to say that he was sorry that he was cross with you last night. He appreciates everything you do, and he's very proud of you.''

''I saved that note,'' says Griswold. ''Here it was Sunday before the election. We were all in a state of terror. I would have forgiven him for being much worse to me than he had been. I would have forgiven him for hitting me. . . .

''I fell in love with him forever at that point. That made me know I would stay with this organization for as long as the door would open.''

David J. Griswold, 45, grew up in Warwick, the son of David F. and Nancy Griswold, a salesman and a secretary, both of them Republicans who ''revered'' John Chafee, as did so many members of their generation.

Over the years, he says, parents of younger staffers have expressed the same feeling his own parents did that working for Chafee ''lifted up their families'' and made them proud.

Griswold was only 14 when, in 1968, he first encountered then-Governor Chafee, who was throwing a rally at Providence City Hall for Nelson Rockefeller, who was seeking the Republican nomination for president.

''I heard about it and came downtown,'' says Griswold. ''In those days, we didn't have C-Span and all these constant reports of everything, minute by minute. When a presidential candidate came to Providence, Rhode Island, it was a big deal.''

The teenager handed out fliers directing people to City Hall, and then he went to the rally himself. The speeches were great, he said, and afterward, Chafee shook Griswold's hand. ''It was thrilling.''

Later, as Griswold headed to the Outlet building to catch a bus, a limo came rolling by. ''And Rockefeller looks out of the car and gives me a thumbs-up. And I knew in that split second it was me that he was gesturing to. And it was magical. And then in a flash, the care was gone and the day was over and real life returned. . . .

But ''that day, I began to love politics because I had made a connection with this figure and had felt that he was reaching out to me.''

Griswold kept volunteering for Republicans, kept going down to defeat after defeat. (Republicans in Rhode Island, says Griswold, are ''a pathetically lonely, small community.'') And it wasn't until 1975, when he was a 21-year-old Providence College student, that he encountered Chafee again.

Chafee had lost his first Senate race to Claiborne Pell in 1972, but was gearing up for a run in '76.

''Oh, he didn't know me from Adam,'' says Griswold of their meeting at Chafee's headquarters in the Turks Head Building. ''I was one of a hundred people, but he made me feel as if he and I connected.''

The day after graduating from PC, Griswold joined Senator Chafee's staff. He has never looked back.

One of his early jobs was to drive the senator to his appointments. Though Chafee was a friendly enough passenger, Griswold made it a practice to speak only when spoken to. For one thing, he was nervous about getting lost which, at time, he did.

Inevitably, he says it was Chafee who got them back on track ''He knew all the roads of Rhode Island. He knew every village in the State.'' Realizing that Griswold felt awful about it, he'd say,'' 'Well, you know David, if that's the worst thing you ever do, you don't have much to worry about.'

''It always felt so good to hear that.''

After his reelection in 1982, Chafee was aware that Griswold was a conscientious worrywart and was a bit afraid of inviting him to be one of his legislative assistants in Washington.

''He valued thoroughness,'' says Griswold. ''He valued the willingness to stay until the job was done at night. He valued commitment and honesty. He valued when you didn't know the answer to something, you said, 'Senator, I don't know,' rather than inventing a guess about what the answer might be, because that would just be a waste of time.''

Griswold went on to become Chafee's chief legislative assistant, then his legislative director, then his chief of staff.

One former colleague, Christine C. Ferguson, now head of the state Department of Human Services, worked closely with Griswold from 1981 to 1995 ''some of the best working years of my life.''

Unlike some chiefs of staff, who are ''really political animals, operators, very slick,'' she says, ''David is very much a reflection of John Chafee.''

As Griswold recalls those days, the work of advising Chafee could be ''painful.''

He and Ferguson were always having to remind the senator of the political ramifications of his upcoming votes. ''We would say things like, 'What good is it to know you're gonna do the right thing if in the end, you lose an election and you can't come back here and try to keep on doing what you're doing?'

''And he struggled. I remember nights that he would pound his fist on the desk and say to us, 'Thank you. I've heard enough.' ''

Griswold was seldom sure how Chafee would end up voting when he went to the floor ''He had his own compass.''

Griswold sometimes warns young applicants for staff jobs that it's easier to work for a conservative or a liberal than for a moderate like Chafee, ''because you at least start out kind of knowing where you're headed.''

On the other hand, ''it made us do our jobs better. You really had to think to step back from each question and try to look at it from everybody's side.''

Over the years, Griswold became ''very slightly less afraid'' of Chafee, but still never called him by his first name, always ''Senator.'' Frankly, he says, he resented staffers who did otherwise, because it presumed an equality that could never exist. (Chafee, for his part, never complained about it, Griswold says.)

''This is the biggest person that has served this state in this century,'' he said, ''in terms of length of tenure, in terms of types of jobs he's done, in terms of the barriers he's broken politically and in terms of just his statesmanship.''

When it's pointed out that Griswold has given his entire adult life to serving Chafee, he says that in fact, it's Chafee who has given him something. ''He's given me opportunities at every turn which I could not have expected I was ready for.''

In recent years, Chafee has reminded Griswold to ''smell the roses'' and indeed, Griswold has eased up a bit on work. ''Ironically,'' he says, ''it is he that I wanted to be smelling roses.''

Griswold had known that the senator was ailing, and that the job was requiring more of a struggle. But he was active to the end.

''He had made a wonderful speech, just three or four days before his death, at the National Cathedral to a hugh gathering of the National Trust for Historic Preservation.''

Chafee had worked hard on the speech, and it won him a standing ovation from the crowd of 2,000 people. ''He felt pumped up and he knew he'd done a good job.''

Then, last weekend, Chafee called Griswold to say he wasn't feeling well, and needed to cancel two planned events. Griswold thought he heard something different in his voice.

''I think he was always prepared for everything,'' he says even death. ''He was a person of faith and a person with a compass that guided him and he was ready even when he was unprepared, in the sense of having no script in hand just ready to do what he was called to do, and do it with grace.''

On Sunday night, at about 8, Griswold got the call from Chafee's daughter, Georgia Nassikas.

''When I heard her voice, my heart just fell to the floor. I knew this had to be something bad.'' But the way she said the last three words ''my father died'' with such composure and strength, helped Griswold.

He realized ''this was where we were now,'' and felt prepared.

Nonetheless, as he paced around the room with the phone in his hand, he found himself double-checking his facts: '' 'Did you tell me now that your dad has died?' '' he asked. ''And she laughed, and said yes.''

Such, he says, are the habits born of working for John Chafee.

So many logistical details are involved in helping arrange today's massive funeral that Griswold has had no time to grieve.

It's as if the funeral was one more big project, which the staff is handling as it has handled so many others through the years. ''At any given point in the process, we've all thought he might walk in and say, 'Well, how's this coming along, folks?' ''

Now, every morning, when Griswold wakes up, it takes him a moment to remember that ''the world is different now, completely different. . . . I never thought he'd leave. I never believed that John Chafee would leave. And it's scary to me, not to have him.''

In the smallest, most everyday actions just making a phone call Griswold remembers him. It's always, Hello, this is David Griswold with Senator Chafee.

''I had five names. David Griswold With Senator Chafee. I'm afraid that I will say that for a long time.''●

DR. JOHN O. LUSINS OF ONEONTA, NY

● Mr. MOYNIHAN. Mr. President, a milestone will occur on Wednesday, December 15th, while the Senate is in recess, which I do not want to go unacknowledged. Dr. John O. Lusins of Oneonta, New York will celebrate his sixtieth birthday. In his five decades, this New Yorker has grown from a childhood war refugee into a beloved husband, devoted physician, respected oenophile, and caring father of five children. Suffice to say, Dr. Lusins has accomplished the American dream. I wish him hearty congratulations on this achievement.

Named after his physician father, John O. Lusins was born December 15th, 1939 in the Baltic country of Latvia. At age twelve, John and his mother, Elza, immigrated to the United States after being displaced for several years as a result of World War II. Seeking a better life after witnessing the atrocities in Europe, the two lived briefly in Greensboro, North Carolina before settling in Yonkers, New York.

John entered the Andrus Home for Children at age fifteen, and proved himself to be an anomaly among his peers by graduating from Charles E. GORTON High School in 1958. With continued perseverance, Lusins, under the aegis of a SURDNA scholarship, went on to graduate from Columbia University in 1963 and the Albany School of Medicine in 1967.

During these years, John not only excelled academically but proved himself as an athlete, leader, and a patriot. Throughout his collegiate career, John powered Columbia's varsity crew down the Harlem River and was named captain for his senior year in 1962. Following his junior year, however, Lusins was called to military duty in Germany as the Soviets erected the Berlin Wall. After fulfilling his military obligations, he returned to New York and subsequently finished college.

Before leaving for Berlin, John met a dashing young lady by the name of Anna Marie Dahlgard Bistany. Upon his return, the two promptly fell in love and were married on the 17th of

August, 1963. Their first children were two daughters: Gillian, born in 1964, and Noelle in 1966. Three boys followed: Carl in 1968, John in 1973, and, finally, Matthew in 1976.

The family moved over the years, from Yonkers to Bronxville, finally making Oneonta their home in 1982. Filling a needed void, John established his neurology practice at Oneonta's A.O. Fox Hospital in the same year. Since then, Lusins and his practice, now the multi-partner Catskill Neurodiagnostics and MRI, has become one of Central New York's finest and most respected medical centers.

Revered not only for his medical capabilities, Dr. Lusins has also established himself as a prominent American asset to the world of fine wine. Equipped with erudition and a discerning palate, this afficionado is not only a member of the prestigious New York Commandeire de Bordeaux but has proficiently ascended the ranks of the Confrérie des Chevaliers du Tastevin to become their distinguished Délégué Général of the Northeast. Dedicated to these roles, Dr. Lusins educates family, colleagues, and all constituents about the intricacies and appreciation of wine. This significant task should not be taken lightly, as our Founding Framer and President Thomas Jefferson once noted:

> By making this wine vine known to the public, I have rendered my country as great a service as if I had enabled it to pay back the national debt. . . Its extended use will carry health and comfort to a much enlarged circle.

With the gathering of all his friends and family, I wish Dr. Lusins a splendid sixtieth birthday and continued success in all his endeavors.●

NATIONAL TRADE EDUCATION DAY

● Mr. McCAIN. Mr. President, today has been designated National Trade Education Day. We should use this opportunity to demonstrate how the United States' belief in free trade and open markets have fostered American prosperity. This issue is especially timely, because the United States will be hosting a Ministerial meeting of the World Trade Organization (WTO) in Seattle later on this month. Public support of these WTO negotiations is necessary to ensure continued economic growth in the 21st Century.

The United States' economy is currently in a period of historic economic growth, low inflation, and low unemployment. America's open market plays a vital role in this achievement. Growth in the volume of American exports in goods and services accounted for more than 40% of overall U.S. economic growth in 1997. Today, exports represent 12% of the U.S. Gross Domestic Product. Export sales are now responsible for over 41% of the production of American semiconductors, 42% of aircraft, 43% of computers, and 68% of power turbines. Recent stories about the trade deficit also show promise. The resurgence of the economies of our Asian, Latin American, and European trading partners created an increase in American exports of $2.9 billion totaling $82 billion in August. The trade deficit dropped $800 million last month to $24.1 billion.

The recent economic news gives credence to the saying that ''A rising tide lifts all boats.'' American exports help everyone from corporate CEOs to the average American worker. In 1997, over 11,500,000 jobs depended on American exports. In addition, export-supported jobs pay 13% more than the average domestic wage. High technology industry jobs that are directly supported by exports have averaged hourly earnings 34% higher than the national average. The continued bipartisan free trade policy has benefitted the American people.

It is important that the United States remain a leader in promoting policies of open markets worldwide. While our trade deficit has stabilized, we should remove remaining foreign barriers to American goods to reduce this deficit. American farmers, manufacturers and workers are hurt, when foreign countries use high tariffs, quotas, and questionable legal and safety procedures to lock American goods out of their markets. The President should make it a top priority to remove these barriers, and the Congress must give him the authority to achieve this objective.

The World Trade Organization (WTO) can play an important role in pursuing American trade objectives. All members of the WTO have to make commitments to reduce barriers to goods and services, and protect intellectual property rights. The WTO has an established procedure to ensure that countries meet their obligations. The United States should ensure that our trading partners meet their commitments. When our trading partners do not meet their obligations, such as the European Union has done concerning American agricultural goods, then we should use the WTO to apply as much pressure as possible to bring these countries into compliance. The upcoming Seattle negotiations offer us a great opportunity to use the WTO to reduce more foreign barriers to American goods, agricultural products, and services. We should also ensure the growth of our high technology exports by making permanent the international moratorium on customs duties relating to electronic commerce.

It is also important that we realize that international trade meets many of our national security interests. As countries trade with the United States and each other, they learn the benefits of peace and stability to economic growth. These countries see the benefits of pursuing policies that support stability, which is a major American national security objective.

Last week, the Senate sent a strong message that the United States is committed to the principles of free trade by passing major trade legislation. However, the President and Congress must work together to pass another major piece of trade legislation to ensure American prosperity in the 21st Century. It is imperative that the President make a serious effort to work with the Congress to pass ''fast track'' legislation. As the next round of the WTO negotiations develop, it is important that American negotiators have the leverage to secure our trade policy objectives. In addition, ''fast track'' authority lets our trading partners know that any agreement they negotiate with the United States will not be subject to exemptions and gross rewritings by the special interests in Washington. When the negotiations concerning the WTO, the Free Trade Area of the Americas, and other ongoing trade talks come to fruition, the President will need to have ''fast track'' authority to ensure that the agreements are implemented. My hope is that we can pass ''fast track'' legislation soon in order to establish the framework for another century of American economic growth.

In conclusion, I hope that we can use National Trade Education Day to gain public support for the continued pursuit of policies based on the principles of free trade. Bipartisan American trade policies, based on the belief in open markets free of regulations and tariffs, have played a major role in causing the current American prosperity. The United States should continue to pursue free trade policies that will remove barriers to American exports. I urge my colleagues to establish the foundation for future prosperity by passing ''fast-track'' legislation during this Congress.●

TRIBUTE TO DAVID A. JUNGEMANN

● Mr. JOHNSON. Mr. President, I rise today to recognize and pay tribute to David A. Jungemann, a U.S. Air Force retiree with over 22 years of active military service and a great citizen from South Dakota who recently completed a very successful two-year term as Chairman of The Retired Enlisted Association TREA Senior Citizens League TSCL Board of Trustees. During his chairmanship, TSCL expanded its efforts to defend and protect the earned retirement benefits of older Americans. Through his leadership, TSCL was successful in expanding its legislative lobbying goals and objectives and, as a result, increased the League's membership from 600,000 to over 1.5 million members and supporters in just two years.

Dave was born on November 11, 1938 in Wolsey, SD. He graduated from Wolsey High School in May 1956, and in the following month, enlisted in the United States Air Force (USAF) and headed for Parks Air Force Base, California, for Basic Training. During his military career, Dave was stationed in Colorado, Texas, Florida, California, and Ellsworth AFB, South Dakota. His military career also took him to many overseas locations including Japan, Guam, and Thailand. During a nine-month period of Temporary Duty to Andersen Air Force Base on the island of Guam, he served in support of the ARC Light Missions over the Republic of Vietnam and in 1968, flew 10 combat missions over Vietnam as a Bomb/Navigation Systems Technician. His service gave him the opportunity to earn the Bronze Star Medal, Air Force Commendation Medal with one oak leaf cluster, and numerous other awards and decorations.

With his military career behind him, Dave worked for the Douglas School System for over 14 years and subsequently retired from service to the State of South Dakota. During this period, he also served a two-year term as City Councilman for the City of Box Elder, South Dakota, and currently serves as Trustee for the Zion Lutheran Church in Rapid City, South Dakota.

What is truly remarkable about Dave Jungemann is that in addition to all the accomplishments I just mentioned, he still made time to contribute to the success of TREA and the TREA Senior Citizens League. For instance, he served on the TREA Chapter 29 Board of Directors for 9 years and the TSCL Board of Trustees for 4 years, during which time he completed a two-year term as Chairman. Even today, Dave still participates in numerous parades and ceremonies to honor the veterans of the United States of America.

Today I rise in recognition of a great American, a solid citizen of South Dakota and a man who is a symbol of service to God, Country, State, veterans and older Americans. Congratulations on your accomplishments, Dave, and I wish you a Happy Birthday this coming Veterans' Day, a fitting time to celebrate the life of a distinguished American veteran.●

HONORING THE 10-YEAR ANNIVERSARY OF THE MOTORCYCLE RIDERS FOUNDATION

● Mr. CAMPBELL. Mr. President, today I would like to take this opportunity to recognize a not-for-profit organization which has been on the national forefront of motorcyclists' rights. The Motorcycle Riders Foundation here in Washington, D.C. is a nation-wide grassroots activist group that is completing its tenth year representing motorcycling rights. As the year draws to an end and we look forward to a new century, we should be proud of an organization such as MRF which embodies our forefathers' commitment to the Constitution and the values of freedom and the self- determination of a citizen government.

In the mid-1980's the leadership of the various state motorcyclist associations, which had been around since the early 1970's, began to be concerned about the possibility of and need for becoming involved with federal legislation that had an impact on motorcyclists. In 1985, these leaders began hosting a national conference, the Meeting Of The Minds, to educate motorcyclists on how to be more effective in their state legislatures.

In September of this year the MRF hosted the Fifteenth Annual Meeting Of The Minds in Denver, Colorado. In 1986, the idea of establishing a national association and opening an office in Washington, DC, was conceived. In 1987, the Motorcycle Rights Fund (MRF) was incorporated as a 501 (4) not-for-profit association and fund raising began. In 1988, the name of the association was changed to the Motorcycle Riders Foundation, and with less than $30,000 in the bank, the MRF hired its first employee and opened its Washington, D.C. headquarters on November 8, 1988.

Since its inception the MRF has had two primary goals. One has been its educational program, which sponsors national and regional conferences every year, with the purpose of training and educating leaders of state motorcyclist associations. The MRF's second, and primary program, is its government relations activity. The MRF was recently recognized by the American Society of Association Executives with its Award of Excellence, for the overall federal legislative program. The awards committee recognized the commitment of the MRF and its ongoing efforts for the past ten years.

In 1996 MRF's federal legislative program was also the recipient of ASAE's Excellence in Government Relations Award for a Single Issue. In its ten-year presence in the Nation's Capital, MRF has had a number of legislative accomplishments in diverse areas ranging from highway safety, personal liberty, law enforcement and discrimination issues; technology development policies, highway access, and state to federal relationships.

As we recognize MRF's 10-Year Anniversary, I look forward to hearing about MRF's future successes in the months and years to come.●

SAGINAW COUNTY CONVENTION AND VISITOR'S BUREAU PINNACLE AWARD

● Mr. ABRAHAM. Mr. President, I rise today to mark the third year that the Saginaw County Convention & Visitor's Bureau has recognized an organization, person or event with its Pinnacle Award. Nominees for the Pinnacle Award are chosen by the staff of the Saginaw County CVB, county-wide chambers of commerce, or from the county hospitality industry and are given based on the following criteria:

Someone who has brought a convention or conference(s) to Saginaw County that has significant fiscal impact on the county.

Someone or something that has garnered strong and positive press for the county and its various communities.

An activity or event that significantly improved or contributed to the quality of life in the county, or has had a significant economic impact.

A person who has initiated a program or event that has a positive impact on more than just their own business or interests.

A person who has assisted the Saginaw County Convention and Visitors Bureau ''above and beyond'' the call of duty for the greater good of the County.

A person who or an organization that has preserved or revitalized historical aspects of the County.

A person who or organization that has created or supported an event that showcases favorable aspects of the County, or which brings new tourism to the area.

The winners of the 1999 Pinnacle Award are:

Tony D'Anna, who has taken the lead on creating the Frankenmuth Oldies Fest and annual classic car show (Autofest).

Bishop Ed Leidel of the Episcopal Diocese of Eastern Michigan for bringing many conventions and meetings to Saginaw County.

Frankenmuth Oktoberfest which has grown over the past 10 years to become one of Michigan's great ethnic festivals.

P.R.I.D.E. (Positive Results In a Downtown Environment). Since 1975, P.RI.D.E. has operated as a volunteer association with goals that include the organization of events that encourage people to come to the city as well as the improvement of the downtown area.

Sarah Schultz, owner of Sarah's Attic in Chesaning, whose newly formed educational pilot program teaches children the importance of love, respect, and dignity through different ethnic dolls.

Rev. P. David Saunders, of the Bethal AME Church, for his outstanding success in bringing many meetings and conventions to the county.

Other nominees for the 1999 Pinnacle Award include: Bethlehem Boar's Head Christmas Festival, Howard and Bonnie Ebenhoeh, Cindy Hartung, Terry Jankowski, ''Dixie'' Dave Minar, St. Charles Haunted House Association, and Tom Trombley.

I join the Saginaw County Convention and Visitors Bureau as they honor and salute the above individuals and organizations with the 1999 Pinnacle Award. Through their hard work and diligent efforts, the economy and quality of life in Saginaw County is greatly enhanced.●

BOISE MODEL PROGRAM NAMED 1999 PRESIDENT'S SERVICE AWARD HONOREE

● Mr. CRAIG. Mr. President, every year the President's Service Award honors volunteers for their efforts directed at solving critical social problems facing today's communities. This year, Hewlett Packard's Hispanic Student Outreach program, based in Boise, ID, has been named one of 21 honorees. This unparalleled distinction is the highest honor given annually by the President of the United States for volunteerism. The award is sponsored by the Points of Light Foundation and the Corporation for National Service.

As a 1999 honoree, program representatives traveled to Washington, DC, to participate in awards festivities October 13–15. This trip included a Capitol Hill Reception, an awards dinner and the participation in 1999 President's Service Awards Ceremony.

In 1995, Hewlett Packard employees in Boise, ID, started the Hispanic Student Outreach Program (HSOP) because they were concerned about the alarming 60 to 70 percent high school dropout rate among Hispanic youths. Based on the adopt-a-school concept, the program matches Hewlett Packard employees with teachers and students at a local middle school. The volunteers act as role models, motivating and encouraging the students to stay in school. The HSOP is the only program of its kind in Idaho. Through this program more than 250 Hewlett Packard volunteers have touched the lives of nearly 1,600 Hispanic students.

The program includes many activities, one of which is Career Day. These educational field trips for 7th and 8th grade students include the students to Hewlett Packard offices for hands-on science experiments, job shadowing and computer lab sessions, local science center trips, and university campus talks and tours. The college campus trips have proven especially significant by allowing the Hispanic middle school students to interact with Hispanic college students. Another effective program is the after school math tutoring program which pays local college students to tutor younger students. Professionals are also brought into the schools monthly to talk about career opportunities and the importance of math, science and writing skills beyond middle school.

Elena Tsuxton, the founder and Chairperson for the HSOP, commented that the ''program is absolutely thrilled to be receiving the President's Service Award.'' She saw it as a ''validation of our efforts that we are definitely meeting a critical need in our community and state. If we can help one more Hispanic student to finish school and go out to college, we will have met the HSOP program vision.''

The President's Service Awards were created as the President's Volunteer Action Award in 1982 to honor outstanding individuals and organizations engaged in volunteer service directed at solving critical social problems while calling public attention to the contributions made by the nation's 93 million volunteers. In 1999, more than 3,500 nominations were submitted and reviewed in four activity areas: human needs, environmental needs, educational improvement, and public safety. A select panel of distinguished Americans judged the nominations based on achievement, meeting community needs innovation and mobilizing others to serve.

Mr. President, I congratulate this Idaho volunteer program for receiving this well deserved honor and thank them for their service to Idaho and its youth.●

UNITED HEALTHCARE

● Mr. GRAMS. Mr. President, I rise to express my support and appreciation regarding actions taken at United Healthcare that clearly demonstrate to me that proposed congressional action in the area referred to as ''patient's rights'' can be best handled by the marketplace.

Yesterday, United Healthcare announced they will be changing the way they manage care in their health plans by giving physicians the final say in determining what course of treatment their patients will receive. In citing the reasons for the change of policy, United noted the savings resulting from their $100 million review process do not justify continuing it.

United Healthcare is the second-largest health insurer in the nation and I believe their actions signal an industrywide realization that their review process may be saving them less than they thought.

According to United Healthcare, 99 percent of their claims are approved despite an exhaustive review process. While this raises the question of exactly why the federal government needs to disrupt the entire health system by getting involved with one percent of health care claims, it also demonstrates our current private-sector health care providers must respond to consumer concerns or lose their customers to health providers that do.

Of course, United Healthcare will still have some review process and require physicians to notify them when a patient needs an expensive procedure or requires hospitalization. This is clear in all of our interests to ensure the appropriate treatments are considered. We should trust our physicians, but with the rapid advancements made in health care every day it is reasonable for us to have a team of experts review all the latest treatments, devices and pharmaceuticals. Clearly, this is an area where health plans are, and should be assisting physicians and ensuring quality health services are offered appropriately in their facilities.

By changing their review process, United Healthcare will reduce its medical monitoring staff by 20 percent and re-focus the remaining staff on Care Coordination efforts.

This saves money for the plan which in turn saves money for consumers through lower premiums. I believe it is a significant step in the right direction, proving once again, that market forces and demands are productive and responsive. Government solutions usually distort market forces and end up with poorer services at higher costs.

I should like to be clear about my support for the Patient's Bill of Rights Plus legislation I cosponsored and voted for—it is still needed because it addresses other important issues. What this change of practice announced by United Health does signal is the potential for us to reach a reasonable conclusion to negotiations underway between the House-passed Patient's Bill of Rights and the Senate-passed Patient's Bill of Rights Plus, particularly on the contentious issue of health plan liability.

Mr. President, it is hard to overstate the importance of this announcement from United Healthcare and I felt it was imperative someone in Congress acknowledged private market forces for positive change far outweigh a government imposed remedy.●

TRIBUTE TO SENATOR JOHN CHAFEE'S STAFF

● Mr. INHOFE. Mr. President, with all of the tributes to Senator John Chafee over the last few weeks I think it is important that we do not forget his talented and dedicated staff. In particular I would like to thank his staff on the Environment and Public Works Committee. He assembled a very professional team, well respected not only on both sides of the aisle but also within the larger environmental professional community.

I call special attention to Senator Chafee's staff director, Jimmie Powell. Jimmie has served Congress over the last 20 years in various positions, and has worked on every major environmental statute over the last 20 years. Earlier this year, the National Journal called him a ''low key aide whose political insights and institutional memory are sought out by industry lobbyists.'' This is an understatement. There is no Senate staffer, or House staffer, with

more environmental experience and political know-how than Jimmie Powell.

I believe that Jimmie served his boss, Chairman Chafee well. I did not always agree with the positions that Senator Chafee took, but Jimmie always did an excellent job in representing his boss's interests. I am not sure what position Jimmie Powell will take next, but I am confident that he will approach any new challenge with the same integrity and honor he exhibited as a Senate staffer.●

PUBLIC SERVICE OF JIMMIE POWELL

● Mr. WARNER. Mr. President, today I pay tribute to a member of our Senate family who has dedicated himself for many years to serving the Senate and the Committee on Environment and Public Works—Jimmie Powell.

I know that our distinguished former chairman, Senator Chafee, would not have let pass the opportunity for the Senate to recognize Jimmie Powell's years of service to the Committee and his contributions to the protection of our environment.

Now, as he prepares to open a new chapter in his professional career and leave the Senate after some twenty years of service, I want to extend my appreciation and thanks to Jimmie on behalf of myself and the other Republican members of the Committee—Chairman SMITH, and Senators INHOFE, THOMAS, BOND, VOINOVICH, CRAPO, BENNETT, and HUTCHISON. The hallmark of his career has been his command of the issues, hard work and dedication to protecting public health and our environment.

As the staff director for the chairman and the Republican members of the committee, I know that Senator Chafee respected Jimmie and was grateful for his counsel and the service he provided. To staff, and to some members, Jimmie was an adversary, as well as a motivator and educator.

He began his Senate career with former Senator David Durenberger in 1978, serving as his staff director of the Government Affairs Subcommittee on Intergovernmental Relations and later as legislative director. In 1985, Jimmie began his long service as a professional staff member and staff director for the Committee on Environment and Public Works. While his service primarily focused on legislative priorities for Senator Durenberger, Chairman Stafford and Chairman Chafee, he worked tirelessly for all Republican members of the Committee.

When one examines the environmental laws enacted in the past 20 years, those of us on the committee know of Jimmie's leadership and accomplishments. This lengthy list includes the Leaking Underground Storage Tank program as part of the Hazardous and Solid Waste Amendments of 1984, Superfund, the 1987 Clean Water Act with groundwater protections and nonpoint source programs, the 1986 and the 1996 Safe Drinking Water Act, the 1990 Clean Air Act amendments, particularly provisions on air toxics and alternative fuels, the 1991 Intermodal Surface Transportation Efficiency Act and the 1998 Transportation Equity Act for the 21st century.

In every legislative challenge that came before the committee, Jimmie effectively worked to forge consensus, to find common ground, to develop solutions that represented the views of the members of the committee. While we may not have agreed on every issue, he is a person of great integrity. He effectively executed the views of the Senators he served. A Senator could ask for no more. He was tough, but fair.

All of us owe Jimmie Powell a debt of gratitude for the many years he has served the Senate and this country. We wish him every success and thank him for a job well done.●

FAA AUTHORIZATION EXTENSION ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1916 introduced earlier by Senator MCCAIN.

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

The legislative clerk read as follows:

A bill (S. 1916) to extend certain expiring Federal Aviation Administration authorizations for a 6-month period, and for other purposes.

Mr. LEAHY. Reserving the right to object, I do not intend to. Is this the FAA extension?

Mr. GRASSLEY. It is a 6-month extension.

Mr. LEAHY. I have no objection.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be read for a third time, 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. 1916) was read the third time and passed, as follows:

S. 1916

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 ''FAA Authorization Extension Act.''

SEC. 2. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM, ETC.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking ''$2,410,000,000 for the fiscal year ending September 30, 1999,'' and inserting ''$1,237,500,000 for the 6-month period ending March 21, 2000.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking ''September 30, 1999,'' and inserting ''March 31, 2000,''.

SEC. 3. EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING RELATED FLIGHTS.

Section 47528 of title 49, United States Code, is amended——

(1) by striking ''subsection (b)'' in subsection (a) and inserting ''subsection (b) or (f)'';

(2) by adding at the end of subsection (e) the following:

''(4) An air carrier operating Stage 2 aircraft under this subsection may transport Stage 2 aircraft to or from the 48 contiguous States on a non-revenue basis in order——

''(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

''(B) conduct operations within the limitations of paragraph (2)(B).''; and

(3) adding at the end thereof the following:

''(f) AIRCRAFT MODIFICATIONS, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.—

''(1) IN GENERAL.—The Secretary shall permit a person to operate after December 31, 1999, a Stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

''(A) sell, lease, or use the aircraft outside the contiguous 48 States;

''(B) scrap the aircraft;

''(C) obtain modifications to the aircraft to meet Stage 3 noise levels;

''(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

''(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

''(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

''(2) PROCEDURES TO BE PUBLISHED.—The Secretary shall establish and publish, not later than 30 days after the date of enactment of the FAA Authorized Extension Act, a procedure to implement paragraph (1) of this subsection through the use of categorical waivers, ferry permits, or other means.''.

SEC. 4. NOISE STANDARDS FOR EXPERIMENTAL AIRCRAFT.

''(a) IN GENERAL.—Section 47528(a) of title 49, United States Code, is amended by inserting ''(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)'' after ''civil subsonic turbojet''.

''(b) FAR MODIFIED.—The Federal Aviation Regulations contained in part 14 of the Code of Federal Regulations that implement section 47528 and related provisions shall be deemed to incorporate the change made by subsection (a) effective on the date of enactment of this Act.

SEC. 5. EXISTING AND PENDING DETERMINATIONS NOT AFFECTED.

The amendments made by section 3 and by section 4(a), and the provisions of section 4(b), do not interfere with or otherwise modify any determination—

(1) made by the Federal Aviation Administration under part 161 of title 14 of the Code

of Federal Regulations before November 2, 1999; or

(2) pursuant to an application that was pending before the Federal Aviation Administration for a determination under that part on November 1, 1999.

SEC. 6. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking ''after'' and all that follows and inserting ''after March 31, 2000.''.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed immediately to the executive session to consider the following nominations on the Executive Calendar: No. 401, and nominations on the Secretary's desk in the Army, Marine Corps, and Navy.

I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Kevin P. Green, 6805

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

Army nominations beginning Alan G. Lackey, and ending Rita A. Price, which nominations were received by the Senate and appeared in the Congressional Record of November 3, 1999.

Marine Corps nomination of Karl G. Hartenstine, which was received by the Senate and appeared in the Congressional Record of November 3, 1999.

Navy nominations beginning Lynne M. Hicks, and ending William D. Watson, which nominations were received by the Senate and appeared in the Congressional Record of November 3, 1999.

Navy nomination of John R. Daly, Jr., which was received by the Senate and appeared in the Congressional Record of November 3, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 59, 98, 99, 133, 203, 204, 244, 245, 246, 253, 254, 255, 256, 270, 275, 276, 277, 278, 279, 238, 239, 281 through 290, 293, 321, 322 through 325, 328, 330, 335 through 342, 344 through 365, 367 through 376, 378, 379, 380, 381, 382, 393, 395, 396, 397, 398, 402, 403, and all nominations on the Secretary's desk in the Foreign Service.

In addition, I ask unanimous consent the nomination of Paul Fiddick be discharged from the Agriculture Committee and that the Senate proceed to that nomination, en bloc.

I further ask unanimous consent the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there an objection?

Mr. TORRICELLI. Reserving the right to object, Mr. President, included in these nominations is the United States attorney for New Jersey, Faith Hochberg, of the Federal district court, who has been nominated by the President. Mrs. Hochberg's quest for the Federal district court began with my predecessor, Senator Bradley, who nominated her. I, indeed, succeeded in that quest and am very pleased tonight she will be confirmed to the Federal district court.

I thank Senator LEAHY for his efforts in the course of the last week to bring the nomination forward and, of course, Senator GRASSLEY for his efforts tonight. She succeeded in having been an extraordinarily successful United States attorney. We are very grateful for her service that now comes to an end and wish her well in the Federal district court.

I have no objection.

The PRESIDING OFFICER. The objection is withdrawn.

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

Kenneth M. Bresnahan, of Virginia, to be Chief Financial Officer, Department of Labor.

DEPARTMENT OF COMMERCE

Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology.

Kelly H. Carnes, of the District of Columbia, to be Assistant Secretary of Commerce for Technology Policy.

INTER-AMERICAN DEVELOPMENT BANK

Lawrence Harrington, of Tennessee, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

DEPARTMENT OF LABOR

Edward B. Montgomery, of Maryland, to be an Assistant Secretary of Labor.

Richard M. McGahey, of the District of Columbia, to be an Assistant Secretary of Labor.

EXPORT-IMPORT BANK OF THE UNITED STATES

Dorian Vanessa Weaver, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.

Dan Herman Renberg, of Maryland, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.

MISSISSIPPI RIVER COMMISSION

Major General Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission.

Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years.

Brigadier General Robert H. Griffin, United States Army, to be a Member of the Mississippi River Commission.

FEDERAL TRADE COMMISSION

Thomas B. Leary, of the District of Columbia, to be a Federal Trade Commissioner for the term of seven years from September 26, 1998.

DEPARTEMENT OF TRANSPORTATION

Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation.

DEPARTMENT OF COMMERCE

Gregory Rohde, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information.

THE JUDICIARY

Florence-Marie Cooper, of California, to be United States District Judge for the Central District of California.

William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee.

Ronald A. Guzman, of Illinois, to be United States District Judge for the Northern District of Illinois.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

TENNESSEE VALLEY AUTHORITY

Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2008.

Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005.

UNITED STATES SENTENCING COMMISSION

Michael O'Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Joe Kendall, of Texas, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005.

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005.

Diana E. Murphy, of Minnesota, to be Chair of the United States Sentencing Commission.

Sterling R. Johnson, Jr., of New York, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

William Sessions, III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

DEPARTMENT OF JUSTICE

Paul L. Seave, of California, to be United States Attorney for the eastern District of California for a term of four years.

John W. Marshall, of Virginia, to be Director of the United States Marshals Service.

Kathryn M. Turman, of Virginia, to be Director of the Office for Victims of Crime.

Melvin W. Kahle, of West Virginia, to be United States Attorney for the Northern District of West Virginia for a term of four years.

DEPARTMENT OF COMMERCE

Q. Todd Dickinson, of Pennsylvania, to be Commissioner of Patents and Trademarks.

Anne H. Chasser, of Ohio, to be an Assistant Commissioner of Patents and Trademarks.

FEDERAL MEDIATION AND CONCILIATION DIRECTOR

Charles Richard Barnes, of Georgia, to be Federal Mediation and Conciliation Director.

DEPARTMENT OF EDUCATION

A. Lee Fritschler, of Pennsylvania, to be Assistant Secretary for Postsecondary Education, Department of Education.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Linda Lee Aaker, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Edward L. Ayers, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Pedro G. Castillo, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Peggy Whitman Prenshaw, of Louisiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

Theodore William Striggles, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Ira Berlin of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Evelyn Edson, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

DEPARTMENT OF EDUCATION

Michael Cohen, of Maryland, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

POSTAL SERVICE

John F. Walsh, of Connecticut, to be a Governor of the United States Postal Service for a term expiring December 8, 2006.

LeGree Sylvia Daniels, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2007.

EXECUTIVE OFFICE OF THE PRESIDENT

Joshua Gotbaum, of New York, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

SOCIAL SECURITY ADMINISTRATION

James G. Huse, Jr., of Maryland, to be Inspector General, Social Security Administration.

DEPARTMENT OF STATE

David H. Kaeuper, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Congo.

James B. Cunningham, of Pennsylvania, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Deputy Representative of the United States of America to the United Nations.

John E. Lang, of Wisconsin, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Delano Eugene Lewis, Sr., of New Mexico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Avis Thayer Bohlen, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Arms Control).

Donald Stuart Hays, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with rank of Ambassador.

Donald Stuart Hays, of Virginia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for UN Management and Reform.

Michael Edward Ranneberger, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Harriet L. Elam, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Gregory Lee Johnson, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Jimmy J. Kolker, of Missouri, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Joseph W. Prueher, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Mary Carlin Yates, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Charles Taylor Manatt, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Gary L. Ackerman, of New York, to be a Representative of the United States of America to Fifty-fourth Session of the General Assembly of the United Nations.

Martin S. Indyk, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Anthony Stephen Harrington, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Craig Gordon Dunkerley, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the Rank of Ambassador during his tenure of Service as Special Envoy for Conventional Forces in Europe.

Robert J. Einhorn, of the District of Columbia, to be an Assistant Secretary of State (Non-proliferation).

Lawrence H. Summers, of Maryland, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

James B. Cunningham, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Norman A. Wulf, of Virginia, a Career Member of the Senior Executive Service, to be a Special Representative of the President, with the rank of Ambassador.

AFRICAN DEVELOPMENT BANK

Willene A. Johnson, of New York, to be United States Director of the African Development Bank for a term of five years.

DEPARTMENT OF STATE

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (Near Eastern Affairs).

James D. Bindenagel, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during tenure of service as Special Envoy and Representative of the Secretary of State for Holocaust Issues.

William B. Bader, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Peter T. King, of New York, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service with the Personal Rank of Career Ambassador, to be an Assistant Secretary of State (Intelligence and Research).

THE JUDICIARY

Ann Claire Williams, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

Virginia A. Phillips, of California, to be United States District Judge for the Central District of California.

Faith S. Hochberg, of New Jersey, to be United States District Judge for the District of New Jersey.

DEPARTMENT OF JUSTICE

Daniel J. French, of New York, to be United States Attorney for the Northern District of New York for the term of four years.

Donna A. Bucella, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

SOCIAL SECURITY ADMINISTRATION

William A. Halter, of Arkansas, to be Deputy Commissioner of Social Security for the term expiring January 19, 2001. (New Position)

DEPARTMENT OF THE TREASURY

Gregory A. Baer, of Virginia, to be an Assistant Secretary of the Treasury.

INTER-AMERICAN FOUNDATION

Kay Kelley Arnold, of Arkansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2004.

DEPARTMENT OF STATE

Irwin Belk, of North Carolina, to be an Alternate Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

Revius O. Ortique, Jr., of Louisiana, to be an Alternate Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

FEDERAL MARITIME COMMISSION

Joseph E. Brennan, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 2003.

Antony M. Merck, of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2001.

FOREIGN SERVICE

Nominations beginning Samuel Anthony Rubino, and ending Christopher Lee Stillman, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 1999.

Nominations beginning George Carner, and ending Steven G. Wisecarver, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 1999.

Nominations beginning Johnnie Carson, and ending Susan H. Swart, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 1999.

Nominations beginning Rueben Michael Rafferty, and ending Stephen R. Kelly, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 1999.

Nominations beginning C. Miller Crouch, and ending Gary B. Pergl, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999.

Nominations beginning Rita D. Jennings, and ending Carol Lynn Dorsey, which nominations were received by the Senate and appeared in the Congressional Record of November 3, 1999.

DEPARTMENT OF AGRICULTURE

Paul W. Fiddick, of Texas, to be an Assistant Secretary of Agriculture.

Mr. LAUTENBERG. Mr. President, I am pleased that the Senate has confirmed Faith Hochberg for a seat on the U.S. District Court for New Jersey. I want to thank Senators HATCH and LEAHY for moving ahead with this nomination at a time when New Jersey's Federal bench is struggling with heavy caseloads and a shortage of judges. Today's action will help New Jersey's Federal courthouses be more fair and more efficient.

Ms. Hochberg has served with distinction as the U.S. Attorney for New Jersey since 1994 and she couldn't be more qualified for a Federal judgeship.

President Clinton nominated Ms. Hochberg for the District Court on April 22. As the first female U.S. Attorney in New Jersey's history, Ms. Hochberg spearheaded corruption probes that led to the conviction of numerous Newark officials.

She also participated in the prosecution of Unabomber Theodore Kaczynski, and she unraveled widespread police corruption in several North Jersey communities.

Her office also has a record of aggressively pursuing child pornography cases. From 1994 through 1998, Ms. Hochberg's attorneys handled 67 of those cases, which was the second-highest number among U.S. Attorneys offices across the country.

Since 1997, Ms. Hochberg has been a member of the Attorney General's Advisory Committee, which advises Attorney General Janet Reno on issues affecting the U.S. Attorney's Office. Ms. Hochberg, in fact, chairs the White Collar Crime Subcommittee and has focused the committee's attention on cyber-crime issues, which of course will be an increasing concern in the next century.

This is particularly true in New Jersey, which has a concentration of high-tech industries and serves as a computer nerve center for large New York-based corporations and the Federal Reserve Bank of New York.

Prior to her service as U.S. Attorney, Ms. Hochberg served as Deputy Assistant Secretary of the Treasury for law enforcement as well as Senior Deputy Chief Counsel for the Treasury's Office of Thrift Supervision.

She also has experience in the private sector, having worked as a partner in a prominent New Jersey law firm.

Ms. Hochberg also has outstanding academic credentials. She graduated magna cum laude in 1975 from Harvard Law School, where she edited the Law Review. In 1972, she graduated summa cum laude from Tufts University.

Mr. President, Ms. Hochberg has also been a pioneer in her efforts to keep guns out of the hands of criminals. She and a former New Jersey Attorney General organized a project that alerts law enforcement each time a gun is recovered during a criminal incident. That allows those guns to be traced to their sources.

Mr. President, this confirmation could not come at a better time. New Jersey's Federal courthouses are stressed to the limit and delays are becoming more and more common.

Again, I thank Senator HATCH and Senator LEAHY for their efforts to confirm Faith Hochberg. I know she will be an outstanding judge.

Mr. MOYNIHAN. Mr. President, the Senate has just confirmed Daniel French as the new United States Attorney for the Northern District of New York and may I say I could not be more pleased.

Dan French is a native of the District having been born and brought up in Jefferson County, graduated cum laude from the University of the State of New York College at Oswego and is a cum laude graduate of the Syracuse University Law School where he served as an editor of the Law Review. Following law school Mr. French clerked for Judge Rosemary Pooler. Judge Pooler was then a United States District Court Judge and not sits on the Second Circuit Court of Appeals. Mr. French then joined the U.S. Attorney's office where he served until being named interim United States Attorney by Attorney General Janet Reno.

Like all of the District Court and U.S. Attorney Candidates I have recommended to the President, Mr. French was sent to me by my Screening Panel after he and other candidates were seen and their credentials reviewed.

But I must say I was particularly pleased to send Dan's name to the President. And pleased that the President, after reviewing his record, agreed that he should be nominated. For Dan French was with me for several years as a professional staff member on the Environment and Public Works Committee, the Committee on Finance and on my personal staff. I know him well. And I know that he has the kind of intelligence, learning, judgment and integrity that will make him an outstanding U.S. Attorney.

Mr. President, the Northern District of New York, in which our family home at Pindars Corners is located is vast. It services 3.5 million citizens and encompasses 32 of New York's 62 counties, covering 60% of the State's geographical area. By comparison, the district is larger than the combined land areas of Vermont, Massachusetts, Connecticut and Rhode Island. This large area with a diverse population is fortunate to have a native son, who understands its ways, enforcing the laws of the United States.

Years ago, another upstater, Supreme Court Justice Robert H. Jackson wrote that ''the citizen's safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches his task with humility.'' I

know that Dan French will be guided by Justice Jackson's words.

Dan French will be a splendid U.S. Attorney and I congratulate him on his confirmation and salute his wife, television broadcaster Kelly French and their two children Margaret Anne and Gavin Mitchell.

Mr. LEAHY. Mr. President, I am pleased that the Senate has voted today on the confirmation of Judge Florence-Marie Cooper to be a United States District Court Judge for the Central District of California.

Florence-Marie Cooper is a distinguished Californian. She has distinguished herself with a long career of service in the California state court system. She was a Deputy City Attorney for the City of Los Angeles in 1977. From 1978 to 1983, she was a Senior Research Attorney for the California Court of Appeal Second Appellate District. Then, from 1983–1990 she was a Court Commissioner for the Los Angeles Superior Court. From 1990–1991 she was a Judge in the Los Angeles Municipal Court. Since 1991 she has been a Judge in the Los Angeles Superior Court.

Judge Cooper received her undergraduate degree in 1971 from the City College of San Francisco, and her law degree from Whittier College School of Law in 1975. Following law school, she clerked for the Honorable Arthur Alarcon on the Los Angeles Superior Court Appellate Department.

The Senate could help Judge Florence-Marie Cooper's future workload if it would likewise take up and consider the nominations of the other nominees to her District Court: Judge Virginia Phillips, Dolly Gee and Frederic Woocher. Virginia Phillips was first nominated back in May 1998 and is still awaiting a hearing in order to fill a judicial emergency vacancy on that Court. The Judiciary Committee recently received a letter from Chief Judge Hatter of that Court in which he implored the Senate to act promptly on the nomination of Judge Virginia Phillips. Judge Hatter notes that the Eastern Division of the Central District is one of the fastest growing areas in the nation and has only one judge with a ''staggering caseload.'' He explains that the reassignment of cases to Los Angeles from San Bernadino ''results in a large number of litigants, witnesses, lawyers, and law enforcement officers having to travel to Los Angeles, some sixty (60) miles away, by way of the most traffic congested roads in the United States.'' I thank Chief Judge Hatter for his letter and want him to know that I, for one, understand. Those who say there is no judicial vacancies problem ought to consider Chief Judge Hatter's perspective and the problems created for thousands of people each year in his District.

The Senate also has before it ready for a final confirmation vote the nominations of Judge Richard Paez, Marshal Berzon and Ronald Gould, to the Ninth Circuit. The nomination that has been longer before the Senate is that of Judge Richard Paez, 44 months. The nomination that has been longest on the Senate Executive Calendar is that of Marshal Berzon, whose nomination was reported on July 1, before the 4th of July recess, before the extended August recess and before the Columbus Day recess.

The Senate could and should be voting up or down on the Paez and Berzon nominations. The Senate needs to fulfill its duty to each of these outstanding nominees and to the tens of millions of people served by the Ninth Circuit. A few anonymous Republican Senators are holding up action on these important nominations. Two weeks ago, the Majority Leader came to the floor and said that he would try to find a way to have these two nominations considered by the Senate. The way is to call them to a fair up-or-down vote. I want to help the Republican leader and help the Senate find its way clear to do that without additional delay and obstruction.

Despite the policy announced at the beginning of this year doing away with ''secret holds,'' that is what Judge Paez and Marsha Berzon still confront as their nominations continuing to be obstructed under a cloak of anonymity after 44 months and 20 months, respectively. That is wrong and unfair. This continuing delay demeans the Senate, itself.

I have great respect for this institution and its traditions. Still, I must say that this use of secret holds for extended periods that doom a nomination from ever being considered by the United States Senate is wrong and unfair and beneath us. Who is it that is afraid to vote on these nominations? Who is it that must hiding their to these nominees? After almost 4 years with respect to Judge Paez and almost 2 years with respect to Marsha Berzon, it is time for the Senate to vote up-or-down on these nominations.

The Chief Justice of the United States Supreme Court wrote in January last year:

> Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. * * * The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

At the time the Chief Justice issued this challenge, Judge Paez' nomination had already been pending for 24 months. The Senate received the Berzon nomination within days of the Chief Justice's report. That was almost 2 years ago and still the Senate stalls and refuses to vote. Let us follow the advice of the Chief Justice. Let the Republican leadership schedule fair up or down votes on the nominations of Judge Paez and Marsha Berzon so that the Senate can finally act on them. Let us be fair to all.

The debate on judicial nominations over the last couple of weeks has focused the Senate and the public on the unconscionable treatment by the Senate majority of selected nominees. The most prominent current examples of that treatment are Judge Paez and Marsha Berzon. With respect to these nominations, the Senate is refusing to do its constitutional duty and vote. I challenged the Senate last Friday, in the aftermath of the rejection of the nomination of Justice Ronnie White by the Republican caucus, to vote on the nominations of Judge Paez, Marshal Berzon, Judge Julio Fuentes, Judge Ann Williams, Judge James Wynn, Kathleen McGee Lewis and Enrique Moreno.

Nominees deserve to be treated with dignity and dispatch—not delayed for 2 and 3 and 4 years. I continue to urge the Republican Senate leadership to proceed to vote on the nominations of Judge Richard Paez and Marsha Berzon. There was never a justification for the Republican majority to deny these judicial nominees a fair up or down vote. There is no excuse for their continuing failure to do so.

I know the Senate has done the right thing and confirmed Judge Florence-Marie Cooper to the Central District of California and that she will be an outstanding judge. I will continue my efforts to bring to a vote the nominations of Judge Richard Paez and Marsha Berzon.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECOGNIZING MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES WHO PARTICIPATED IN KOSOVO AND THE BALKANS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 224 and 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 clerk read as follows:

> A resolution (S. Res. 224) expressing the sense of the Senate to designate November 11, 1999, as a special day for recognizing the members of the Armed Forces and the civilian employees of the United States who participated in the recent conflict in Kosovo and the Balkans.

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

Mr. CLELAND. Mr. President, I am reminded of incredibly sacred places

and moments in our history when I rise to talk about recognition of our veterans—past and present—on Veteran's Day—recognizing all our veteran's from all our wars. Places like Arlington National Cemetery, Andersonville, Georgia, the beaches of Normandy, Pearl Harbor, the Chosin Reservoir, Keshan, the deserts of Kuwait, and now the skies over Kosovo, should be indelibly etched in all our thoughts.

It is often said ''Poor is the nation which has no heroes, but poorer still is the nation which has them but forgets.'' We will gather all over this great nation on Thursday, November 11, 1999 to remember for the last time this century our veterans and to restate our commitment that they will never be forgotten. I consider all those who has ever been in uniform to my brothers and sisters. We all came to these hollowed chambers through distinguished routes, I got to Washington because of those who served in the military and I work here, day in and day out, for them!

As we depart Washington, I ask that we reiterate our promise to our Soldiers, Sailors, Airmen, Marines, DoD civilians, and their families—that they will not be slighted, now or ever—that we honor their service—that we honor the service of those still missing, because their plight is our plight.

We cannot remember our Veterans properly without remembering the sacrifices of war—these are the issues that hit home. We remember those service members who have sacrificed for this nation, and we pay special tribute to their families.

I ask through my resolution that we additionally pay special tribute this Veteran's Day to those service members—active, guard, reserve, and civilians—who participated in the recently successful military operations—combat and humanitarian—in Kosovo and the entire Balkans area of operations.

Over 39,000 members of the Armed Services deployed to the Balkans area during the peak of Kosovo operations, 700 U.S. aircraft were deployed, 37,000 overall missions were flown with 25,000 of these by U.S. aircraft, and 5,000 missions were weapons strike missions. We all know that this is only a partial picture of what was occurring on the ground, on the high seas, and in the air. These facts fit any definition of warfare.

We can not forget these individuals and their families any more than we can forget those of all of our past wars. If freedom is the fruit of victory, Veteran's Day reminds us too of the cost of war—casualties, POWs, and MIAs. They live in our hearts while we live in the world they made safe for us. I call for us all this Veteran's Day to remember specially our Kosovo and Balkans service members as we remember all past veterans.

Every day I wake up, I thank God I am here. I am inspired to continue living by the memory of our veteran's. The vigilance of those that went to Kosovo, like those who still serve in the Balkans, those in the desert, those in ships, and those in Korea and in the far corners of the earth, is now my vigilance, their fight is now my fight. I ask my colleagues to remember and to ensure that their sacrifices are not made in vain.

Secretary Cohen recently stated at the POW/MIA recognition ceremony at Arlington Cemetery—an awesome, somber experience—that ''we are the heirs of freedom, paid for with the blood of patriots.'' I ask my colleagues to remember our Kosovo and Balkans patriots in their ceremonies this Veteran's Day. How fortunate we are, how much we owe.

I will be remembering veterans from Georgia in the Kosovo conflict, especially veterans from Warner Robbins Air Force Base, Fort Stewart near Savannah, the naval air station in Atlanta and Moody Air Force Base in Valdosta.

I thank the Chair.

Mr. GRASSLEY. I ask unanimous consent the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 224) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 224

Whereas approximately 39,000 members of the Armed Forces and civilian employees of the United States were deployed at the peak of the 1999 conflict in Kosovo;

Whereas approximately 700 United States aircraft were deployed and committed to combat missions during that conflict;

Whereas approximately 37,000 combat sorties were flown by aircraft of the North Atlantic Treaty Organization (NATO) during that conflict;

Whereas approximately 25,000 combat sorties were flown by United States aircraft during that conflict;

Whereas more than 5,000 weapons strike missions were completed during that conflict;

Whereas that conflict was the largest combat operation in the history of the North Atlantic Treaty Organization;

Whereas the United States and the North Atlantic Treaty Organization achieved all the military objectives of that conflict;

Whereas there were no United States or North Atlantic Treaty Organization combat fatalities during that conflict; and

Whereas that conflict was the most precise air assault in history: Now, therefore, be it

Resolved, That it is the Sense of the Senate—

(1) to designate November 11, 1999, as a special day for recognizing and welcoming home the members of the Armed Forces (including active component and reserve component personnel), and the civilian personnel of the United States, who participated in the recently-completed operations in Kosovo and the Balkans, including combat operations and humanitarian assistance operations;

(2) to designate November 11, 1999, as a special day for remembering the members of the Armed Forces deployed in Kosovo and throughout the world, and the families of such members;

(3) to make the designations under paragraphs (1) and (2) on November 11, 1999, in light of the traditional celebration and recognition of the veterans of the United States on November 11 each year;

(4) to acknowledge that the members of the Armed Forces who served in Kosovo and the Balkans responded to the call to arms during a time of change in world history;

(5) to recognize that we live in times of international unrest and that the conflict in Kosovo was a dangerous military operation, as all combat operations are; and

(6) to acknowledge that the United States owes a debt of gratitude to the members of the Armed Forces who served in the conflict in Kosovo, to their families, and to all the members of the Armed Forces who place themselves in harm's way each and every day.

APPOINTMENT TO INTELLIGENCE COMMITTEE

Mr. GRASSLEY. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 232, submitted earlier by Senators LOTT and DASCHLE.

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

The legislative clerk read as follows:

A resolution (S. Res. 232) making changes to Senate Committees for the 106th Congress.

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

Mr. GRASSLEY. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 232) was agreed to, as follows:

S. RES. 232

Resolved, That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of rule XXV, the following changes shall be effective on those Senate committees listed below for the 106th Congress, or until their successors are appointed:

Committee on Intelligence: Effective the 2nd session of the 106th Congress, remove Mr. DeWine, and Mr. Kerrey.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–16

Mr. GRASSLEY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on November 10, 1999, by the President of the United States: Treaty with Ukraine on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 106–16).

I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters with Annex, signed at Kiev on July 22, 1998. I transmit also, for the information of the Senate, an exchange of notes which was signed on September 30, 1999, which provides for its provisional application, as well as the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses. The Treaty is self-executing. It provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to restraint, confiscation, forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the requested state.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 10, 1999.*

ORDERS FOR FRIDAY, NOVEMBER 12, 1999, AND TUESDAY, NOVEMBER 16, 1999

Mr. GRASSLEY. I ask unanimous consent when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Friday, November 12, for a pro forma session only.

I further ask consent that the Senate immediately adjourn until 10 a.m., on Tuesday, November 16, and immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later that day.

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

PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will convene on Friday for a pro forma session only. No business will be transacted on Friday.

On Tuesday, the Senate will convene and begin processing the appropriations items and various conference reports received from the House.

On Wednesday morning, the Senate will conduct a rollcall vote in relation to the agricultural amendment by Senator WELLSTONE. Additional votes can be anticipated in an effort to complete the first session of the 106th Congress. Therefore, Senators should adjust their schedules for the possibility of votes throughout the day and into the evening on Wednesday.

I appreciate the patience and cooperation of our colleagues as we attempt to complete the appropriations process and end the first session of the 106th Congress.

Mr. LEAHY. If the Senator will yield for a moment?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the distinguished acting majority leader for the number of nominations that have been cleared. I hope my side of the aisle will work with the majority leader to clear some more before we go out, especially among the judges. We have a number that have been pending and are noncontroversial and should be cleared.

I also hope that on Wednesday we will go to the conference report on the satellite bill. It passed the House, I think, 411–8, which shows the enormous support it has. I hope we get it out of here; otherwise, we run the risk of hundreds of thousands of satellite dishes and TV sets around this country going black on a number of their channels on December 31. This has enormous importance.

As I said, the House passed it 411–8. They are showing more unanimity than on just about anything they have done this year. We passed it, I believe, unanimously. That, and the attendant Hatch-Leahy patent bill—which I think is extremely important—I hope we get through before we go out.

I mention that, but I also did want to commend the Senator from Iowa, both in his capacity as the Senator from Iowa and in his capacity as acting leader, for the number of nominations that have gone through. I hope my side of the aisle will be as diligent in clearing the rest.

Mr. GRASSLEY. Mr. President, in response to what the Senator from Vermont said, obviously I am in no position to speak for our majority leader or assistant majority leader on some of the things he said. But I do share his view, especially coming from a rural State, as the Senator from Vermont does, that there is very much benefit for our rural constituents in that satellite viewers legislation. I, too, would like to see it pass.

I can say again, not for the leader but for myself, I have observed a lot of contact between important Senators around here on that issue. There is a real effort being made to find a solution so that can be passed so on December 31 what you said would happen, and what would actually happen if the bill does not pass will not in fact happen.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT UNTIL 10 A.M., FRIDAY, NOVEMBER 12, 1999

Mr. GRASSLEY. 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 7:56 p.m., adjourned until Friday, November 12, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 10, 1999:

DEPARTMENT OF EDUCATION

FRANK S. HOLLEMAN, OF SOUTH CAROLINA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE MADELEINE KUNIN.

NATIONAL MEDIATION BOARD

MAGDALENA G. JACOBSEN, OF OREGON, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2002. (REAPPOINTMENT)

FRANCIS J. DUGGAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2000, VICE KENNETH BYRON HIPP, TERM EXPIRED.

ERNEST W. DUBESTER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2001. (REAPPOINTMENT)

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LESLIE LENKOWSKY, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2004, VICE ELI J. SEGAL, TERM EXPIRED.

JUANITA SIMS DOTY, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2004, VICE ROBERT B. ROGERS, TERM EXPIRED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

GARY A. BARRON, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2002, VICE MARK ERWIN.

DEPARTMENT OF STATE

ALAN PHILLIP LARSON, OF IOWA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED

STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE STUART E. EIZENSTAT.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEANNA TANNER OKUN, OF IDAHO, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING JUNE 16, 2008, VICE CAROL T. CRAWFORD, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT M. WALKER, OF WEST VIRGINIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS. (NEW POSITION)

CORPORATION FOR PUBLIC BROADCASTING

ERNEST J. WILSON III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2004, VICE ALAN SAGNER, RESIGNED.

DEPARTMENT OF TRANSPORTATION

MONTE R. BELGER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE LINDA HALL DASCHLE.

MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ERIC D. EBERHARD, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002, VICE RONALD KENT BURTON, TERM EXPIRED.

DEPARTMENT OF STATE

LUIS J. LAUREDO, OF FLORIDA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE VICTOR MARRERO.

FEDERAL LABOR RELATIONS AUTHORITY

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM EXPIRING JULY 1, 2004, VICE PHYLLIS NICHAMOFF SEGAL, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JOAN R. CHALLINOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2004. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD RAY VEREEN, JR., OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY. (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate November 10, 1999:

DEPARTMENT OF LABOR

KENNETH M. BRESNAHAN, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

DEPARTMENT OF COMMERCE

CHERYL SHAVERS, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY.

KELLY H. CARNES, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR TECHNOLOGY POLICY.

INTER-AMERICAN DEVELOPMENT BANK

LAWRENCE HARRINGTON, OF TENNESSEE, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS.

DEPARTMENT OF LABOR

EDWARD B. MONTGOMERY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR.

RICHARD M. MCGAHEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

EXPORT-IMPORT BANK OF THE UNITED STATES

DORIAN VANESSA WEAVER, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2003.

DAN HERMAN RENBERG, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2003.

MISSISSIPPI RIVER COMMISSION

MAJOR GENERAL PHILLIP R. ANDERSON, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

SAM EPSTEIN ANGEL, OF ARKANSAS, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS.

BRIGADIER GENERAL ROBERT H. GRIFFIN, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

FEDERAL TRADE COMMISSION

THOMAS B. LEARY, OF THE DISTRICT OF COLUMBIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1998.

DEPARTMENT OF TRANSPORTATION

STEPHEN D. VAN BEEK, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION.

MICHAEL J. FRAZIER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEPARTMENT OF COMMERCE

GREGORY ROHDE, OF NORTH DAKOTA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

SURFACE TRANSPORTATION BOARD

LINDA JOAN MORGAN, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2003. (REAPPOINTMENT)

DEPARTMENT OF AGRICULTURE

PAUL W. FIDDICK, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

GERALD V. POJE, OF VIRGINIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

TENNESSEE VALLEY AUTHORITY

SKILA HARRIS, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2008.

GLENN L. MCCULLOUGH, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2005.

FEDERAL MEDIATION AND CONCILIATION DIRECTOR

CHARLES RICHARD BARNES, OF GEORGIA, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR.

DEPARTMENT OF EDUCATION

A. LEE FRITSCHLER, OF PENNSYLVANIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LINDA LEE AAKER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004.

EDWARD L. AYERS, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004.

PEDRO G. CASTILLO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004.

PEGGY WHITMAN PRENSHAW, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002.

THEODORE WILLIAM STRIGGLES, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004.

IRA BERLIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004.

EVELYN EDSON, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004.

DEPARTMENT OF EDUCATION

MICHAEL COHEN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

POSTAL SERVICE

JOHN F. WALSH, OF CONNECTICUT, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2006.

UNITED STATES POSTAL SERVICE

LEGREE SYLVIA DANIELS, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2007.

EXECUTIVE OFFICE OF THE PRESIDENT

JOSHUA GOTBAUM, OF NEW YORK, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

SOCIAL SECURITY ADMINISTRATION

JAMES G. HUSE, JR., OF MARYLAND, TO BE INSPECTOR GENERAL, SOCIAL SECURITY ADMINISTRATION.

DEPARTMENT OF STATE

DAVID H. KAEUPER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CONGO.

JAMES B. CUNNINGHAM, OF PENNSYLVANIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

JOHN E. LANGE, OF WISCONSIN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DELANO EUGENE LEWIS, SR., OF NEW MEXICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

AVIS THAYER BOHLEN, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (ARMS CONTROL).

DONALD STUART HAYS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

DONALD STUART HAYS, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR UN MANAGEMENT AND REFORM.

MICHAEL EDWARD RANNEBERGER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

HARRIET L. ELAM, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL.

GREGORY LEE JOHNSON, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

JIMMY J. KOLKER, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

JOSEPH W. PRUEHER, OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

MARY CARLIN YATES, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

CHARLES TAYLOR MANATT, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

GARY L. ACKERMAN, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

MARTIN S. INDYK, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

ANTHONY STEPHEN HARRINGTON, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

CRAIG GORDON DUNKERLEY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR CONVENTIONAL FORCES IN EUROPE.

ROBERT J. EINHORN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (NON-PROLIFERATION). (NEW POSITION)

LAWRENCE H. SUMMERS, OF MARYLAND, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

JAMES B. CUNNINGHAM, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE

UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

NORMAN A. WULF, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE A SPECIAL REPRESENTATIVE OF THE PRESIDENT, WITH THE RANK OF AMBASSADOR.

AFRICAN DEVELOPMENT BANK

WILLENE A. JOHNSON, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS.

DEPARTMENT OF STATE

EDWARD S. WALKER, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS).

JAMES D. BINDENAGEL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE AS SPECIAL ENVOY AND REPRESENTATIVE OF THE SECRETARY OF STATE FOR HOLOCAUST ISSUES.

WILLIAM B. BADER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

PETER T. KING, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

J. STAPLETON ROY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH).

SOCIAL SECURITY ADMINISTRATION

WILLIAM A. HALTER, OF ARKANSAS, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001.

DEPARTMENT OF THE TREASURY

GREGORY A. BAER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

INTER-AMERICAN FOUNDATION

KAY KELLEY ARNOLD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2004.

DEPARTMENT OF STATE

IRWIN BELK, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

REVIUS O. ORTIQUE, JR., OF LOUISIANA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CAROL MOSELEY-BRAUN, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND.

CAROL MOSELEY-BRAUN, OF ILLINOIS, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAMOA.

FEDERAL MARITIME COMMISSION

JOSEPH E. BRENNAN, OF MAINE, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2003.

ANTONY M. MERCK, OF SOUTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2001.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

FLORENCE-MARIE COOPER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

WILLIAM JOSEPH HAYNES, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE.

RONALD A. GUZMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

UNITED STATES SENTENCING COMMISSION

MICHAEL O'NEILL, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2003.

JOE KENDALL, OF TEXAS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2001.

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 1999.

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2005.

RUBEN CASTILLO, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2003.

DIANA E. MURPHY, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 1999.

DIANA E. MURPHY, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2005. (REAPPOINTMENT)

DIANA E. MURPHY, OF MINNESOTA, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION.

STERLING R. JOHNSON, JR., OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2001.

WILLIAM SESSIONS III, OF VERMONT, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2003.

DEPARTMENT OF JUSTICE

PAUL L. SEAVE, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF CALIFORNIA FOR A TERM OF FOUR YEARS.

JOHN W. MARSHALL, OF VIRGINIA, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE.

DEPARTMENT OF COMMERCE

Q. TODD DICKINSON, OF PENNSYLVANIA, TO BE COMMISSIONER OF PATENTS AND TRADEMARKS.

ANNE H. CHASSER, OF OHIO, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS.

DEPARTMENT OF THE JUSTICE

KATHRYN M. TURMAN, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE FOR VICTIMS OF CRIME.

DEPARTMENT OF JUSTICE

MELVIN W. KAHLE, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR A TERM OF FOUR YEARS.

THE JUDICIARY

ANN CLAIRE WILLIAMS, OF ILLINOIS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.

VIRGINIA A. PHILLIPS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

FAITH S. HOCHBERG, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

DEPARTMENT OF JUSTICE

DANIEL J. FRENCH, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

DONNA A. BUCELLA, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) KEVIN P. GREEN, 6805.

IN THE ARMY

ARMY NOMINATIONS BEGINNING ALAN G. LACKEY, AND ENDING RITA A. PRICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 3, 1999.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING SAMUEL ANTHONY RUBINO, AND ENDING CHRISTOPHER LEE STILLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 1999.

FOREIGN SERVICE NOMINATIONS BEGINNING GEORGE CARNER, AND ENDING STEVEN G. WISECARVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 1999.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHNNIE CARSON, AND ENDING SUSAN H. SWART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 1999.

FOREIGN SERVICE NOMINATIONS BEGINNING RUEBEN MICHAEL RAFFERTY, AND ENDING STEPHEN R. KELLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 1999.

FOREIGN SERVICE NOMINATIONS BEGINNING C. MILLER CROUCH, AND ENDING GARY B. PERGL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 1999.

FOREIGN SERVICE NOMINATIONS BEGINNING RITA D. JENNINGS, AND ENDING CAROL LYNN DORSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 3, 1999.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF KARL G. HARTENSTINE.

IN THE NAVY

NAVY NOMINATIONS BEGINNING LYNNE M. HICKS, AND ENDING WILLIAM D. WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 3, 1999.

NAVY NOMINATION OF JOHN R. DALY, JR.

HOUSE OF REPRESENTATIVES—*Wednesday, November 10, 1999*

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Chaplain, Lutheran Social Services, Washington, D.C., offered the following prayer:

O mighty God, the seasons of the year are ordered by Your will and there is a time for everything under the sun. Wisdom teaches us that there is a time to plant and a time to grow, a time to harvest and a time to lay fallow.

We know also that the seasons of our lives are part of Your divine order and their rhythm is like the ebb and the flow of the tide, the springtime of youth, the summer of labor, the autumn of maturity, and the winter of reflection.

O God, by Your goodness, we make a living by what we earn. But we make a life by what we give. So help us give thanks for Your blessings, give hope to the forlorn, give love to the lonely, and give joy to the disheartened.

And on this day of grace, O God, we pray for the circle of our families, for the circle of our friends, for the circle of our colleagues, and for the circle of our Nation, the United States of America.

Order our days in Your peace, and bless our deeds with Your grace so that, in whatever season of life it is our destiny to live, we may find satisfaction in our past and be awarded courage for the unknown tomorrows. 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 Louisiana (Mr. VITTER) come forward and lead the House in the Pledge of Allegiance.

Mr. VITTER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 76. Joint resolution waiving certain enrollment requirements for the remainder of the first session of the One Hundred Sixth Congress with respect to any bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2000.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Assembly (NATO parliamentary Assembly) during the First Session of the One Hundred Sixth Congress, to be held in Amsterdam, The Netherlands, November 11–15, 1999—the Senator from Iowa Mr. GRASSLEY); the Senator from Utah (Mr. BENNETT); and the Senator from Hawaii (Mr. AKAKA).

THANKS TO REVEREND DR. RONALD F. CHRISTIAN FOR LONG AND FAITHFUL SERVICE TO THE HOUSE

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

Mr. DAVIS of Virginia. Mr. Speaker, I am pleased today to give my personal thanks and those of the House of Representatives to the Reverend Dr. Ronald Christian, who was our guest chaplain today and has just led us in the beautiful opening prayer.

But in a sense Dr. Christian is not a guest in this Chamber, for during the last 20 years he has served as an unofficial chaplain in the House and since 1979 he has assisted Dr. Ford with the duties of the chaplaincy and participated in all the activities associated with that office. He has given the opening prayer on more than 90 occasions and has been available for pastoral counsel for Members and staff.

Dr. Christian grew up on a farm in Illinois and attended a country church where his mother was the church organist. He was graduated from the Luther College in Iowa and Luther Seminary in Minnesota and in 1979 he was awarded the degree of Doctor of Ministry from Luther College. He was the founding pastor of Lord of Life Church in Fairfax, Virginia, and under his leadership the church grew to be one the largest Lutheran churches in the metropolitan area.

He is married to Judy Christian and they have two children, Matthew and Mary Jo. Dr. Christian is now the Director and Chaplain of Lutheran Social Services in Northern Virginia.

We are honored that Dr. Christian was our chaplain today, and we thank him for the 20 years of faithful service to the House.

APPOINTING REVEREND DR. JAMES DAVID FORD AS CHAPLAIN EMERITUS OF HOUSE OF REPRESENTATIVES

Mr. PETRI. Mr. Speaker, I call up the resolution, (H. Res. 373) that immediately following his resignation as Chaplain of the House of Representatives and in recognition of the length of his devoted service to the House, Reverend James David Ford be, and he is hereby, appointed Chaplain emeritus of the House of Representatives, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mrs. CAPPS. Mr. Speaker, reserving the right to object, and I will not object, I yield to my good friend the gentleman from Wisconsin to explain his resolution.

Mr. PETRI. Mr. Speaker, this resolution is offered in appreciation and thanks for the 20 years of service to the House, its Members, and its employees by our colleague and friend, the Chaplain of the House, the Reverend James David Ford; and I urge its adoption.

Mrs. CAPPS. Mr. Speaker, continuing to reserve my right to object, I am very happy to yield to the gentleman from Illinois (Speaker HASTERT), the Honorable Speaker of the House.

Mr. HASTERT. Mr. Speaker, I thank the gentlewoman from California (Mrs. CAPPS) for yielding.

Mr. Speaker, I rise in recognition of Dr. Ford and his devoted service to this House. He is a man of this House. He is a colleague. He is a friend. He is a counselor.

He has touched the lives of many Members in countless ways. He has married us. He has kept marriages together. He has baptized our children. He has visited us in the hospital. He has been with our families as we bid farewell to our beloved colleagues. And, very simply, he has been there when we needed him. He has made us laugh when we did not think we could, and he has made us introspective when we wanted to look elsewhere.

For me personally and the entire House, he was there that tragic day a

little over a year ago when a gunman changed our lives in this House forever. He was there for the fallen heroes. He was there for their families. He was there for those of us who knew them well and whose lives were saved by their heroic actions. For that, I will be forever grateful.

Dr. Ford is not allowed to speak on the House floor, and we are not about to break that tradition, even for an emeritus chaplain. But I think it fitting on this occasion to quote him from his charge to the Chaplain Search Committee.

I have been honored to have served you as Chaplain for nearly 20 years, and I leave with deep appreciation for the vital work of the Congress and the people who serve this place so faithfully. I continue with enthusiastic support for this institution, our democracy, and with a sense of thanksgiving for the opportunities that I have been given.

Thank you, Dr. Ford, and may God bless you in the years ahead.

Mrs. CAPPS. Mr. Speaker, further reserving the right to object, I am very happy to yield to my colleague the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, let me just echo the eloquent remarks of our Speaker in appreciation for the many years of service by Dr. Ford.

This institution is in many ways family. It is certainly a community. And it gets beyond a community because of the connectiveness that we have with each other. In any family and in any community, it takes someone with exceptional skills and kindness and goodness to help nurture that community.

Reverend Ford has been absolutely magnificent in that role. As the Speaker said, he has married us, he has baptized our children, he has counseled us in difficult times, and he has been there for us when we have needed him. He is a lovely man with a beautiful family, and we are going to miss him deeply.

Mr. Speaker, I just wanted to, on a personal note, say to Dr. Ford how much I appreciate all the good, kind things that he has done for me. Dr. Ford married Judy and I. My wife Judy worked for Dr. Ford for a number of years.

And in the spirit of full service chaplainship, if that is such a word, Dr. Ford and I happened to be in the hospital on the same day and actually happened to have been scheduled for an operation the very same hour. And as we were being wheeled out of our rooms down the corridor to get on our respective elevators to go down to the operating room, he yelled over to me, ''Now, Bonior, this is really what I call full service chaplainship.''

I will always remember that, and I will always take that with me through the years, as it was a very relaxing and a memorable comment in a very difficult time in my personal life.

So Dr. Ford, thank you so much. We wish you and Marcy and your family all the best in the years to come. Thank you for your service, and thank you for your goodness.

Mrs. CAPPS. Mr. Speaker, continuing to reserve my right to object, I am pleased to yield to my colleague the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I appreciate the gentlewoman from California (Mrs. CAPPS) yielding to me.

To my friend and colleague, Jim Ford, let it be known that for 18 years he served as chaplain of West Point, 20 years here in this body.

As a member of the Chaplain Search Committee, I thought it was necessary to go back to the Bible and look at the qualifications. And paraphrasing I Timothy 3, Bishops should be blameless, sober, given to hospitality, apt to teach, rule at his own house, not a novice, and of good report.

Jim Ford embodies all those principles of I Timothy, with the added benefit of a love for his country, his military, this body, and West Point.

Of all the great leaders he has known, and he has known many of those, his greatest love has been to his God, his family, this body, our armed forces, and West Point.

□ 1015

Like General MacArthur, I think Chaplain Ford's final words will be these: ''But in the evening of my memory, I come back to West Point. Always there echoes and reechoes: duty, honor, country. Today marks my final roll call with you. But I want you to know that when I cross the river, my last conscious thoughts will be of the corps and the corps and the corps.''

I bid you farewell, Chaplain Ford. The House, the corps, and this great Nation bid you a fond farewell.

Mrs. CAPPS. Mr. Speaker, continuing my reservation of objection, I want to welcome this opportunity for myself to say a few words about our dear friend, Chaplain Jim Ford.

I will not of course object to this resolution. I support this resolution with a full heart. I commend the gentleman from Wisconsin (Mr. PETRI) for offering it.

Mr. Speaker, this House is a remarkable institution. It is the People's House. We, the 435 Members, represent different geographical areas. We have starkly different ideologies. We have different political agendas. Often our debates are heated, even rancorous. But if there is one person among us who truly represents goodness and decency and humanity in this place, it is our chaplain. For two decades, Jim Ford has been a powerful voice for unity, compassion, and love in this place. In his service to the House, Chaplain Ford has truly served the American people.

Mr. Speaker, over the past few months, I have been honored to serve on the Speaker's search committee to find a new chaplain. This process has reminded me yet again of the incredible skills that Jim Ford has brought to this job. He has infused this House with spiritual strength in times of triumph and in times of tragedy. He has spent countless thousands of hours providing pastoral care to Members and staff who desperately needed his guidance. He has taught us to respect and nurture the diversity of our own religious faiths and in so doing has reminded us that one of our Nation's greatest strengths is our religious pluralism. He has carefully avoided entering our legislative debates and has remained a truly nonpartisan adviser and mentor to the entire House. And through it all, Jim has always shown such warmth and wit. His jokes, the good ones and the terrible ones, are a fixture on this floor.

Mr. Speaker, my late husband, Walter, was so proud to have served in this House with Jim Ford, a fellow Lutheran, a fellow Swede, and a fellow graduate of the Augustana Seminary. He loved Jim Ford very much. I will never forget what the chaplain said at Walter's memorial service. Quoting Martin Luther, Jim said: ''Send your good men into the ministry, but send your best men into politics.'' Our chaplain is both. He is a good man and he is one of the best of men. He has walked the delicate yet vital line between faith and government with unparalleled skill and devotion.

Mr. Speaker, I support the resolution to appoint Jim Ford Chaplain Emeritus of the House; and I hope and pray that he will be working with us and serving the American people for decades to come.

Now it is my pleasure to yield to my colleague from New York.

Mr. MCNULTY. I thank the gentlewoman for yielding. Jim Ford is Swedish? I thought he was an Irish monsignor.

Mr. Speaker, the fact of the matter is that when I first came here in 1988 and met Jim Ford, I thought he looked like an Irish monsignor so I referred to him as monsignor. Little did I know that for years before I came to the House of Representatives, Tip O'Neill also called him monsignor. So over the past 11 years, I have carried on that tradition. But whatever the title, we are all very grateful to you, Dr. Ford, for your advice and counsel and friendship through the years.

We thank you for Marcy and your great family and the tremendous support they have also been to us. I particularly thank you for the service of your son Peter who has protected me in Sudan and Kuwait and various hot spots around the world. I think if we sum it all up, we could use the words of scripture to describe your service here

in the House of Representatives over the past 20 years: ''Well done, good and faithful servant.''

Mrs. CAPPS. Mr. Speaker, further reserving the right to object, I am happy now to yield to my colleague from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentlewoman for yielding.

Mr. Speaker, I rise to support this resolution. When I first came here 13 years ago as a Member of Congress from the State of Georgia and met the Reverend Dr. James Ford, I wanted to refer to Dr. Ford not as Dr. Ford or Reverend Ford but, like my colleague from New York, I wanted to call him Father Ford. For this man, this good and wise spiritual leader, is a blessing not just to this body but to our Nation and to all of her citizens.

For 20 years, the Reverend Dr. James David Ford has started our session with the most important motion each day, a motion to the Congress and all Americans to pray and give thanks. Reverend Ford also reminds Congress every day that it is through faith, hope, and love that we serve. Through his selfless counseling and pastoral services to all Members and staff and his spiritual service as a new pastor in 1958 at the Lutheran Church in Ivanhoe, Minnesota, Reverend Dr. Ford, you have personified the very best that public service has to offer.

I will miss you, Dr. Ford. We have traveled many roads together. We traveled together to a free and unified South Africa. You kept us calm. You prayed with us. We had good food together. We shared some good times together, but we shared some very high and lofty moments together. We traveled to Selma, Alabama. We have crossed many racial and religious bridges together. In the journey down the road less traveled together, my friend has made all of the difference to me and to many that you continue to touch and inspire each day.

Dr. Ford, God bless you. May God keep you, your lovely wife, and your five children. We are going to miss you. But we will never ever forget you. Reverend Dr. Ford, my brother, and my friend, thank you for being you. Godspeed.

Mrs. CAPPS. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Chaplain Jim Ford is a good man. In God's eyes, he is undoubtedly a great man. Humble of personality but proud of faith and strong of intellect and spirit, he has given us all an example of how life should and can be lived. Gandhi said that your life is your message and Jim Ford's service is his statement of faith. We thank you, Jim, for what you have meant to all of us individually and collectively as an institution.

Mrs. CAPPS. Mr. Speaker, further reserving the right to object, I am happy to yield now to my colleague from Minnesota.

Mr. SABO. I thank the gentlewoman for yielding. If one could object to this resolution and it meant that our friend Jim Ford stayed chaplain, I would; but I gather that is not an option, so I will not object. It is a great privilege to rise in support of this resolution.

In 1979, I came to Congress, and I noticed that there was a new chaplain; and I read his bio and I discovered that he had a background in my district, Minneapolis. I had not heard of him. He had served out in Ivanhoe, Minnesota, in western Minnesota, and then had gone on to West Point. I needed to find out some things about him. He was a full-blooded Norwegian, it was tough to forgive him for being a Swede, but we gradually overcame that. I heard all these things today about this great intellect, but I found out other things about this gentleman. This person of great intelligence went off a ski jump in my district backwards. He survived. He went on. He has lived life to its fullest, sailing across the ocean in a small boat with one other person. I discovered last night they ended up in the middle of a cyclone. Again, that great caution that is evident in his life. He has served us well. He has lived life to its fullest. I have no idea what he has in mind after he leaves us. He has been flying one of these little planes that sounds sort of crazy to me. I do not know what he is going to do. He drives cross-country with his son on a motorcycle. What adventures he has planned we will find out in the years ahead. He has been a great friend to all of us. He has made an incredible contribution to this institution. We wish him and his family and his wife, Marcy, the best. You made life in this place that so many times is filled with pressures and so hectic better for all of us and we thank you.

Mrs. CAPPS. Mr. Speaker, further reserving the right to object, I am pleased to yield to my colleague from New York.

Ms. SLAUGHTER. I thank the gentlewoman for yielding. This is a sad morning for me, because all the years that I have been in Congress, Reverend Dr. Ford has been here. Every morning he sort of gently nudges us to remind us of what we are here for and to whom we will eventually report. I hope that his prayers before this House will be published, because they were extraordinary pieces of work. Again it showed his intellect and his deep caring.

I have a personal story I need to relate about Dr. Ford. We all know how he was there for us whenever we needed him. But I asked him for something extraordinarily special, and he was there when I needed him. My youngest daughter graduated from American University. When she was getting married to our great surprise she decided she wanted to be married here in Washington, which caused us no end of grief because we could not find anybody who was willing to do the service. So we got the loan of a church and Dr. Ford very graciously said, ''Of course I will do that.'' The way he said it to me is something I will never forget. He said, ''Getting married is a wonderful thing. No one should be troubled by who is going to perform the ceremony.'' He did it with such wonderful charm and grace again that every word that he said that day at that ceremony is clear in my mind. So my family is grateful to Dr. Ford.

All of us in this House are losing a true friend and champion. Wherever he goes, I hope that he will still gently remind us in some way of why we are here and to whom we report. Thank you for your constancy and for your friendship and for your wonderful guidance which we will miss dreadfully. Thank you, Dr. Ford.

Mrs. CAPPS. Mr. Speaker, further reserving the right to object, I am pleased now to yield to my colleague from Ohio.

Mr. TRAFICANT. I thank the gentlewoman for yielding.

I did not plan to say a few words. We all love Dr. Ford, but I am worried for him. As the gentleman from Minnesota talked about, that just is not a one-man plane; that is a small plane with a lawn mower engine. He puts on his helmet, looks like he is right out of Buck Rogers, gets on a Harley Davidson motorcycle, revs it up so you could hear those exhausts, and passes people up speeding down the road.

□ 1030

I am concerned about him with all this free time.

So I think we all better say a collective prayer for a man whose collective prayers have helped an awful lot of us. Godspeed.

Mr. GILMAN. Mr. Speaker, while I am pleased to join our colleagues in saluting Jim Ford on the occasion of his impending retirement, this is a bittersweet responsibility for me.

For one thing, Rev. Jim Ford is a former constituent of mine, having lived in our beautiful 20th Congressional District of New York throughout his 18 years as Cadet Chaplain at the U.S. Military Academy at West Point. This has afforded Jim and I with a reference point for many hours of pleasurable reminisces about the majestic Hudson River and its magnificent valley.

Chaplain Ford has married and buried more Generals than any of us have met throughout our careers.

I also had the honor to share with Jim and his good spouse, Marcie, travel on many of our overseas fact finding missions. Jim made a positive contribution to our works, always being ready with compassionate guidance, spiritual advice, and old fashioned common sense.

When Jim was first proposed for the role of House Chaplain back in 1979, he was one of the few nominees for that position ever to be nominated by both the Republican and the Democratic caucuses. This bi-partisan support and admiration has continued throughout Jim's twenty year tenure as our Chaplain.

Those of us who have come to love Jim especially admire his zest for life, which he manifests through action rather than words. His legendary skill as a skier, his devotion to flying lighter than air aircraft, and his entire philosophy of living life to the fullest has long inspired us all.

Jim became Chaplain at a time when longer sessions and more work hours placed a strain on the family life of many of us in this chamber. He was always ready to lend any of us a helping hand and sound advice. I believe that Jim is the only person I have ever known who has been addressed as ''Reverend,'' as ''Father'', and as ''Rabbi'' by Members of this body and our staffs.

Jim Ford, in fact is the first House Chaplain to devote himself full time to that position. This in itself is indicative of what a unique individual we are losing, and how his shoes will be so difficult to fill.

Chaplain Ford has been more than a clergyman, and far more than our House Chaplain. He has been a friend and confidant to many of us, and while we extend our best wishes and good health to Jim and Marcie upon this new venture in his life, we want him to know he will be sorely missed.

Accordingly, I am pleased to join my colleagues in support of H. Con. Res. 373, appointing Jim Ford as House Chaplain Emeritus.

Mr. RAMSTAD. Mr. Speaker, for the past 20 years, the House of Representatives has been well-served by our dedicated and beloved chaplain, the Reverend Dr. James Ford.

Seven days a week, year after year, Jim Ford has represented the absolute best in service to God and Country.

Much priase has deservedly been heaped upon Jim Ford as he marks his well-deserved retirement. Jim's many distinguished years of service (19) to the U.S. Military Academy at West Point and his earlier years at Ivanhoe Lutheran Church in Minnesota are well-known and well-documented.

What isn't so well-known are his very early years in Minnesota and his legendary escapade as a young ski-jumper at Theodore Wirth Park in Minneapolis. Let the record reflect that our own beloved chaplain, Dr. Jim Ford, still holds the record jump at the Theodore Wirth Ski-Jump—backward! That's right. When he was a very young Swede and a student at Edison High School in northeast Minneapolis, Jim Ford defied the laws of gravity and common sense and survived a backward jump on this notoriously steep ski slope and lived to tell about it!

They still talk proudly about their prominent alumnus at Edison High School in Northeast Minneapolis and at Gustavus Adolphus College in St. Peter, Minnesota, where Jim starred in the classroom and the athletic field.

''You can take Jim Ford from Minnesota, but you can't take Minnesota from Jim Ford,'' was how his Gustavus classmate, the Rev. Bill Albertson put it recently. Some of you remember my good friend, Bill Albertson, who served as a Guest Chaplain here several years ago.

Jim, on behalf of all Minnesotans, I salute you and thank you for your many ears of service. Thank you for being there in good times and hard times, in times of joy and sorrow. Thank you for your prayers, counsel, great wit and unparalleled ability to put things into perspective.

Thank you for caring so deeply about our families, our friends and our constituents.

Thank you for bringing Democrats, Republicans and Independents together under God. Thank you for bringing even the Swedes and Norwegians together!

May God bless you and Marcie always, just as your work here in the House has blessed us.

Mr. HOUGHTON. Mr. Speaker, I've always thought of the great religious leaders over the ages to be strong men of substance with a hearty voice and good spirit. This of course perfectly describes our Chaplain, Jim Ford—a strong man, a kind man, an effective man. He comes to us from a long line of great religious leaders. We're goig to miss him sorely.

Mrs. CAPPS. Mr. Speaker, I appreciate the time for allowing us to celebrate the life of our Chaplain, Jim Ford, and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 373

Resolved, That immediately following his resignation as Chaplain of the House of Representatives and in recognition of the length of his devoted service to the House, Reverend James David Ford be, and he is hereby, appointed Chaplain emeritus of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just adopted.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that there will be five 1-minutes on each side.

GOVERNMENT WASTE

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

Mr. PITTS. Mr. Speaker, last week President Clinton vetoed a bill that called for a 1 percent cut in discretionary spending. He said the loss would place too great a burden on American families.

The President's concern would best be served by insisting that his agencies are more responsible. The waste in government far exceeds the proposed 1 percent cut.

Here is a partial list of this waste. The Agriculture Department in 1997 erroneously issued $1 billion in food stamps overpayments. In 1999, according to the audit, the Defense Department spent $40 billion on overseas telecommunications systems that cannot be used. The Defense Department inventory contains $11 billion worth of equipment that in 1997 was unneeded. Also in 1997 the government spent $3.3 billion in loan guarantees for defaulted students. By 1996 the Department of Energy spent $10 billion on 31 projects that were terminated before completion. HCFA in 1998 erroneously spent $12.6 billion in overpayments to health care providers. HUD, $857 million in erroneous rent subsidy payments in 1998. On and on we could go.

Mr. Speaker, every agency under the President can find fraud, waste and abuse to cut.

PRIVATE RELIEF LEGISLATION

(Ms. CARSON asked and was given permission to address the House for 1 minute.

Ms. CARSON. Mr. Speaker, today I am introducing legislation that would provide for private relief for the benefit of Adela Bailor and Darryl Bailor. As my colleagues know, private relief is available in only rare instances. I believe that the circumstances surrounding the Bailors' case qualifies under the rules for private legislation.

The facts surrounding this case are clear and undisputed. Adela Bailor was working for Prison Fellowship Ministries in Fort Wayne, Indiana and was raped on May 9, 1991 by a Federal prisoner who had escaped from the Salvation Army Freedom Center, a halfway house in Chicago, Illinois.

What makes the Bailors' case special is that they were caught in a legal Catch-22. The Bailors filed suit against the Federal Bureau of Prisons and the Salvation Army, which ran the halfway house to which Mr. Holly was assigned. One of the requirements for all inmates at a halfway house is that they remain drug free and take a periodic drug test. Mr. Holly had a history of violence and drug abuse, including convictions for possession of heroin.

AMERICA'S VETERANS ARE THE FABRIC OF OUR NATION

(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, tomorrow is Veterans Day and I rise to take this opportunity to salute our Nation's veterans, especially those veterans from my home State of Nevada.

The Second Congressional District in Nevada is one of the largest and fastest growing veteran populations in the United States. These are men and women who at one point or another put their personal lives and careers aside and oftentimes their families on hold for a much greater cause. It should be remembered that our veterans made America the leader of the Free World.

While we celebrate their service, just one day each year, it is our responsibility to remember them every day.

Mr. Speaker, we can thank our Nation's veterans each day in many different ways. In Congress here, we can make certain that our Nation's promises are kept to all of our veterans. In our neighborhoods we can take an extra moment and thank a veteran for their service. We can contact family members and friends who served our country to learn more about their experiences of service and courage. In our schools, we can teach our children about America's greatest moments, moments when freedom and democracy were upheld because of our veterans.

America's veterans are the fabric of our Nation. We salute you and we thank you.

TIME TO ABOLISH INCOME TAXES

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

Mr. TRAFICANT. Mr. Speaker, in America, the government takes the people's money and distributes it. That sounds like communism to me. I think it is time to throw out income taxes. No more forms, no more audits, no more IRS. Think about it. I am going to quote now Reverend Jim Ford. He says, think about this: The IRS does not even send us a thank you for voluntarily paying our income taxes.

Beam me up. It is time to abolish income taxes, abolish the IRS, and pass a flat 15 percent national sales tax.

I yield back the IRS.

TEACHER EMPOWERMENT ACT WILL FIX EDUCATION WOES

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

Mr. BALLENGER. Mr. Speaker, this is the headline in the New York Daily News on Monday: the headline says, Not Fit to Teach Your Kid.

In some city schools, 50 percent of the teachers in New York are uncertified. Well, we can help the City of New York if we gave them the flexibility that is in the House-passed Teacher Empowerment Act so that they can properly prepare some of the existing teachers they have; so that they can raise the academic achievement level of all of their students.

WHO IS TAKING CARE OF OUR CHILDREN?

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the end of the session is almost here. Over this session, the last year, Congress has passed funding for the F–22, tax breaks for the wealthiest Americans, and appropriations bills that busted the budget caps.

But while the Republican leadership is taking care of special interests, I want to know who is taking care of our children. Our children continue to lack access to quality health care, attend dilapidated schools and die at a rate of 13 a day due to handgun violence.

Mr. Speaker, our children are 25 percent of our population, but they are 100 percent of our future, and I ask my colleagues, who is taking care of them? They do not need rhetoric, they need action.

So again, I ask my Republican colleagues, while they are taking care of special interests, who is taking care of our children?

STOP DELAYS ON SOCIAL SECURITY LOCKBOX LEGISLATION

(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, tomorrow is Veterans Day, and it is also day 168 since this House passed the Social Security lockbox bill.

Memorial Day, the 4th of July, Labor Day, Yom Kippur, Columbus Day, the World Series, and tomorrow Veterans Day all will pass since this body acted to permanently stop the raid on Social Security. In those five months, the other body has failed to consider providing lockbox protection for the Social Security Trust Fund.

Mr. Speaker, time after time, an effort was made to bring the bill to the floor, but those efforts were all unsuccessful. And all the while, the leader of the obstructionists, the man who sits in the White House, accused the Republican Party of being against Social Security.

Once again, the truth did not get in the way of White House rhetoric.

We will soon be recessing, heading home for Thanksgiving, Hanukkah, Christmas, New Year's. Let us pledge not to let too many of those precious holidays pass before we pass in the House and the Senate Social Security lockbox protection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask all Members not to make personal references to Members of the Senate or characterize their actions.

CLASS SIZE REDUCTION, WHEN LESS IS MORE

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

Mr. CUMMINGS. Mr. Speaker, the American people know that when it comes to class size, less is more. More personal attention, more teacher instruction rather than discipline, and as the Tennessee Star and Wisconsin Sage and other studies have shown, increased academic achievement, with students actually moving from the 50th to the 60th percentile.

To break this down in terms we can all understand, we know that no sports coach in his right mind would try to teach 150 players one hour per day and hope to win the championship game. No, a coach has several assistants and small, special teams. Yet, my Republican colleagues want to ask one teacher, all alone, to teach several overcrowded classes and then expect children to win the academic game of life.

Parents and teachers want, and our children deserve more teachers, smaller classes, and academic coaching for our children to win this wonderful game of life.

SECURE SOCIAL SECURITY SURPLUS RATHER THAN WASTE IT

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

Mr. TIAHRT. Mr. Speaker, break out the suntan oil. Secretary Babbitt and 20 of his officials of the Interior Department are in the Virgin Islands as we speak. Apparently he greased the skids with the administration because the Interior bill is still in negotiations with House and Senate leadership. Before Secretary Babbitt made it to the beach, he told Congress he did not have 1 percent waste in the Interior budget. He said he could not absorb just a 1 percent reduction to help us secure the Social Security surplus.

Mr. Speaker, I have a couple of suggestions. First, Secretary Babbitt could have taken only 19 Interior employees and left one of them in Washington, and help achieve a 1 percent reduction. Or, he could have gone to Wichita, Kansas, where we have competitive rates and large meeting rooms, and saved at least 1 percent of the cost, or he could have just stayed home and left the Virgin Islanders to the honeymooners and tourists.

Mr. Speaker, I believe the American people would rather secure the Social Security surplus than see government officials spend the money, lubricating their skin on the beaches of the Virgin Islands.

U.S. SHOULD PAY U.N. ARREARS

Mr. CROWLEY. Mr. Speaker, last March, seven former Secretaries of State from both parties, Republican and Democrat, wrote to Congress and told us that it was time for us to pay our debt to the United Nations. With time winding down before we adjourn, we still have not followed their good advice.

For decades, the U.N. has played a key role in American international affairs and national security. But now by failing to pay our bill, we have strained our relationship with some of our closest allies. Our influence in the world and at the U.N. is being undermined and our ability to bring about critical U.N. reforms is being weakened as well.

If we fail to pay by the end of the year, the U.S. will loose its vote in the U.N. General Assembly under the very rules that we helped to adopt. Our international obligations should not be held up by disputes over unrelated issues between the House and the President. Keeping our promises should be a priority and not a bargaining chip.

Other countries look to our great Nation for leadership to set an example for the rest of the world. They should not look to us and see a nation that will not pay its bills because of unrelated issues.

PROVIDING FOR CONSIDERATION OF H.R. 3073, FATHERS COUNT ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 367 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 367

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3073) to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Ways and Means now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with our without instructions.

□ 1045

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 367 is a structured rule providing for the consideration of H.R. 3073, the Fathers Count Act of 1999.

The rule provides for 90 minutes of general debate. One hour will be managed by the chairman and ranking member of the Committee on Ways and Means, and 30 minutes will be managed by the Committee on Education and the Workforce. Both of these committees have jurisdiction over portions of the bill and the compilation of their work is embodied in a substitute amendment which will be made in order as base text for the purpose of further amendment.

The rule designates which amendments may be offered which are printed in the Committee on Rules report. Out of the nine amendments filed with the Committee on Rules, six are made in order under the rule and five of those six are Democrat amendments.

In addition to giving my Democratic colleagues five out of six amendments, the rule offers the minority a motion to recommit with or without instructions. So I think it is accurate to say that this bill treats the minority very fairly, especially considering that both committees of jurisdiction reported their versions of the bill by voice vote, suggesting very little controversy.

Mr. Speaker, the Fathers Count Act builds on the welfare reforms that Congress successfully enacted in 1996. Those reforms were based on the principles of personal responsibility, accountability, as well as the value of work. And with this foundation, welfare reform has been a great success. Since 1996, we have seen our welfare rolls shrink by 40 percent. We now have the lowest number of families on welfare since 1970.

But our work is far from done. There are still families struggling to make ends meet and many of them are single-parent households and more often than not, the lone struggling parent is the mother.

For those of us who have raised children with the help and support of a spouse, it is hard to fathom the energy, patience, and stamina required to face such a task alone. And for those of us who were fortunate enough to be raised by two parents, it is hard to imagine the void of a fatherless youth or how our personalities and life experience would have been altered had our fathers not been there to guide us.

But as we know, this is the reality for many low-income American families that have their financial challenges compounded by the absence of a father and a husband. The fact is that kids in two-parent homes are generally better off than those raised in single-parent homes. Kids who have only one parent to rely on have a harder time in school, a lower rate of graduation, a greater propensity toward crime, an increased likelihood of becoming a single parent themselves, and a higher chance of ending up on welfare.

The Fathers Count Act recognizes these hardships as well as the significant role that fathers play in family life. The bill seeks to build stronger families and better men by promoting marriage and encouraging the payment of child support and boosting fathers' income so that they can better provide for their children.

Specifically, the Fathers Count Act provides $140 million for demonstration

projects that are designed to promote marriage, encourage good parenting, and increase employment for fathers of poor children.

Congress and the President will appoint two 10-member review panels who will determine which programs receive Federal funds. Preference will be given to those programs that encourage the payment of child support, work with State and local welfare and child support agencies, and have a clear plan for recruiting fathers. The number of programs selected and the amount of funding they receive is not dictated by the bill. Members of the selection panels will have the flexibility to make these decisions based on the quality and number of programs that apply.

The bill also encourages local efforts to help fathers by requiring that 75 percent of the funding be given to nongovernmental community-based organizations.

The Fathers Count Act also seeks a balance in terms of the size of programs and their geographic locations. The fact is that we are not sure what the best way is to get fathers back into the picture and engage in their children's upbringing, but we think some community-based organizations might have some good ideas and would meet the unique needs of the fathers in their own cities and towns.

The Fathers Count Act is designed to try to tap into these communities, try some new things, and then scientifically evaluate the results so that good programs can be duplicated.

Despite its name, the Fathers Count Act is not just about fathers. It also improves our welfare system by expanding eligibility for welfare-to-work programs. The program was designed to help the hardest-to-employ, long-term welfare recipients. But in an attempt to ensure that the most needy individuals are served by the program, Congress made the criteria a bit too stringent and the States are not able to find enough eligible people to fulfill the program's purpose. So this bill adds some needed flexibility to the program by requiring recipients to meet one of seven defined characteristics rather than two out of three. As a result, we should see many more families move successfully from welfare dependency to self-sufficiency.

Further, the bill gives relief to States who are making a good-faith effort to meet Federal child support enforcement requirements, but which are facing devastating penalties for missing an October 1 deadline.

These penalties were established with the thought that if States missed the deadline by which they were to have a child support State distribution unit set up and running, they would be doing so in willful disobedience of Federal law. In fact, there are eight States that have been working very hard to comply, but have hit some bumps in the road which have slowed them down a bit.

The alternative penalties provided in this bill provide incentives and encouragement to meet child support enforcement goals without crippling these States' welfare systems in the process.

Finally, I am pleased that the Fathers Count Act includes important funding for the training of court personnel who are at the center of our child protection system.

As we implement new laws that seek to move more children out of the foster care system into safe, loving and permanent homes, we must ensure that our courts have the resources necessary to make the very best decisions for our children.

Mr. Speaker, all said, the Fathers Count Act takes a number of important steps forward in our Nation's efforts to redefine welfare and make it work for families. But most importantly, this legislation values responsible parenting, in this case, fatherhood, by giving the support and encouragement for fathers to be there for their children, physically, emotionally, and financially.

I hope my colleagues will support this rule, participate in today's debate, and take another step forward in making our welfare system work for all families.

Mr. Speaker, I urge a ''yes'' vote on the rule and the Fathers Count Act.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE), my dear friend and colleague, for yielding me this time; and I yield myself such time as I may consume.

Mr. Speaker, the rule governing the debate of H.R. 3073, the Fathers Count Act, makes in order a number of amendments which greatly improve the underlying bill. This rule should have been an open rule. The legislation should be fully debated without unnecessary restrictions. We were unable to achieve that, but a number of important amendments are made in order.

Mr. Speaker, let us all agree that fathers count. Fathers have a major impact on every child's life either through their presence or by their absence.

We can go through the voluminous research or rely on our common sense to understand the important role that fathers play in the lives of the children whom they helped to bring into the world. But fathers must also stand up and be counted. Sadly, in our Nation, the majority of single-parent families with minor children are maintained by the mothers of those children. Too often, single mothers must struggle to balance the demands of a household, raising children, and holding a job. If they are not receiving child support payments from the fathers of their children, this task can be all but impossible.

In my own home district of Monroe County, New York, alone, only $35 million of the $46 million due to local children was collected, meaning that one quarter of the child support went unpaid.

Mr. Speaker, it has taken heroic efforts just to get where we are today regarding the public perception of child support payments. We have made great strides in educating people that they are not casual obligations.

In seeking to promote marriage, I am concerned about whether or not this bill may have an unintended effect of trying to keep together some unions which should, in fact, be separated, specifically, those with an abusive, physically violent spouse. When as many as one-fourth of the women on public assistance are living with violence in their lives, let the us not try to force them to remain in a violent marriage.

Promoting and encouraging fatherhood is a laudable goal. We need to focus on men and their roles as fathers. But that cannot happen independent of the women who are their partners and who quite clearly have a very important part in creating children and the family which results.

There will be an amendment offered which will help clarify this point and which emphasizes the notion that parents count. This amendment offered by the gentlewoman from Hawaii (Mrs. MINK), also puts proper emphasis on providing resources to organizations dealing with domestic violence prevention and intervention.

Finally, the rule does allow for an amendment by our colleague who is perhaps the most consistent and thoughtful voice on the separation of church and State, the gentleman from Texas (Mr. EDWARDS). The separation of church and State is a brilliant and practical gift of our Founding Fathers. It is expressly intended to help preserve our religious freedoms, not to threaten them. And this notion serves as a firewall from government regulations of religious practice.

Thus, even when it might be more convenient or expeditious to bridge this separation, it must be vigilantly maintained. I strongly encourage Members to consider the Edwards amendment. It will help us to maintain the tradition which has served this country well by clarifying the eligibility of faith-based organizations to participate in the programs provided under this legislation.

Mr. Speaker, this bill was cleared by the Committee on Ways and Means on a voice vote and sped down a fast track to consideration here on the House Floor, but a hasty process sometimes needs to be slowed down so that we can more fully consider how to best make fathers count and how to make fathers accountable.

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

Ms. PRYCE of Ohio. Mr. Speaker, I do not have any requests for time, so I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas.

Mr. Speaker, before I comment on the underlying bill, let me add my appreciation, gratitude and congratulations to Chaplain Ford in support of the resolution honoring him, for he has given this Nation and this Congress a great, great and wonderful service.

Mr. Speaker, I rise to support the rule and to support the underlying bill as well. I am very gratified that the Committee on Rules saw fit to acknowledge a number of the amendments that I think will enhance this legislation. But I think it is important to start my support debate on this bill with a referral to a 13-year-old in Pontiac, Michigan, by the name of Nathaniel Abraham. Nathaniel Abraham came from a family that I am sure wanted the best for him. Nathaniel Abraham is a 13-year-old who has been certified as an adult for murder.

His mother, as the newspapers report, is a hard-working single parent with a number of other children who loved all of her children and cared for them, but Nathaniel's father was not in the home. When interviewed on 60 Minutes about what he thought about that, his response was first, yes, he was unhappy and hurt, but that he was angry.

I think the statistical analysis will point to the fact that children who have fathers who are absent from their lives and their homes turn out to be dysfunctional adults or youth. It is important to have a bill that emphasizes fathers, but emphasizes parents and emphasizes families.

Recent studies show that 59 percent of teenage children born in poor families are raised by a single parent with little or no involvement of fathers, and 90 percent of teenagers who have children are unmarried, and 28 percent of all families are headed by a single parent.

Mr. Speaker, I am very delighted that this legislation will liberalize welfare-to-work provisions which will allow monies to be given in a more liberalized manner, and that it will also provide monies for children or young people who are coming off foster care, an area of interest that I have had for a number of years. I am as well pleased that there will be a focus on low-income fathers through marriage and job counseling, mentoring, and family planning, but that mothers similarly situated will not be left out.

□ 1100

I think it is vital to understand that we do have a responsibility to liberalize or loosen the regulations to ensure that we put our money where our mouth is. For a very long time Members of this body have argued about the devastation of families who have been divided, of fathers who are incarcerated, or fathers who are unable to take on their responsibility as a parent. We have cited the devastation that comes sometimes from a single parent who may happen to be a mother.

In this instance, this legislation responds to that concern, and as it responds to that concern it promotes family, it promotes the unity of family, and it enhances fathers who may not have had the right kind of training to be a father. How tragic it is in all of our communities to come upon households who are absolutely trying, Mr. Speaker, but they do not have the support system.

I am likewise appreciative that we will have an opportunity to debate the amendment of the gentleman from Texas (Mr. EDWARDS), because all of us believe that there should be the spiritual aspect in our families' lives, but we do want to ensure that there is no proselytizing, there is no promoting of religion in the course of trying to help these single parents, mothers and fathers.

Mr. Speaker, I support the rule, I support the legislation, and I would hope many of these amendments will pass as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule because I believe it should be an open rule. It fails to make in order an important amendment that I offered, which was supported by the Democrats on the Committee on Rules and all of the Democrats on the Committee on Education and the Workforce.

My amendment increases the time that a person is allowed to receive vocational education or job training while participating in a welfare-to-work program from 6 months to 12 months. Six months of vocational education or job training is just not enough to prepare an individual for a job that will pay wages leading to self-sufficiency.

I know that 6 months is not enough because studies that compare women's education to their earnings prove it. I know that 6 months is not enough because I have testimonials from training programs nationwide, the people in the field who work with welfare recipients day in and day out, and they all agree that more education is needed to make families self-sufficient. And I know that 6 months is not enough because there was a time when I was a young mother raising three small children without any help from their father. Even though I worked full time, I depended on welfare to supplement my paycheck to give my children the food, the child care, and the health care that they needed.

Eventually, I was able to leave welfare and never go back. I was able to leave welfare because I was healthy, I was assertive, and I was educated and had good job skills. That education was my ticket off of welfare into a better job, into better pay, and into benefits that my family needed. It gave me the means to support myself and my family and, believe me, it cannot be done without education or training.

My amendment would have given other families the same fair chance I had to move from welfare to work, a chance to earn a livable wage. Remember, my colleagues, we should not be giving opportunity only to those who have opportunity to begin with.

I urge my colleagues to oppose this rule until all individuals are given the opportunity to earn a livable wage.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentlewoman from New York and the gentlewoman from Ohio for bringing forward this rule that I support.

In response to the comments of the gentlewoman from California about job training, I agree with her. I am sorry that was not made in order. But without this rule, without bringing this bill forward, we are going to be with current law that does not allow any opportunity for independent job training. The bill provides for a new 6-month period, and I would hope that we would have her support so we could move this important bill forward.

Mr. Speaker, I wanted to compliment the Committee on Rules for allowing us to debate this issue fully today. I want to thank my colleague, the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means, for the bipartisan way in which the Fathers Count Act of 1999 has been brought forward.

And let me just also, if I might, read from the statement of the administration's policy that we received today: ''The administration supports House passage of H.R. 3073. The President is deeply committed to helping parents of low-income children work and honor their responsibilities to support their children. H.R. 3073 is an important step in this direction.''

And we received last week a letter from the Center on Budget and Policy Priorities, the Center for Law and Social Policy, and the Children's Defense Fund, writing in support of H.R. 3073, the Fathers Count Act of 1999. The letter goes on to point out how important this is to help low-income custodial and noncustodial parents facilitate the payment of child support; and it assists parents in meeting their parental responsibilities.

Mr. Speaker, this is a good bill, and I would encourage my colleagues to support the rule and to support the legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I thank the gentlewoman for yielding me this time, and as the father of two small boys, I would hardly stand in the well of this House and oppose the concept of encouraging fathers to be part of their family and to take responsibility for their children. But I rise today because I want to bring to Members' attention what I think are two fundamental flaws in this bill unless we pass the Edwards amendment in debate today.

The first is, without my amendment, this bill would allow direct Federal tax dollars to go directly into churches, synagogues, and houses of worship. Clearly, in my opinion, and more importantly the opinion of Justice Rehnquist in the 1988 decision, something that is unconstitutional.

Secondly, without the Edwards amendment, under this measure, because it adopts language that was originally put into the welfare reform bill that not a handful of Members of this House were aware of when that bill passed, and listen to me, Members, on this, this bill, without my amendment, would allow a church to take Federal tax dollars and put up a sign saying, if you are not of a particular religion, we will not hire you because of your religious faith. Signs in one church using Federal dollars may say, no Jews need apply here, and another church say, no Christians or no Protestants need apply here. I find that offensive and I would hope every Member of this House would join me in support of changing that fatal flaw in this legislation.

Since the Committee on Rules was gracious enough to give me my amendment, I will have a chance to debate it further. Unfortunately, I will only have 10 minutes to debate the issue of separation of church and State that our Founding Fathers spent 10 years debating. So let me discuss my amendment now.

My amendment is straightforward and direct. It says that Federal funding of this bill can go to faith-based organizations but not directly to churches, synagogues, and houses of worship. My amendment will be a short amendment and it will be a short debate. But, Members, the principle of opposing direct Federal funding of churches, synagogues, and houses of worship is as timeless and as profound as the first 10 words of our Bill of Rights. Those words are these: ''Congress shall pass no law respecting an establishment of religion.''

Those words have protected for over 200 years American religion from government intervention and regulation. In a 20-minute debate today on this floor when our attention is focused on appropriations bills, let us not carelessly throw away the religious freedom and tolerance our Founding Fathers so carefully crafted in the establishment clause and the first words of the first amendment of our Bill of Rights.

Mr. Speaker, in my opinion, there is nothing wrong, given some basic safeguards, with faith-based organizations, such as the Salvation Army or Catholic Charities receiving Federal money to run social programs. However, if my colleagues would listen to the words of Madison and Jefferson, there is something terribly wrong about Federal tax dollars going directly to churches, synagogues, and houses of worship.

Our Founding Fathers, as I stated, debated at length the question of government-funding of churches. They not only said no, they felt so strongly about their answer that they dedicated the first words of the Bill of Rights to the proposition that government should stay out of religion and should not directly fund religion and houses of worship.

Our Founding Fathers did not build the establishment clause in the Bill of Rights out of disrespect for religion, they did it out of total reverence for religion. Why? Because our Founding Fathers understood the clear lesson of all of human history, that the best way to ruin religion is to politicize it. The best way to limit religious freedom is to let government regulate religion. Millions of foreign citizens have emigrated to America and even put their lives on the line to do so precisely because of the religious freedom we have here guaranteed under the establishment clause.

Why in the world would we in this Congress want to tear down a principle today that our Founding Fathers so extraordinarily fought for and that has worked, a principle that has worked so well for over 2 centuries? Why in the world would this Congress today want to emulate the failed policies of other nations who have direct Federal involvement in funding of their churches and of their religions and, as a consequence, have had religious fights, discord and, yes, even wars?

What is wrong with direct Federal funding of churches and synagogues and houses of worship? With less eloquence than Jefferson and Madison, let me mention four serious specific problems.

First, it is clearly unconstitutional. Chief Justice Rehnquist wrote in 1988, in the case of Bowen vs Kendrick, ''There is a risk that direct government funding, even if it is designated for specific secular purposes, may nonetheless advance the pervasively sectarian institution's religious mission.''

The second problem. This bill, if not amended, as I have said, would allow Federal dollars to be used, and listen to me, my colleagues, would allow Federal dollars to be used to discriminate against citizens in job hiring and firing based specifically and only on their religious faith. I find that repugnant.

One church, as I said, could put up a sign saying, Jews may not apply for jobs for this federally funded position. Another community, perhaps a church, that says, Protestants may not apply, or Catholics may not apply, Hindus may not apply, using Federal dollars. And that is wrong, my colleagues; and we ought to change it with the Edwards amendment.

The idea of government-funded religious discrimination, I hope, would find great offense in this House today. It is anathema to the most fundamental rights embedded in the very core of our constitution.

The third problem with this bill and its direct Federal funding of our churches, synagogues, and houses of worship should be obvious to all of us, but especially to my conservative Republican friends, direct Federal funding will lead to massive Federal regulations of our religious institutions. Does anybody question that?

If we dislike Federal agencies regulating our businesses and our schools, why in the world would we, through this and the welfare reform legislation language that it adopts, why would we want to invite the Federal Government to regulate our churches and our religious institutions on a daily basis?

The fourth problem with this bill, without my amendment, is that it will pit churches and synagogues against each other in the pursuit of millions and ultimately billions of Federal dollars. Just look at the dissension that it has caused this Congress, professional politicians fighting over the annual appropriation bill. Think what is going to happen when we have Baptists and Methodists and Jews and Muslims and Hindus and all of 2,000 religious sects in America all competing for the almighty Federal dollar?

This bill has many good provisions in it that I could support, but it has these two fatal flaws. I urge, on a bipartisan basis, my colleagues to vote for the Edwards amendment, allow funding of faith-based organizations with safeguards, but prohibit direct funding of churches, synagogues, and houses of worship. And let us say clearly today on the floor of this House with our vote on my amendment that we do not support using Federal dollars to discriminate against American citizens based solely on their religious beliefs.

And, Mr. Speaker, I want to finally thank the Democratic sponsor of this bill, the gentleman from Maryland (Mr. CARDIN), for his strong support of the Edwards amendment.

Mr. Speaker, following is the case summary I referred to previously:

BOWEN V. KENDRICK, 487 U.S. 589 (1988) (JUSTICE REHNQUIST WROTE THE MAJORITY OPINION IN WHICH JUSTICES WHITE, O'CONNOR, SCALIA AND KENNEDY JOINED)

Facts: Challenge to federal grant program that provides funding for services relating to

adolescent sexuality and pregnancy. Plaintiffs claimed that the federal program, the Adolescent Family Life Act (AFLA), was unconstitutional on its face and as applied.

Ruling: The Court held that the statute was not unconstitutional on its face. It also ruled, however, that a determination of whether any of the grants made pursuant to the statute violate the Establishment Clause required further proceedings in the district court. ''In particular, it will be open to [plaintiffs] on remand to show that AFLA aid is flowing to grantees that can be considered 'pervasively sectarian' religious institutions . . .''

Reasoning: Although the Court did not believe that the possibility that AFLA grants may go to religious institutions that could be considered 'pervasively sectarian' was sufficient to conclude that no grants whatsoever could be given under the statute to religious organizations, it left the district court free to consider whether certain grants were going to such groups and thereby improperly advancing religion. By contrast, Court made clear that religiously affiliates could receive tax funds for secular purposes.

''Of course, even when the challenged statute appears to be neutral on its face, we have always been careful to ensure that direct government aid to religiously affiliated institutions does not have the primary effect of advancing religion. One way in which direct government aid might have that effect is if the aid flows to institutions that are 'pervasively sectarian.' We stated in *Hunt* v. *McNair*, 413 U.S. 734 (1973) that: ''[a]id normally may be thought to have a primary effect of advancing religion when it flows to an institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission.''

The reason for this is that there is a risk that direct government funding, even if it is designated for specific secular purposes, may nonetheless advance the pervasively sectarian institution's 'religious mission.' ''

Court also noted difference between pervasively sectarian and religiously affiliated entities when it stated that grant monitoring expected under statute did not amount to excessive entanglement, ''at least in the context of a statute authorizing grants to religiously affiliated organizations that are not necessarily 'pervasively sectarian.' ''

Note on Justices Kennedy and Scalia's separate concurrence: Justice Kennedy wrote separate concurrence, in which Justice Scalia joined, to emphasize that they did not believe the district court should focus on whether the recipient organizations were pervasively sectarian, but instead on the way in which the organization spent its grant. ''[T]he only purpose of further inquiring whether any particular grantee institution is pervasively sectarian is as a preliminary step to demonstrating that the funds are in fact being used to further religion.''

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Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I rise in strong support of this rule as well as H.R. 3073, the ''Fathers Count Act of 1999.''

This is pretty important legislation, fundamentally important legislation. We were successful in doing something 3 years ago in 1997 we were told we could not do when I came to Congress in 1994; and that is, we reformed our welfare system, a system that was failing so bad that more children were in poverty in 1993 and in 1994 than ever before in history.

One of the reasons that so many children were in poverty was because their fathers were not involved in the families. And when the father was not involved, the family's income was a lot less and the struggling, working mom trying to make ends meet and raise children was having a hard time.

We passed into law in 1997 the first major welfare reform in over a generation that emphasized work and family and responsibility. Clearly it is one of the great successes of this Congress, because we have seen a drop in the welfare rolls in my home State of Illinois of over 50 percent, meaning more families are now paying taxes and in the work rolls and successfully participating in society.

Well, this legislation, the ''Fathers Count Act of 1999,'' is the next logical step. Let us remember, the old welfare was biased against dad. The old welfare system discouraged dad from being involved in the family. In fact, it rewarded the family if dad stayed away. We have changed that successfully over the last several years.

This legislation is the next step. What is great about this legislation is that it reinforces marriage, the most important basic institution of our society, and it promotes better parenting, encourages and rewards the payment of child support.

More children are in poverty today in Illinois because of the lack of the payment of child support, and we want to turn that around. But, also, this increases the father's income and encourages and rewards fathers for being involved in family. It is good legislation.

I just listened to the argument of my friend, the gentleman from Texas (Mr. EDWARDS), who believes that we should deny faith-based organizations the opportunity to be part of this program.

I think of Restoration Ministries in Harvey, Illinois, a program that successfully has worked over the last decade to identify men in the community, particularly in urban communities in the Southside of Chicago, and help give them the opportunity to participate in society. It has been a successful program. I think Restoration Ministries is one of those programs which works that we should enlist in our effort to involve fathers in this program.

The fact that 75 percent of the funds, under this program, will go to faith-based organizations, whether they are Jewish or Muslim or Christian or other faiths, is a right step because they care and they want to be involved.

Organizations like Restoration Ministries are successful because the people that are involved believe in their programs, they want to help people, they are part of the community. Let us enlist them.

I would also point out that this idea has bipartisan support. Not only do we have the leading Presidential candidate on the Republican side saying they support this, but the leading candidate on the Democratic side supporting this, as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman for yielding the time.

Mr. Speaker, I oppose the rule because the Committee on Rules ruled out of order an amendment that I offered which would ensure that the Civil Rights Act and civil rights laws would apply to the use of these Federal funds.

The Edwards amendment would address many concerns. This amendment would address one specific concern, and that is that the bill provides an exception to civil rights laws and specifically allows religious organizations to discriminate on hiring with Federal funds.

Now, many religious groups now sponsor Federal programs: Catholic Charities, Lutheran Services. But they cannot discriminate in hiring people with those Federal funds.

This bill changes that and says that a program funded under this bill, the sponsor can say that people of the Jewish faith need not apply for jobs funded by the Federal Government or Catholics only will be hired by the Federal funds. That is wrong.

The amendment should have been allowed, and it was not. Therefore, I oppose the rule.

Mrs. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, one of the more devastating amendments today that we will be debating is the amendment offered by the gentleman from Texas (Mr. EDWARDS) that would strip out the opportunity to have religious and faith-based organizations participate in the fatherhood initiative and the fathers count program and the other initiatives that we have in front of us today.

We in the House have now passed this three times, in the Human Services bill, in the Welfare Reform bill, and in the Justice Department bills. It would seem only appropriate in this very critical area that we would allow the faith-based organizations to become involved.

We can get into all kind of legal technicalities here about whether we should have types of separate organizations and how it should be structured. But the plain fact of the matter is that at the grass roots level, in urban America and African American and Hispanic communities, the organizations that are by far the most effective are faith-based.

They do not run around looking for attorneys as to how to set it up. They

are actually trying to help kids in the street. They are trying to help get families reunited like Charles Ballard has in Cleveland. He did not ask about the structure. He went out and tried to go door to door with thousands of families over 15 years to get dads reunited with their families.

Eugene Rivers, in Boston, has put together a coalition in the streets of Boston, who, with all the other Government programs that have been wasting, in my opinion, for the large part millions of dollars, he and the other pastors and young people working with the churches of Boston have accomplished more to reduce youth violence than all the rhetoric about all the other programs in Boston.

But they do not even have health insurance for their employees, the volunteers in the streets and the people that are working for their churches there. They do not have adequate money with which to get people out doing the things that are working. Instead, we put it into a lot of the traditional programs because we are worried that somebody might actually say that character matters.

What Vice President GORE has said, which the Republican Party and our logical leading contender at this point, Governor Bush, has said, and as well as this House three times, is that faith-based organizations need to be included when we look at how to address these social problems.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would like to first point out two inaccurate and I assume unintentional statements made by my colleagues on the other side of the aisle. Two of their speakers have misrepresented my amendment, saying that it would deny funding to all faith-based organizations.

Let me be clear what my amendment does or does not do so Members can know the facts and make their own decision on that amendment.

My amendment says that the Federal funds under this bill may go to faith-based organizations. And there are hundreds, if not thousands, of faith-based organizations out there. Catholic Charities, Lutheran Services of America, Jewish Federation, Salvation Army, Volunteers of America, Boys and Girls Clubs of America. Even 501(c)(3) organizations associated directly with the church would not be prohibited from receiving money under my amendment.

What my amendment simply does is deal with, as the previous speaker said, the legal technicality. I do want to point out, when we talk about legal technicality, we are talking about the first 10 words of the First Amendment of our Constitution, the first words that our Founding Fathers chose to put in the Bill of Rights, which said, ''Congress shall pass no law respecting an establishment of religion.''

The legal technicality that the gentleman kind of demeans in his comments refers also to Chief Justice Rehnquist's majority statement in writing the opinion in the 1988 case of Bowen v. Kendrick that direct Federal funding to pervasively sectarian organizations is unconstitutional.

So perhaps if they want to take the position that the Bill of Rights is the legal technicality, that the First Amendment of the Constitution is a legal technicality, and that Justice Rehnquist and the Supreme Court are simply a legal technicality, then perhaps they should go ahead and vote against the Edwards amendment.

But if they take seriously and deeply the commitment of our Nation for two centuries not to the have direct Federal funding of churches and houses of worship, I would suggest that they should vote for the Edwards amendment and, recognizing the fact of the actual language, that it will continue to allow Federal dollars to go to faith-based organizations.

I hope the gentleman might have a chance to review my amendment again so that he would make it clear that we do hot prohibit money from going to faith-based organizations. We do try to be constitutional and help this bill in its constitutionality in prohibiting money from going directly to churches.

Mr. Speaker, I am happy to yield to the gentleman if he wants to explain why the Bill of Rights, the First Amendment, and Judge Rehnquist's decision in 1988 in the Supreme Court case are merely legal technicalities.

Mr. SOUDER. Mr. Speaker, it is a nice try to wrap himself in the Constitution.

Mr. Speaker, the legal technicality that I was talking about is, in fact, what we have debated many times in this House floor related to fungibility of money, that, as I understand the amendment of the gentleman, he is saying that if a church has an entity that would work with this and, for example, in this case a fatherhood initiative had a separate entity but was not part of the church, the money could go to the entity but not the church, which then brings the States in to audits of the church as to how they move their funds around, that in fact some organizations such as Catholic Charities have done that for years and have been eligible.

What we have done in our past bills is said that if the money goes to the church itself, they still have to make a proposal to whatever government entity, say it is on juvenile crime, as we did in the Justice bill or others, and they have to make that and the government then audits that. But sometimes it does not work in the inner city and other places to have this money, just have this paper trail.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, let me point out that I would make the same argument the gentleman made as an argument to support the Edwards amendment and I appreciate his bringing it up.

Under their bill, when money goes directly to the church, the Federal Government, to provide accountability to the taxpayers, is going to have to audit every dime raised and spent by that church.

If we pass my amendment, the money goes to a separate organization affiliated with the church or religion. And, therefore, because it is separate, they do not give the Government the carte blanche to walk into every church and synagogue in America and audit their revenues and their expenditures.

I think, without this amendment, this bill, whether intended or not, is going to invite massive involvement of Federal regulation into our houses of worship.

And finally the point I would make, the gentleman has referenced these debates we have had on the floor of the House about so-called charitable choice. Let me point out to him, I think he may recall the last two times we have had that debate, one was at 12:30 in the morning that lasted for 10 minutes and the other one was at 1:00 in the morning that lasted for 10 minutes.

I would be willing to wager with the gentleman that there were not 15 Members out of 435 of this House that knew that the Welfare Reform bill of 1996 opened the door to possible unconstitutional direct funding of our churches.

So the fact that we did something that the courts are now looking at, and I think will declare as unconstitutional, in 1996 is hardly a rationale to say, based on those 1:00 a.m. debates with 5 minutes on the floor of the House, we ought to extend this unconstitutional direct funding of our religious houses of worship and just one more step with just, gosh, this is just another $150 million.

This is an issue our Founding Fathers debated at length, and it was so fundamental to them that they said neither convenience nor even good intentions should be a reason for breaking down the wall of separation between church and State. This is a fundamental principle.

I wish we could debate this issue all day. It deserves such a debate. But I would just argue with my colleagues, if they want to support this bill, if they actually want it to become law, they should support the Edwards amendment, because based on the clear decision of the Supreme Court in 1988 in Judge Rehnquist's decision, this bill will not be constitutional unless we pass the Edwards amendment.

The final thing I would point out, in response to what the gentleman was saying, is that if we separate out the

funding and have it go to religiously affiliated organizations, they do not have the protection under the Supreme Court decisions to discriminate based on religious faith.

So, without my amendment, what they are really doing is breaking new ground. I would like to ask the gentleman to respond, how can he defend the concept of taking his and my Federal dollars and our constituents' Federal dollars and hanging up a sign saying a Jew, a Christian, a Protestant, a Hindu or a Muslim should not apply for this Federally funded job because they do not participate in the right religion? How can the gentleman defend that principle?

□ 1130

Mr. SOUDER. As the gentleman presumably knows, you cannot do that if you receive Federal funds. What you are allowed to do under this is in your staffing, if you are a religious organization, you can discriminate because part of your faith-based organization is that. You also have alternative programs in any of these, and if there are not alternatives for individuals to the faith-based organizations, there are protections. That has been in all of our different bills. That has been the standard interpretation.

Remember, the final decision as far as who gets the grant money lies with the Federal agency, not with the church. This is not like a block grant or something we are driving straight to the churches. What you are saying is you do not trust HHS under a Democratic administration to protect these rights.

Mr. EDWARDS. Frankly, our Founding Fathers did not trust government to regulate churches and houses of worship. I think they had it absolutely right in the Bill of Rights. The gentleman has made my point. He needs to go back and look at the language in the actual Welfare Reform Act of 1996 that nobody knew about and this adopted that says, yes, there is an exemption that applies to that, and now to this bill if we pass it, that says, yes, you can hang out a sign saying, do not apply for this federally funded job if you are not of the right religious faith.

That is obnoxious to me, that is repugnant to me, and I think that is why this should be a bipartisan amendment. I would urge my Republican colleagues to support it.

Mr. SOUDER. The gentleman just shifted his argument. He just said you could not apply for a job. Earlier he told me you could not apply to the agency to be served. I want to point out to the listeners, he just switched his argument in the middle of his debate.

Mr. EDWARDS. I did not shift my argument. I will be happy to give the gentleman the printed statement that I read from a few minutes ago. What it says is this bill without the Edwards amendment will let you take Federal dollars and discriminate against someone in the hiring of a person based on his or her religion.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I would like to conclude this portion of the preliminary debate with a couple of comments. First off, it is patently ridiculous to suggest that after a year and a half of the welfare reform debate, after multiple versions of that bill here that Members of Congress did not understand what they were voting for in the welfare reform debate. Furthermore, while we unfortunately did deal with the charitable choice at several times in the evening during the debate, I would argue that Members of Congress fully understood, or at least most Members of Congress, at least on our side, understood what they were debating in the charitable choice as did those who were generally supportive of this legislation. I find it a little disconcerting for my colleague to suggest that Members of Congress did not know what they were voting on three different times.

Furthermore, I believe that this is such a fundamental principle, and we will debate this further, I am sure. I am not referring to illegal mingling of church and State. What we are talking about here is that whether it is an individual church or a church entity, being able to come and say, we want to work with juvenile delinquents, in this case with father questions, in other cases with homeless questions, we have to meet these criteria of serving this population. But in doing that, because we have seen that character matters, that, in fact, you do not have to, if you are a Catholic priest, take your collar off, you do not have to strip the crucifixes off your room. That part and parcel of the effect of faith-based organizations is their faith and character.

Lastly, as far as this question of bringing the State into the church, the fact is that if it is a church-based entity or a church, if you say it can only come from an entity, you bring the government by default into the church. If you say that it can be either, you only bring the government in if there is a question about the grant. Under either way we do this, under the Edwards amendment or the existing, if there is a question about the grant, of course the government comes in. It would be illegal use of funds.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 144, not voting 11, as follows:

[Roll No. 582]

YEAS—278

Aderholt	Ehlers	Lewis (CA)
Allen	Ehrlich	Lewis (KY)
Archer	Emerson	Linder
Armey	Engel	Lipinski
Bachus	English	LoBiondo
Baird	Eshoo	Lucas (KY)
Baker	Etheridge	Lucas (OK)
Baldacci	Everett	Maloney (CT)
Ballenger	Ewing	Manzullo
Barcia	Fletcher	Mascara
Barr	Foley	McCarthy (NY)
Barrett (NE)	Forbes	McCollum
Bartlett	Ford	McCrery
Barton	Fossella	McHugh
Bass	Fowler	McInnis
Bateman	Franks (NJ)	McIntosh
Bereuter	Frelinghuysen	McIntyre
Berkley	Gallegly	McKeon
Berry	Ganske	Menendez
Biggert	Gekas	Metcalf
Bilbray	Gephardt	Mica
Bilirakis	Gibbons	Miller (FL)
Bishop	Gilchrest	Miller, Gary
Blagojevich	Gillmor	Moran (KS)
Bliley	Gilman	Moran (VA)
Blumenauer	Goode	Morella
Blunt	Goodlatte	Myrick
Boehner	Goodling	Napolitano
Bonilla	Goss	Nethercutt
Bono	Graham	Ney
Borski	Granger	Northup
Boswell	Green (WI)	Norwood
Brady (PA)	Greenwood	Nussle
Brady (TX)	Hall (OH)	Ortiz
Bryant	Hall (TX)	Ose
Burr	Hansen	Oxley
Burton	Hastings (WA)	Packard
Buyer	Hayes	Pascrell
Callahan	Hayworth	Pastor
Calvert	Hefley	Paul
Camp	Herger	Pease
Campbell	Hill (MT)	Peterson (MN)
Canady	Hilleary	Peterson (PA)
Cannon	Hobson	Petri
Cardin	Hoeffel	Phelps
Castle	Hoekstra	Pickering
Chabot	Holden	Pitts
Chambliss	Horn	Pombo
Chenoweth-Hage	Hostettler	Porter
Clement	Houghton	Portman
Coble	Hulshof	Price (NC)
Collins	Hunter	Pryce (OH)
Combest	Hutchinson	Quinn
Cook	Hyde	Radanovich
Cooksey	Isakson	Ramstad
Cox	Istook	Rangel
Cramer	Jenkins	Regula
Crane	John	Reyes
Cubin	Johnson (CT)	Reynolds
Cunningham	Johnson, Sam	Riley
Danner	Jones (NC)	Rivers
Davis (FL)	Kasich	Rodriguez
Davis (VA)	Kelly	Roemer
DeGette	King (NY)	Rogan
DeLauro	Kingston	Rogers
DeLay	Knollenberg	Rohrabacher
DeMint	Kolbe	Ros-Lehtinen
Diaz-Balart	Kucinich	Rothman
Doolittle	Kuykendall	Roukema
Doyle	LaHood	Royce
Dreier	Latham	Ryan (WI)
Duncan	Lazio	Ryun (KS)
Dunn	Leach	Sabo

Salmon
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—144

Abercrombie
Ackerman
Andrews
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Bonior
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
Delahunt
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Largent
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Pickett
Pomeroy
Rahall
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu

NOT VOTING—11

Boehlert
Deal
Gutknecht
Hill (IN)
LaTourette
Matsui
Murtha
Scarborough
Smith (TX)
Tierney
Towns

□ 1154

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise for the purposes of inquiring of the majority leader the schedule for the remainder of the week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for taking this time, if the gentleman would yield.

Mr. BONIOR. I yield.

Mr. ARMEY. Mr. Speaker, appropriators are working very hard to wrap up the final bills. It is obviously difficult to get a read on it and we are working very hard on that. I will try to inform the Members as we go along how that is going, but, Mr. Speaker, the likely scenario is that it is our hope that we may be able to finish this up today. That is something that is very delicate. We will try to take a read.

I know Members want to not work tomorrow, as it is a very important day for so many of us, with Veterans Day. We will be in pro forma tomorrow, irrespective of how this works out, whether we can finish tonight or the early hours of tomorrow morning; or if, in fact, things do not go well with the paperwork or the negotiations, we might otherwise have to come back Friday and complete our work. We will try to get Members notice regarding the extent to which we will either stay late tonight or hold over until Friday at such a time that would make it possible for Members to make some arrangements for them to travel for Veterans Day tomorrow.

The House will only be in pro forma tomorrow, in any event. If we find it necessary to go out for Veterans Day, we would expect to be back here noon on Friday to take up the final work, have the final votes and complete our work and complete the year on Friday.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I might, there obviously is a lot of concern over the schedule by Members, I think it is fair to say, on both sides of the aisle. We are being told indirectly that we may be here until 2 or 3 a.m. tonight and then be back, as you have just pointed out, if, in fact, we do not finish tonight, which does not seem remotely possible, given the problems that are still out there, that we would be back on Friday, and I gather possibly throughout the weekend if we do not finish on Friday.

One of my concerns is the fact that Members who need to travel a great distance to be with their constituents on a day that honors our men and women who fought and died for our country will not be able to make that schedule if we are restrained to your schedule. In addition to that, of course, Members have events scheduled throughout this weekend.

If we are not going to be at the point where we can finish this weekend, does it not make sense to let people continue to do their work and to come back early at the beginning of next week and try to resume this?

□ 1200

Mr. ARMEY. If the gentleman would yield further, and I do appreciate the point. Obviously, a great many of our Members appreciate the point just made by the gentleman from Michigan.

However, as the gentleman knows, when we are working through these final points of the negotiations and we finally get to an agreement, it is always, I think, prudent to have ourselves in a position that when everybody says, okay, this is it, I agree, that we can get as quickly from that point of agreement to the floor of the House of Representatives.

As things are left to lay over, we may find ourselves extending our work here, or having it extended on our behalf, beyond that time. What we are trying to do is to maintain the kind of options that will make it possible for all of our Members to seize that moment when everybody is in agreement, recognizing that these can be passing moments, but at that moment to seize that moment and move the work to the floor and get it completed. We believe it is prudent, and we believe in the larger interest of the Members necessary, to keep that option available to us and keep it at hand.

We will keep you as much informed. The critical concern the Member has, I would think right now, is if the gentleman is not going to have the vote on the final package between midnight and 4 a.m. tomorrow, let me know as early in this day as possible, and I will try to do that.

Mr. BONIOR. Mr. Speaker, is the gentleman from Texas telling us also that if we do in fact come back on Friday, that we should expect to work through the weekend?

Mr. ARMEY. It is my anticipation if we were to come back on Friday, we would be able to convene for votes around noon and probably complete that work Friday late afternoon or Friday evening, and complete our work for the year.

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

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Speaker, this matter is more than a matter of convenience to the Members. This is a matter of whether we, as elected leaders of our country, have the opportunity to honor the veterans of this Nation.

Airplanes leave this afternoon or this evening. We will not be in session tomorrow, as the gentleman from Texas said, but little good does it do us if there are no airplanes to take us to Missouri or Texas or California.

I would like very, very much to be with my neighbors, my friends, and deliver what few remarks I may have to those veterans who have given so much. I think it is a matter of priority

that we do that, and that we make that decision now.

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

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

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

I would simply say to the distinguished majority leader, I have been in every single one of the meetings that are taking place on the budget. I think I have a pretty good idea of how far along those meetings are. I think each individual Member has a right to know how far we have yet to go in order to reach agreement.

On foreign operations, we still have at least one major outstanding issue which is tying up that bill. Even if we get that resolved, there are at least three separate Senators who have placed holds on that bill. I expect that problem to last a considerable amount of time.

In addition, with Commerce-Justice, we have made some fair progress there on dollar items. In fact, most of the dollar items, I think all of them, are resolved. There is perhaps one item which has people confused on both sides.

There are a number of language items which are very far apart, and as Members know, the United Nations funding issue is a very major impediment, and no agreement is in sight on that.

In addition, on Interior, while we thought we were making good progress on those riders, we discovered that a new rider had been added in one of the offers that was made to the White House, so that has caused a significant dust-up. In addition, we also have the West Virginia mountaintop mining issue, which is going to tie up one of those bills for a long time unless it is resolved.

Then we have the Labor-Health-Education conference, which I just left. In that, the House this morning and the White House expected to get a compromise offer. Instead, we were given a non-negotiable demand on the President's major priorities, and we are still significantly apart on dollar items. We had a major dust-up on that this morning, and we have a huge, huge problem on child care.

There is not a chance of a snowball in you know where that we are going to be able to resolve those issues by the end of the day. It does no individual Member of this House any great service to tie them up when they need to be going home to deal with their Veterans Day celebrations.

In fact, sessions like this impede our ability to get our work done because every time there is a roll call in the Senate or the House, we have to interrupt. Yesterday we were interrupted for two roll calls, and that wound up delaying the conference over 3½ hours because of other problems that developed after those roll calls.

I would urge the gentleman to recognize that a realist would understand that there is no prayer of wrapping this up today. We all would like to get it wrapped up. I intend to be here right through Veterans Day and right through the weekend. I will negotiate until the cows come home. I hope we can get it done.

But the best thing we can do to Members is to let them go home. When the bill is drafted, every Member of this House on both sides of the aisle has a right to have 24 hours to know what is in it. That just does not go for us, it goes for the gentleman, it goes for everybody.

So it seems to me the best thing to do is to let the negotiators work over the weekend, recognize that even if we were to reach agreement tomorrow or Friday, it takes an immense amount of time to do the walk-through and the read-out.

Last year, for instance, there was one item that we refused to put in the conference, and yet five different times it surfaced in the draft before we finally kept it out. So these are problems that are going to take a considerable amount of time.

It is a waste of individual Member's time to tell them that they may be finished tonight or tomorrow. There is not a prayer of that happening, if someone is inside the room where the negotiating is going on. In fact, we were told in negotiations this morning that they may yet run another separate bill at us because they did not like the way the negotiations were going.

So if any Member believes we have a chance to finish this tonight, I pray for them.

Mr. BONIOR. Mr. Speaker, may I just ask one other question?

The SPEAKER pro tempore. The gentleman has far exceeded his moment of unanimous consent, but he may proceed. The gentleman may proceed.

Mr. BONIOR. The question I want to ask the distinguished majority leader, Mr. Speaker, is, and it alludes to what the gentleman from Wisconsin (Mr. OBEY) just referred to, is the rumor that the remainder of the appropriations bills may be actually brought to us in one package, leaving out some of the items that have been negotiated with the White House.

Is there any fact to that rumor?

Mr. ARMEY. Again, if the gentleman will yield, I want to thank the gentleman for his inquiry.

Mr. Speaker, I appreciate the remarks of the gentleman from Missouri (Mr. SKELTON). I believe the body would agree with me that there is no one person in this body for whom we would be more proud to speak so eloquently on behalf of our affection for the veterans as the gentleman from Missouri (Mr. SKELTON). We are aware of and very concerned about this.

In addition, of course, the body is brought to a sobering realization of how difficult times are by the gentleman from Wisconsin (Mr. OBEY), with his reliable optimism. Mr. Speaker, I would just say to the gentleman from Wisconsin, Mr. OBEY, I do not want any more cheese, I just want out of the trap.

Mr. Speaker, again, I understand, in these times of these negotiations we all know from past experience year in and year out that when things look very difficult and perhaps even impossible, in every year there is that magic moment when everybody says, we can agree. That moment is at hand. We do not want to deny our Members the opportunity to seize that moment.

We believe, and I think with good reason through our discussions with Members of both bodies of Congress and the White House, that that moment is at hand. It can happen, and we need to be here and be prepared for it, while respecting, as the gentleman from Missouri (Mr. SKELTON) so eloquently put it, the Members' efforts to pay their respects to our veterans.

I can say to the gentleman from Michigan, neither side of the aisle, I think neither side of the building, wants to put these last five items and some of the attendant items together in a singular package. That will not happen. We are making every effort for it not to happen, but in at least two packages related to the final spending bills and then attendant things, such as the tax extenders and a few of the other items we are looking at.

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

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

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

Mr. Speaker, I want to confirm what the majority leader has said. We have battled all year long to get these bills on an individual basis through the House, through the Senate, and to the White House. We have been fairly successful. In the House we have basically finished our part of that job before the August recess.

Then we had a lot of time spent in negotiations with the other body, and we have resolved those, but still, every step of the way we have tried to keep that commitment, that we send each bill individually.

Now we are at the point, as the majority leader said, that all of the hard problems have now begun to focus. The easy ones are gone. The easy ones are out of the way. Now the hard ones are here. But we are at the point where I think we can quickly come together and not necessarily package everything on a vehicle, but have a package of agreements whereby if we do this on this bill, we do something else on that bill, and we have to have a little give and take, both here in the Congress and at the White House.

I will be honest with my colleagues in the House, the White House has not been all that negotiating. The White House has been pretty tough in saying, here is our line, we are not going to cross it. That is all well and good, and I would like to thank the minority party for applauding the majority party's efforts here, and I knew that was a facetious applause. However, it is our intention to bring these issues together now.

The Speaker has spoken to the President personally this morning, and I agree with the majority leader, we are about at that point where things are going to fall into place.

Now, can they be done by Friday? I do not know. I know our staff on the Committee on Appropriations have been telling me for the last couple of days, boy, I will tell you, I do not think we can do it. My instructions this morning were, do not come back to me and tell me we cannot do it. You come back to me and tell me we can do it, and here is how we are going to do it, and then we will get out of here.

Mr. BONIOR. Mr. Speaker, on that rousing note, I would ask the Speaker's indulgence for one other comment.

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

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

Mr. EDWARDS. Mr. Speaker, if I could make two points to the distinguished majority leader, let me say first that I hope that passage of a multi-billion dollar appropriation bill or bills is not contingent upon Members not having the ability to read it. I hope that would cause great concern on both sides of the aisle, if the argument is the only way we can finally solve this appropriation conflict of ours is if we bring together a package and do not let Members have time to read it and think about it.

Secondly, tomorrow is not only Veterans Day, it is the last Veterans Day of the 20th century. It is a century that has seen our veterans fight in two world wars, and through all parts of this globe.

I know I speak for Republicans and Democrats alike when I say that inconveniencing a Member of Congress should be of no consequence, but showing a lack of respect to the veterans who have fought those two world wars, many of whom will not be around to see the next Veterans Day, is totally a different thing.

I would plead with the majority leader, obviously, and Democrats and Republicans, to say, it is worth it to show respect to our veterans on the last Veterans Day of this century to let the House Members know within the next several hours whether they can catch planes back home tonight so they can make speeches tomorrow morning and tomorrow afternoon.

Give not us that privilege, Mr. Majority leader, but give that privilege to our veterans. Let us go home and say thank you to our veterans for the sacrifices they have given on behalf of our Nation.

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

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

Mr. ABERCROMBIE. Mr. Speaker, I understand only too well the necessities of strategy and tactics, and I respect that. I respect the majority leader's position and difficulties associated with trying to pass legislation.

□ 1215

I also understand the politics that is involved. But every Member here, I would say to the majority leader, is entitled to be treated with equal respect. There are simply logistical difficulties. Obviously, I have one. But I feel I am as entitled as any Member here to be able to participate fully. And if that involves having to alter the logistics of when the bills hit the floor, then I think that has to be respected.

It should not take any reminding of the body that perhaps the most important event that took place in this century, as least as far as this country is concerned, took place on December 7, 1941, and I intend to be on the Battleship *Missouri* for that commemoration tomorrow night. Not because of any particular regard I have for myself being there, but I took my oath of office in the well of this House along with every other Member here and I am a representative, for good or for ill as far as this country is concerned, from the First District and I intend to be at this commemoration representing this body.

Mr. Speaker, this is the workplace of democracy. There is no reason whatsoever, and no reason to believe whatsoever that I can determine, that we are going to be prepared to move this legislation on Friday. I do not doubt for a moment that the majority leader and his negotiators will be doing their level best to conclude their business on this. But let us face the facts of life. We cannot logistically do this and give every Member an opportunity to pay his or her respects as they are supposed to as representatives of this greatest democracy on the face of the Earth. We cannot be here before next Monday, and I ask the majority leader to simply acknowledge that and let us move on with our business.

Mr. ARMEY. Mr. Speaker, if the gentleman will again yield, I want to express my own personal appreciation for the fine expressions of sentiment and commitment I have heard from the Members on this important matter of Veterans' Day. And I can tell my colleagues that I am only touched by what I have heard.

I have talked to the Members of the Committee on Veterans' Affairs. They too, of course, have focused on this with a great deal of interest and commitment and they have encouraged me to remind Members that for those of us who may have difficulties in getting back to our own districts, that we will have ceremonies at Arlington Cemetery where, of course, some of our Nation's greatest heroes are interred, and we will make every resource available to assist Members in getting to those very important ceremonies.

Mr. BONIOR. Mr. Speaker, I thank my colleague and would say in conclusion that I would hope the gentleman from Texas (Mr. ARMEY) could be more definitive in terms of a time within the next couple of hours so people could plan accordingly for not only this evening, but for the weekend if that is, in fact, what the majority desires, and I thank the gentleman.

COMMUNICATION FROM STAFF MEMBER OF HON. DALE E. KILDEE, MEMBER OF CONGRESS

The Speaker pro tempore (Mr. LAHOOD) laid before the House the following communication from Barbara Donnelly, assistant district director for Hon. DALE E. KILDEE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 2, 1999.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena issued by the United States District Court for the Eastern District of Michigan in the case of *U.S.* v. *Fayzakov*, No. 99–CR–50015.

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

Sincerely,

BARBARA DONNELLY,
Assistant District Director.

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.

FATHERS COUNT ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 367 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3073.

□ 1220

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3073) to amend part A of title IV of the Social Security Act to provide for grants for

projects designed to promote responsible fatherhood, and for other purposes, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) each will control 30 minutes, and the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me thank the gentleman from Maryland (Mr. CARDIN), my colleague and ranking member, and his tireless, able staff for their good work in developing both the programmatic language of this bill and its funding provisions.

Mr. CARDIN has indeed been a fine partner, both for his substantive knowledge and frank and cooperative working style. I also want to thank my friends on the Committee on Education and the Workforce, especially the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from California (Mr. MCKEON) for their excellent work on this bill and for their spirit of cooperation in working out a compromise between the bills written by our two committees.

Finally, let me thank my chief of staff of the Subcommittee on Human Resources, Dr. Ron Haskins, who has an extraordinary knowledge of problems, programs, the law, and the possibilities.

Mr. Chairman, the major provision of this legislation is the Fathers Count Act of 1996. This legislation will fund projects directed at helping poor fathers meet their responsibilities by promoting marriage, improving their parenting skills, and developing their earning power.

Welfare reform stimulated the development of far better services for welfare-dependent mothers; services that could help her identify her skills, provide her with the knowledge that could help her succeed in the workplace, find a job, work, and progress.

This bill is an attempt to provide the same support and opportunity to the poor fathers of children on welfare. Our goal is to help them find steadier employment and develop their careers so they can provide the economic support so crucial to their child's well-being.

Our second goal is to help them develop a better relationship with their child and with the child's mother. Why? Because kids need dads. Dads count, just like moms count.

Research unequivocally shows that the great majority of children born outside of marriage do not realize their potential. They are much more likely to live on welfare, fail in school, be arrested, quit school, use drugs and go on welfare themselves as adults.

Two decades of careful research now decisively shows that we are neglecting the interests of a very specific group of kids, the children born of unmarried parents by neglecting the concerns of their parents and making no effort to build an emotional support structure, as well as an economic support structure, around them.

Welfare reform addressed many of the concerns of their mothers constructively with help finding a job, subsidized day care and so forth. Now we need to help their dads find better jobs, learn to parent, gain the knowledge to develop a good relationship with the mom, and marry if they both desire.

We must, in sum, help those mostly young adults create a more stable environment economically and emotionally for their children so their children will enjoy the opportunity kids should have in America.

Mr. Chairman, surprisingly and encouragingly, a recent study by renowned researcher Sara McLanahan of Princeton University shows that at the time of nonmarital births, over half of the parents are cohabiting and about 80 percent say they are in an exclusive relationship that they hope will lead to marriage or at least become permanent.

It seems reasonable to us that if we develop ways to support these young couples when they are still exclusively committed to each other and to their child, they may be able to maintain their adult relationship and develop their parenting relationship.

Thus, our bill will provides a modest amount of money, $150 million over 6 years, to encourage community-based organizations and governmental organizations to conduct projects to help these young parents. Projects will be awarded on a competitive basis. Not only will the projects aim to help couples develop healthy relationships including marriage, but they would also provide the educational opportunities and other supports through which good parenting and relational skills can be honed and the earning power of the father developed.

Even if the parents remain separate, the projects help fathers play an important role in their family through both the payment of child support and through good parenting of the child and open communication with the other parent.

Because these fathers have often have low job skills and weak attachment to the labor force, the projects will help fathers find jobs, improve their skills and experience so they can get better jobs. One of our major goals is to ensure that fathers, whether they live with their children or not, are able to provide financial support to their families. But an equally important goal is to assure that fathers, whether they live with their children or not, can provide appropriate emotional support to their child and be part of an adult partnership providing security, guidance and love to the children.

Mr. Chairman, funding these projects does not remove any money from the various programs Congress has put in place to support single mothers. Cash welfare, food stamps, Medicaid, housing benefits and many types of education and training programs remain available to mothers at their current level or higher levels of funding. So too do the programs that support low-income working single parents, particularly the earned income credit.

Thus, without detracting in any way from Federal programs designed primarily to help single, poor mothers we create this modest new program designed primarily to help single, poor fathers.

A word is in order about the background of this legislation. The gentleman from Florida (Mr. SHAW), my accomplished colleague, introduced the first version of this bill nearly 2 years ago. Since that time we have held three public hearings and received numerous written and oral comments on the legislation and at our most recent hearing, enabled the public to comment directly on the draft version of our current bill. On the basis of testimony at the hearing, as well as many meetings and written comments, we have made more than 50 changes in the legislation.

Mr. Chairman, this bill has now been passed as amended by both the Subcommittee on Human Resources and the full Committee on Ways and Means. Both votes were voice votes; thus our legislation originated and written on a bipartisan basis continues to enjoy the strong support from both sides of the aisle it deserves. The Clinton administration, with which we have worked closely in developing and amending the legislation, also supports the bill.

Finally, numerous organizations across the political spectrum, including the National Fatherhood Initiative, the Center on Budget and Policy Priorities, the Center on Law and Social Policy, the Children's Defense Fund, and the Empowerment Network have also endorsed the bill.

In addition to the important fatherhood program in this bill, the bill also contains several other first rate measures that Members should know about. Here is a brief summary:

First, the bill fixes a major problem in the welfare-to-work program which was specifically structured to reach women who had been on welfare many years and would need significant education and training to move into the workforce to become self-sufficient.

□ 1230

Unfortunately, while focused on a significant problem, the original bill was drawn too narrowly and literally could not serve the people it was intended to serve. We correct that problem by adjusting the criteria realistically to identify long-term recipients with low skills and eliminate the discrimination against equally poor, struggling single moms who do not receive welfare and providing job placement services.

We have worked with the Committee on Education and the Workforce and the administration and have prepared constructive changes all can support.

Second, we fix a problem in our Nation's increasingly effective child support program by creating a new penalty procedure for States that have failed to meet the deadline for building a statewide computerized child support payment system. Rather than completely ending child support funding for eight States, we impose a fair and more realistic set of penalties on these States, allowing those that can comply in 6 months to do so penalty free.

Third, we authorize use of a child support enforcement data base to recover delinquent student loans and overpayments in the Unemployment Compensation program. This provision will lead directly to a reduction of $154 million in State unemployment taxes over the next decade.

Fourth, the bill provides needed funds for the largest and most important evaluation of the 1996 welfare reform law.

Fifth, we provide new money to train judges and other court personnel in the child protection system.

Sixth, as the gentleman from Maryland (Mr. CARDIN) will explain in more detail, we fix a problem in the child support program by allowing the Immigration and Naturalization Service to suspend the passports of noncitizens who owe child support to American citizens.

Finally, let me point out that this bill is fully financed by fraud reduction and program terminations. In addition, businesses will save $154 million in Unemployment Compensation taxes. We know there is no such thing as a free lunch, but the Nation will receive the very considerable benefits of this legislation without paying one extra penny in taxes and without increasing the national debt.

In the long run, it will reduce public spending by strengthening families and increasing child support payments and providing children with greater economic and emotional support.

I urge the support of this fine legislation.

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

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), who has been a strong supporter of the fatherhood initiatives.

Mr. WYNN. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time.

Mr. Chairman, I rise in strong support of the Fathers Count Act. For a long time, we have had our head in the sand with respect to the problem of children born out of wedlock. We have ignored the problem. We have assumed high-minded piety. We have condemned impoverished young people, but we have not really helped them.

This bill is an enlightened form of welfare reform that addresses some of the real problems faced by unwed parents and specifically fathers.

This bill is critical because it provides resources, not condemnation to unwed fathers. It provides counseling. It provides job support. It provides the resources that they will need to become effective and productive fathers. When we have productive and effective fathers, we have better children.

This is a very good bill in that it also encourages States to take an aggressive role in enforcing child support payments, and that is very essential because it is at the State level where we have the issue of child support enforcement.

By having States implement aggressive enforcement policies, we will collect more child support. Again, when we collect more child support, we are at a better position to help these children of unwed parents.

For too long this Congress and this society has ignored this problem or, as I said, has taken a head-in-the-sand approach. It is high time that, as a society, we address the problem, we accept responsibility, and we, more importantly, enable these young fathers to accept responsibility.

To the extent that these fathers become better fathers, become better husbands, they will contribute to our society by producing young people that are more stable, less prone to crime, and more able to be productive citizens.

This is a bipartisan piece of legislation, the result of a lot of hard work. I think it is an excellent idea. I am very pleased to support it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CAMP), a member of the Subcommittee on Human Resources.

Mr. CAMP. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time.

Mr. Chairman, I rise as a cosponsor of the Fathers Count Act of 1999, and I want to thank the gentlewoman from Connecticut (Chairman JOHNSON) and the gentleman from Maryland (Mr. CARDIN), the ranking member, for their hard work and their good effort in this area.

Since we passed welfare reform in 1996, we have made remarkable progress in getting families off the welfare rolls and improving their lives, but we still have a lot of work to do. This legislation represents an important step in welfare reform.

Many studies have suggested that unmarried, poor fathers have higher unemployment and incarceration rates than other fathers. These problems make it difficult for them to marry and form two-parent families and to play a positive role in the rearing of their children. Because the father fails to play a prominent family role, a vicious cycle ensues. Their children repeat the cycle of school failure, delinquency, crime, unemployment, and nonmarital births.

These are not the only disturbing facts about single parent homes. Our committee has heard testimony that children with absent fathers are five times more likely to live in poverty, more likely to bring weapons and drugs into the classroom, twice as likely to commit crime, twice as likely to drop out of school, twice as likely to be abused, more likely to commit suicide, more than twice as likely to abuse alcohol or drugs, and more likely to become pregnant as teenagers.

The Fathers Count Act of 1999 is designed to prevent the unfortunate cycle of children being reared in fatherless families by supporting projects that help fathers meet their responsibilities as husbands, parents, and providers.

I think a particularly good highlight of this bill is the charitable choice provisions which really allow faith-based organizations to compete for contracts whenever a State chooses to use private sector services or providers for delivering welfare services to the poor.

The charitable choice provision represents a historic shift in the way social services are delivered, away from big government programs to small, effective community faith-based providers. This provision allows the Secretary of HHS to choose a faith-based provider, and does not require the Secretary to do so.

The reasons this is so important is the goals of faith-based organizations are not just to provide services, but to change lives. Many of the fathers that the Fathers Count legislation is intended to reach need much more than services. They need what only faith-based organizations can deliver, and that is a belief that change is possible.

This bill is aimed at promoting marriage among parents. It will also work to help poor and low-income fathers establish positive relationships with their children and their children's mothers.

I urge a yes vote on this important legislation.

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

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

Mr. Chairman, first, let me acknowledge that when we work together,

Democrats and Republicans, we can get a lot accomplished.

I commend the gentlewoman from Connecticut (Mrs. JOHNSON), the chairman of the Subcommittee on Human Resources, for her steadfast willingness to make sure that this legislation was considered and negotiated and marked up in a very bipartisan way.

I also want to compliment her on the hearings that we held on this bill. I thought they were very helpful. We heard from a lot of different groups, and they made many suggestions which are incorporated in the final legislation that was brought forward.

The system worked. The process worked. As a result, the Fathers Count Act, H.R. 3073, is a bill that will help low-income parents in carrying out their responsibility, both custodial and noncustodial, both mothers and fathers. It is a good bill, and I encourage my colleagues to support this legislation.

It does not include every provision that the gentlewoman from Connecticut (Mrs. JOHNSON) or I would like to have seen in the legislation. It is a product of compromise, and it is a good bill that moves us forward in helping low-income parents.

This endeavor is important for three reasons. First, it is simply unfair to expect low-income mothers to bear all the responsibility for raising their children. It is a moral and legal obligation of both parents to provide care for their sons and daughters.

Second, some noncustodial fathers want to help their families, but they lack regular employment, and it prevents them from meeting their commitments. These are dead-broke dads, not deadbeat dads. They need assistance in finding and retaining employment, and they need encouragement to cooperate with their child support system, which they view in many cases as being very hostile.

Third, and most importantly, children are simply better off when both of their parents have a committed and caring relationship with them, as the gentlewoman from Connecticut (Mrs. JOHNSON) has pointed out. This is in the best interest of a child to have both parents involved in their upbringing.

Under the Fathers Count Act, $140 million dollars in competitive grants will be made available for communities to encourage fathers to become a consistent and productive presence in the lives of their children, whether through marriage or through increased visitation and the payment of child support.

These new grant funds can be used for a wide array of specific services, including counseling, vocational education, job search, and retention services, and even subsidized employment. The legislation includes resources to carefully evaluate the impact of these grants on marriage, parenting, employment, earnings, and the payment of child support.

Mr. Chairman, in addition, the grant program would encourage States and communities to implement innovative policies to assist and encourage noncustodial parents to pay child support.

For example, preference would be given to grant applications which contain an agreement from the State to pass through more child support payments to low-income families rather than recoup the money for prior welfare costs. Mr. Chairman, I can tell my colleagues that will encourage more involvement financially by noncustodial parents with their child. It is a good provision. Some States have done it, but not enough States have done this. This bill will encourage that action.

The legislation would make one very important change to help both custodial and noncustodial parents support their children. It would expand eligibility for the current Welfare to Work program. This initiative was originally passed as part of the Balanced Budget Act of 1997. It has proven to be a useful tool to help long-term welfare recipients and noncustodial parents of children on public assistance gain employment.

However, the criteria to access these funds are too restrictive. We know that. We are not able to get the money out where it is desperately needed. Therefore, the Fathers Count Act would broaden eligibility and local flexibility under the Welfare to Work program, an improvement, I might add, that has been requested by our National Governors' Association and by the U.S. Conference of Mayors and the Department of Labor. I hope that the House will build on this effort by passing a broader reauthorization of the Welfare to Work program. The Clinton administration has submitted such a request, and I hope that this will be the first step in reauthorizing that program.

Finally, I should point out that H.R. 3073 contains three provisions that would improve the administration of several different human resource programs. First, the bill would establish a more realistic penalty for the States that have failed to establish a State Disbursement Unit for their child support enforcement system.

Second, the legislation would provide Federal reimbursement for State and local efforts to train judges and other court personnel involved in child abuse cases.

Lastly, the measure would provide additional funding to improve ongoing effort by the Census Bureau to study the impact of welfare reform on low-income families.

Mr. Chairman, the underlying premise of the Fathers Count Act is children are better off emotionally and financially when both of their parents are productive parts of their life. We achieve these goals by promoting marriage, particularly among recent parents. However, we recognize that marriage is not always possible or even desirable, especially when there is an obvious threat of domestic violence. In those circumstances, we still expect fathers to accept financial responsibility for their children.

This bill, therefore, seeks to help low-income fathers gain employment needed to pay child support. Without such an effort, we are condemning custodial mothers near the poverty level to bear the entire burden of raising their children.

In conclusion, let me say that we are going to have some debates on some of the amendments, and we will talk about that a little bit later, but the underlying bill is a good bill. It is supported by the administration. It is supported by many of the advocates and groups on behalf of our children. I urge my colleagues to support the legislation.

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

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. SHAW), who introduced the first fatherhood bill and who has been a real leader on this subject. It is a pleasure to have him on the floor with us today.

Mr. SHAW. Mr. Chairman, I compliment the gentlewoman from Connecticut (Mrs. JOHNSON) for her work as well as the gentleman from Maryland (Mr. CARDIN).

I would have to agree wholeheartedly with my Democrat friend that, when we do work together as Republicans and Democrats, we can do some great things and solve some tremendous problems in this country.

One-third of the children born today are born to single moms, one-third. I would wager that most of them, most of those children were fathered by a father that grew up without a father in the home.

It is hard for many of us to think of growing up without two parents. Experience shows us that the father shows up for the delivery, hands out cigars, and then, all too often, is never seen again. Oh, one may see him hanging out on the street corner, but he has been left behind.

□ 1245

We have done great things in this country with welfare reform, but it has created an imbalance that has to be addressed, and this legislation is a great first step in addressing the balance.

We are training the moms to become breadwinners, and we have done some wonderful things; and the children now look up to their moms as role models, but there is still that great vacancy in the home because there is not a father, and all too often the father is anything but a role model. In our society, today, we cannot afford to leave large masses of people behind.

We have to work with all the people in our population and not give up on any of them, and that is what this legislation addresses; and this is what it comes down to. It teaches fathers to be fathers. As ridiculous as that may sound, if a young boy grows up and is never in a home where there is a father and his neighbors do not have fathers either, he may very well not have a clue as to what it is to be a father, the responsibility, and also the love that is possible and can be generated just by getting in and having some bonding between human beings.

We know that these kids that grow up without fathers are much more likely to get in trouble with the law, they do poorly in school, in most cases, and they will have problems for the rest of their lives. And then they will grow up and they will have children out of wedlock, and this cycle goes on and on. We have to break this cycle.

This is great legislation. It is a pilot program, admittedly, but it is one whose time has come; and I am very, very pleased to see that we are joining together on both sides of this House and bringing forth this tremendous legislation. It is going to save a lot of human beings, and it is going to be great for today's kids.

Mr. CARDIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I think this is a very interesting piece of legislation, and I know that the people who have put it together have the best of intentions and really want to see some progress made with this very serious problem. It is unfortunate that some of the amendments that were offered have not been made in order by the rule; however, there are a number of amendments that have been made in order and, if those amendments pass, I think this legislation may actually have some opportunity to be successful.

There are some things, however, that we are overlooking as we promote this legislation. Perhaps one of the most salient features here of this bill, one of the most important things that it does, is it brings to the fore the direct connection between income and problems of parenting, particularly problems of fatherhood. This bill directly targets its provisions at those people who are 150 percent below the poverty level.

Why does it do that? Because either consciously or unconsciously it recognizes that poor parenting and poverty go hand in hand. So why are we not dealing with the problem of poverty? That is the question that every Member of this House ought to be asking themselves. The problem of poverty is fundamental to dealing with this issue.

One of the things we ought to do is bring to the floor here a bill to increase the minimum wage. We have allowed the minimum wage in our country to fall far below that level where it ought to be. If the minimum wage had been allowed to rise at its standard level, its normal level throughout the decade of the 1980s and the early 1990s, it would today be about $7.50 an hour. That is much closer to the level where a father can support a family.

Bringing out the minimum wage is the most important thing that we could do. The other body passed a minimum wage bill, but extends it over a period of 3 years, drags it out, increases it only by $1, from $5.15 to $6.15 over a period of 3 years, leaving it woefully behind where it ought to be. Let us bring the minimum wage bill out here to the floor, let us pass a real minimum wage bill, let us bring the minimum wage to where it ought to be, $7.00, $7.50, $8.00 an hour. Then we will have fathers who can support their families.

Let us pass legislation which will provide for national health insurance, so that all of the children of these fathers will have health insurance, so that they can have their health needs taken care of, and so that fathers can feel proud of being able to take care of their children; bringing them into immunization clinics, making sure they see a doctor and get proper health care. Those are the things we ought to be doing.

If we are really serious about improving parenting, if we are really serious about improving the quality of fatherhood and motherhood in our country, let us do something about the minimum wage. Let us bring out a bill that will give us national health insurance. Let us really do something for parents so that they can be strong, competent, capable parents, raising their children in competent and capable ways. That is the real answer to this problem.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 1 minute.

I would just say to the gentleman, the preceding speaker, that we are dead serious. We are dead serious about poverty as well as about parenting. And as a result of welfare reform, poverty in America has declined 26 percent in the last 4 years. It is unprecedented for poverty to decline in consecutive years, and especially among poor children.

But in addition under this bill, we do not just provide parenting education and help with relational skills, these men are going to get help with job placement, with career advancement, with getting the skills that are necessary for higher paying jobs. I am a big supporter of the minimum wage. I do not disagree that raising the minimum wage is important, but nobody working at minimum wage is really going to be able to provide a child real economic security.

The goal of this bill is not only to help men get into more stable jobs in the work force but help them to enhance their careers, their skills, move up and earn a higher wage. In sum, this is a direct attack on the problem of poverty among poor men.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, I thank the gentlewoman for her pathbreaking work on this issue, and let me add for the sake of the gentleman from New York who has now left the floor, it is probably worth noting that neither a minimum wage increase nor health care reform nor welfare reform came to the floor the last time his party was in the majority. But that is beside the point this morning.

We have gathered today on a bipartisan basis in support of the Fathers Count Act, a real social reform that I think will add greatly to the quality of life in this country. This legislation takes welfare reform to the next level. It recognizes that since the 1960s, the family unit has been under siege from an intrusive and wayward welfare state. We have seen the breakup of low-income families and a breakup that has led to the rise of a large underclass.

This legislation builds on the success of the welfare reform that we passed in 1996 and moves in the direction of reknitting family bonds. This legislation builds support infrastructure to strengthen the institution of fatherhood and provides support for new innovative local community-based programs that address this problem. These are programs that would counsel and mentor low-income fathers; that would promote good parenting practices; that stress the importance of honoring child support obligations and point the way for fathers to become effective providers through meaningful participation in the workforce.

Let me say that, in my view, this may be one of the most important social reforms that we consider during my term in Congress, and it is one that complements welfare-to-work; that strengthens family and promotes necessary innovation and social policy. I urge all of my colleagues on both sides of the aisle who are concerned about poverty in America to join me in supporting this legislation.

Mr. CARDIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I take the time now to explain why I will be offering an amendment when we get to the amendment section.

The amendment that I am offering was actually in the Ways and Means reported version of the Fathers Count legislation. It deals with changes in the welfare-to-work with custodial parents who are below the poverty level, not receiving TANF funds, being eligible for welfare-to-work funds. The difficulty is that the bill that is on the floor today would restrict that to no more than 30 percent of the funds available. The problem is that there

are other programs that fit into that 30 percent, including children aging out of foster care that we want to make sure the States have maximum flexibility.

I would urge my colleagues to support this amendment to give the States maximum flexibility in how they manage the resources available to not only get people off of welfare but to keep people off of welfare and having good jobs and not being in poverty.

So I would hope my colleagues would support this amendment when it is offered during the amendment stage of debate.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS), who will be offering an amendment dealing with the charitable choice provisions.

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for yielding me this time, and, Mr. Chairman, I will be offering an amendment in a few minutes that I hope all Members on both sides of the aisle will consider very carefully.

The amendment is very simple, but the principle behind that amendment is, I believe, as profound as the meaning of the establishment clause in the first amendment of our Constitution. What our amendment does is simply say that monies, the $150 million that will be funded through this bill, shall not go to pervasively sectarian organizations. The Supreme Court has decided this, specifically in a decision in 1988 in Bowen vs Kendrick, saying that pervasively sectarian organizations, or organizations such as churches, synagogues, mosques, houses of worship, where religion is fundamentally thoroughly the reason for its existence.

Why do I offer this amendment? Well, there are a couple of basic reasons. First of all, the Founding Fathers made it very clear, and not just in putting it in the Bill of Rights, but putting in the first 10 words of the Bill of Rights this principle: that the best way to have religious freedom and respect in America is to build a firewall between government regulations and religion. And that separation, that wall of separation between church and State, has for 200 years worked extraordinarily well.

We are the envy of the world when it comes to religious tolerance and religious freedom. Why in the world, in a 20-minute debate over an amendment on the floor today in this House, should we, in effect, tear down that wall of separation between church and state and put at risk the independence and freedom of religious organizations and institutions all across this country?

The second reason I would say we need to pass the Edwards amendment is that without that amendment we need to look at the language this bill refers to in the 1996 Welfare Reform Act, which not more than a handful of Members were even aware of. This bill, without my amendment, could literally let churches and houses of worship take Federal dollars and, in using those dollars to run secular or social programs, they can hold out that money and actually use it to pay for a sign that they could put on the front of their church saying that no Jews need apply for this job, no Protestants need apply for this federally funded job, no Catholics, no Hindus. Whatever religions they do not like, they can use Federal dollars to literally discriminate in job hiring decisions based on no other reason than the religion of that American citizen.

I find that to be repugnant to the concept of the freedoms enshrined in the Bill of Rights. And I know that no sponsor of this legislation would intentionally want to do that, but I would urge them to take a look at the impact of this language and the underlying language that it builds on from the 1996 Welfare Reform Act.

I appreciate deeply the gentleman from Maryland (Mr. CARDIN), the Democratic sponsor of this bill, and his strong support of my amendment. I think he and I would agree that if we believe in this legislation, we ought to vote for the Edwards amendment simply to make it constitutional, if for no other reason than that practical but yet important reason.

□ 1300

I think it is time for this House to take a stand in saying that we are not going to compromise the meaning of the establishment clause, the first 10 words of the First Amendment of the Bill of Rights, not out of disrespect to religion, but out of total reverence to religion.

To my Republican colleagues and conservative Members on both sides of the aisle, those of them who constantly come to this floor and express grievous reservations about government regulation of our public schools and they do not even want the Federal Government involved in governing our local schools and they are greatly concerned about Federal regulations and agencies overseeing businesses in America, why in the world through this legislation would they want to extend government regulation into our churches, our synagogues, and our houses of worship?

The way this bill is written and using the underlying language of the 1996 Welfare Reform Act, they basically are going to invite government regulators to come into virtually any synagogue, church, or house of worship that receives money under this program and allow those government regulators to ask where they got their money, how they spend their money, and the purposes for it.

Please, my colleagues, on a bipartisan basis, vote for the Edwards amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to comment on the EDWARDS amendment that will come up later on.

The charitable choice provisions in the Welfare Reform bill are provisions that have been affirmed in three consecutive Congresses in votes on the floor. The reason that they have been affirmed is that, within the charitable choice provision in the law, there is a firewall. Church grant recipients cannot proselytize with federal funds and there must be a secular alternative service provider available. While the money can flow to a church, a church is not allowed to discriminate amongst children that they serve according to the child's religion affiliation.

Now, it is also true that it allows a Catholic day-care center that is run by nuns to have only nuns run it. But even that center could not discriminate on the basis of faith amongst children applying to be in that day-care center. So there is a very clear firewall.

In the years that this has been in the law, 6 years now, no body of examples of problems has developed. We have had a couple of cases in which the law has been enforced and, therefore, has been demonstrated to be enforceable and people have lost grants because they have used the money to proselytize. So there is a firewall in the law.

But I want to get to a more human point here. In many of the neighborhoods where there are the highest number of single moms on welfare and unmarried dads, there are very few institutions left; and often in these neighborhoods, in some of the cities of our Nation, there is still a small church. It is the last of the community organizations that lives there.

If we can get money to that small church for something like a fatherhood program, we must do it. Because they can reach those fathers. They cannot only help fathers do all the things that this bill fosters, but they can also pair with the Workforce Investment Board so that they get fathers into the job stream more effectively. They can deal with the parenting issues and the relational issues. But most importantly, when the Federal money runs out, they will still be there.

One of the terrible failings of social service programs funded by the Federal Government is that, when we stop the funding, the program goes away.

One of the reasons we wanted to get faith-based institutions into the business of service is because they provide an ongoing support system for people who need support. All of us need support after either the program is gone or the person no longer needs the program and does not qualify.

So if a father moves up that economic ladder and no longer qualifies economically, he still has the support system available to him that helped him make that progress. Because, in

fact, many of the faith-based organizations believe that their goal is not just to help temporarily but to change lives. And furthermore, they believe that they can change their life. Very few government funded programs really believe that in their gut.

Now, are they bureaucratic? Absolutely. We have not had the outpouring of applications from the faith-based community because they cannot do business with the Federal Government without quite a lot of accountability, and that is paperwork.

So the charitable choice provisions have not created quite the response we had hoped for, but they have brought new providers in. They do reach into these troubled communities. And it is those very communities where often the church is the last remaining organized institution that we do want to reach into.

So we do it through the charitable choice mechanism, but we have a firewall within that law; and that firewall, to this time, has worked.

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

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

Mr. Chairman, the Edwards amendment does not repeal charitable choice. It recognizes the need for faith-based institutions to help us carry out the fatherhood initiative.

We recognize that also in the Welfare Reform Act of 1996 that we want faith-based institutions to help us in getting people off of welfare to work and we want faith-based institutions to help us in our Fatherhood Counts Act.

The gentlewoman from Connecticut (Mrs. JOHNSON) pointed out, and correctly so, that what we have done in this bill is referenced the 1996 Act. We referenced the Welfare Reform Act; and she states quite correctly that, under that Act, no funds provided directly to institutions or organizations to provide services and administrative programs shall be expended for sectarian worship, instruction, or proselytization. That is in the 1997 law and, by reference, is incorporated into the fatherhood initiative.

But there is another section to that law of 1997 which is referenced, and it says that the programs must be implemented consistent with the establishment clause of the United States Constitution. That is in the 1997 Act and, by reference, is incorporated in Fathers Count.

What the Edwards amendment does is make that section consistent with the Kendrick decision, which is a Supreme Court decision that interpreted that to mean that the entity cannot be pervasively sectarian. So the Edwards amendment is clarifying the 1997 statute to make it absolutely clear that we want faith-based institutions but it must be within the constitutional framework.

I think it is a clarifying amendment. Quite frankly, I do not think it should be a controversial amendment. I think that it should be accepted as clarifying what we all agree, that we want faith-based institutions participating, but it must be in compliance with the Constitution of the United States.

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

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the point of the gentleman is an important one; and I appreciate the legitimate controversy around this issue.

I would point out two facts. There is no definition of these two words ''pervasively sectarian.'' And since the Kendrick decision of 1993, the Supreme Court has indicated and is, as we speak, reviewing decisions that will enlarge on that 1993 decision and slightly alter it. Even this administration has been for the clarification that would clearly allow technology assistance to parochial schools.

So we are at a point in our history where we are trying to work out precisely what this division between church and state should look like on the ground running. And by putting into statute a 1993 Supreme Court decision, we limit the ability of that division to develop in the years ahead and for that line to be more clearly defined.

Now, that is one problem. The second problem is that, in the wording of his amendment, as he tries to translate what he believes to be the Supreme Court decision into current law, Representative EDWARDS says, ''notwithstanding any other provision of law, funds shall not be provided to any faith-based institution that is pervasively sectarian.''

Well, of course, the church is pervasively sectarian. The program that is going to use the funds is not. But if they do not allow this, say, small black church in a poor neighborhood to be a receiver of the funds, even though they must be spent on this program in compliance with the charitable choice statute, then they will not be eligible to receive the funds.

I think, if we pass the Edwards amendment here today, it will have a very chilling effect on both the Federal Government's and the State Government's willingness to include faith-based organizations in their network of service providers because we will have confused the issue as to who actually is defined as the ''pervasively sectarian'' entity.

Certainly, the church is a pervasively sectarian entity. Its day-care center cannot be if it is going to receive funds under this law.

So I would just say that I think putting into statute Supreme Court language from a 1993 decision, when we are at this very time seeing the Supreme Court take more cases in this area in order to give clearer definition to the delicate balance between the church and state in our democracy, would be unwise. Therefore, I will oppose the amendment when the time comes.

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

Mr. CARDIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think the gentlewoman from Connecticut (Mrs. JOHNSON) is misreading the Kendrick decision.

The Kendrick decision dealt with the program management, not the sponsoring entity, in that they can be a sectarian institution that carries out a program that is not pervasively sectarian in the way that it is managed.

In fact, we have found that in the management of TANF funds that religious institutions have been able to comply with this standard. And the reason why we think it is important to include it in statute is to make it clear that we want to make sure that the Constitution is in fact adhered to, the establishment clause.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to respond to some of the points made by the gentlewoman from Connecticut (Mrs. JOHNSON).

First of all, she talked about a chilling effect. Quite frankly, to be honest, I do want to put a chilling effect, as Mr. Madison and Mr. Jefferson wanted to in writing the Bill of Rights and drafting it and supporting it, that we ought not to have Federal dollars going directly to houses of worship. They were adamant, they were profoundly committed to that concept. And, yes, I do want to put a chilling effect on that kind of flow of dollars, for all the reasons that I have mentioned.

But my amendment is clear that it allows dollars, under this program, to go to other faith-based organizations. I think that is one reason why a number of religious organizations are supporting my amendment.

Let me just mention a few: The American Jewish Committee, the Baptist Joint Committee, the Anti-Defamation League, actually the American Federation of State and County and Municipal Employees, the National Council of Jewish Women, the American Civil Liberties Union, the American Jewish Committee, Religious Action Center, America United for Separation of Church and State, the Council on Religious Freedom.

This is not going to stop faith-based organizations from participating in social programs. What it is going to do is make this bill consistent with Bowen v. Kendrick in 1988 in the Supreme Court decision.

Let me read from what Justice Rehnquist actually wrote in the majority position. He said, the reason for this concern, and he is referring to Federal dollars going to pervasively sectarian churches to be run in secular programs, ''The reason for this is that there is a risk that direct government funding, even if it is designated for specific secular purposes, may nonetheless advance the pervasively sectarian institution's religious mission.''

□ 1315

I do not understand why any sponsor of this legislation would want to write a bill knowing it is specifically in contrast to a clear constitutional decision written by Mr. Rehnquist and supported by a majority of the Supreme Court on a very similar case.

Secondly, on some other points, she talked about, well, under this bill you will not be able to discriminate against people wanting the services. That still does not deny the fact that it will allow you to use Federal dollars to discriminate against people, in hiring people for running and managing these programs based simply on their religion. There are logical reasons why we let church and synagogues hire people of their own faith using their own dollars. But this is plowing new ground, beginning with the welfare reform bill of just 3 years ago, that has not been well implemented yet, in allowing dollars to go directly to churches and synagogues and houses of worship. I think that is profoundly risky and dangerous and threatens the very purpose and commitment of the Bill of Rights.

The gentlewoman mentioned, quote, there are no problems over the last 6 years. Let me point out that the welfare reform bill was only passed in 1996. It has only been in place 3 years, not 6 years, and in fact it is now being mired down in constitutional debate and court cases over the very point we are making today. Why burden this legislation with the burden that the welfare reform act is going through?

Finally, I think the point is just simply this: For 200 years, we have had separation of church and State for very basic reasons. We do not want government regulation of religious institutions. I would suggest without the Edwards amendment, that is exactly what we are going to get. Even when a church defends its efforts as not being proselytizing or sectarian, that will require itself court cases where it will allow plaintiffs to go in and file lawsuits against churches and houses of worship. I would suggest it is that constitutional question, it is that legal fear that has caused many churches, religions and houses of worship not to want to participate in direct Federal funding under the welfare reform bill.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

The bottom line here is, and the gentleman from Texas (Mr. EDWARDS) said it very clearly, you do not want churches getting the money. I do want churches getting the money. That is the bottom line. I think there is a role in America for churches being part of the social service delivery system because they have the ability to support people at a level of faith that government cannot offer, and they are there after you outgrow the program, they are there after the funding expires. It gives to the person not only a hand up but a permanent supportive community.

I do not want Federal money to go to churches that is not accountable and for programs that are not open to everyone who needs them. So, yes, there will be red tape. Churches who choose to receive Federal money will be regulated. If they do not like it, I cannot help it. If there are Federal dollars, you are accountable. If there are Federal dollars, you cannot discriminate against people needing the service. In addition, the community must make a secular alternative available and so on. The fire wall in the charitable choice language is extremely important and effective. But your fire wall would take effect above that and cut churches out of the service-providing social service network in America. I think that would be a tragedy.

Why did our Founding Fathers not oppose this? Because they never envisioned that the Federal Government would be providing the level of service, job placement, parenting education, not in their wildest dreams. Since we are doing that, we do have to do that in a way that is respectful of our Constitution and I believe the charitable choice provisions allow that.

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

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

Mr. Chairman, I would hope that the Members would read the bill and read the Edwards amendment before they vote on it, because I understand there are deep philosophical differences among Members as to what we would like to see in regards to the use of faith-based institutions in carrying out programs sponsored by the Federal Government. But that is not what really is involved in the Edwards amendment. The Edwards amendment is very simple. It says that we use faith-based institutions but they must comply with the constitutional standard in regards to establishment of religion.

Let me, if I might, just quote from CRS because I think that really summarizes it best. It says: If the organization's secular functions are separable, government can directly subsidize those functions. However, if the entity is so permeated by a religious purpose and character that its secular functions and religious functions are ''inextricably intertwined,'' that is, the entity is ''pervasively sectarian,'' the Court has construed the establishment clause generally to forbid direct public assistance.

That is what the Edwards amendment is saying. It is not trying to take sides quite frankly on whether it is a good public policy or a bad public policy to get our faith-based institutions involved in the fatherhood initiative. What it is saying is, let us adhere to the establishment clause, let us give guidance to the grantees to make sure that they comply with the constitutional standards. That makes sense. I would hope that everyone would say that we should comply with the Constitution. It is not taking sides on the underlying issue.

Mr. Chairman, in closing, this is one of the amendments, but let us not lose sight of the bill that is an extremely important bill. It is supported by the administration. By letter dated today, the administration urges a ''yes'' vote on H.R. 3073. It is supported by the Center on Budget and Policy Priorities, by the Center for Law and Social Policy, by the Children's Defense Fund. This is a very important bill. I would hope my colleagues will support it when we have a chance to vote on it a little bit later.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield the balance of my time to the gentlewoman from Washington (Ms. DUNN) and thank her for her good work on this subcommittee over the years.

The CHAIRMAN. The gentlewoman from Washington is recognized for 1 minute.

Ms. DUNN. Mr. Chairman, I want to add my voice to those who enthusiastically support H.R. 3073. I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) for her commitment to helping encourage fathers to be involved in their families. The best hope for our children is the daily involvement of both parents in their lives. For too long, we have tolerated the unfortunate trend of fatherless homes to the detriment of our youth. Too many children are being born out of wedlock. A recent census study found that the number of babies born to unwed parents has increased fivefold since the 1930s. Both mothers and fathers are important to raising children and helping them achieve their full potential. Too often, fathers who are not custodial parents have difficulty meeting their financial obligations to their children, or have trouble spending time with them.

We have got to encourage efforts that help men get more involved in the lives of their children, especially when they are not around on a day-to-day basis. This Congress has rightfully promoted improving the lives of families through attempts to lower the historic tax burden they shoulder. Now it is time to help men who may not be a part of the

home but who are struggling to be a part of the family.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

I first want to commend the gentlewoman from Connecticut for her efforts to bring attention to the needs of noncustodial fathers who are working to fulfill their responsibilities.

The Fathers Count Act of 1999, as amended by the gentlewoman from Connecticut's substitute, also includes important changes to the welfare-to-work program incorporated from H.R. 3172, the Welfare-to-Work Amendments of 1999, which passed in the Committee on Education and the Workforce on November 3. The major focus of these changes is to provide more flexibility to States and localities in administering the welfare-to-work program.

This program, authorized under the Balanced Budget Act of 1997, provides assistance to welfare recipients who face significant barriers to employment. In an effort to target assistance to those individuals most in need, strict eligibility criteria were established for the program. However, as we have since learned from both States and localities responsible for administering this program, the eligibility has been so strict as to prevent serving individuals clearly in need of these services.

In fact, a report compiled after passage of this program found that most of the funds were aiding only 10 percent of welfare recipients. Largely because of this, States and localities have simply been unable to expend these funds. To date, of the $3 billion available for the program, only $283 million has been spent.

To address this issue, this legislation loosens the eligibility criteria to allow more individuals in need of these services to benefit from the program. This legislation also includes an amendment offered by the gentleman from South Carolina (Mr. DEMINT) providing even greater local flexibility for the targeting of these funds, and streamlines the current burdensome paperwork requirements necessary for verification of program eligibility.

However, it should be made clear the intent of this bill is not to encourage these programs to ignore the significant needs of those welfare recipients who truly have tremendous barriers to achieving self-sufficiency, but rather to provide more flexibility for locals in identifying these individuals.

I also want to highlight several other important provisions under this legislation which I believe will improve the welfare-to-work program.

First, it addresses the importance of providing services to noncustodial parents. Although these parents were eligible under the current program, the criteria for receiving services has been loosened. In addition, provisions adopted from a bill supported by the administration will ensure that noncustodial parents served under this program will work toward fully meeting their responsibilities with respect to their noncustodial child or children.

Secondly, this bill eliminates the current reporting requirements under the welfare-to-work program. It has come to our attention that these reporting requirements are too extensive, complex and cost too much for entities conducting programs to meet. Thus, this bill repeals these requirements and directs the Secretary of Labor, in consultation with the Secretaries of HHS and State and local government, to develop a new and more reasonable and affordable data reporting system.

By increasing the ability to share information, this legislation also promotes increased and improved coordination between human services agencies which administer welfare programs and the workforce development system which administers the welfare-to-work program.

Finally, this legislation also expands local flexibility by allowing funds to be used to support up to 6 months of vocational education job training. Although we view this program as a work program as opposed to a job training or education program, this provision strikes a compromise between those who believe that no limitation should be put on education and training requirements and those who point out the failure of this program's predecessor, the Job Opportunity and Basic Skills Act.

By allowing for limited vocational education and training, it is our hope that local providers will establish programs that stress the need for employment first, backed up with additional skills training to provide the support necessary for these individuals to move up the career ladder and become self-sufficient.

I am pleased this legislation has bipartisan support and has received the endorsement from several State and local organizations as well as the administration. I urge my colleagues to join in support of this legislation.

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

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

Mr. Chairman, I rise in support of the welfare-to-work provisions only that are included in H.R. 3073, the Fathers Count Act. These provisions broaden the eligibility requirements for the program so that tens of thousands of low-income families will receive job search and training assistance to improve their ability to secure gainful employment.

The welfare-to-work program was enacted as part of the 1997 budget agreement to help families transition from welfare to work by providing them meaningful education and job training assistance. Forty-seven States currently participate in the program and 76,000 recipients have received services.

This bill contains a number of improvements necessary to ensure the program's future success. Most notably, Mr. Chairman, the bill expands current eligibility requirements which are so narrow in current law that many deserving welfare recipients cannot qualify. Both the Committee on Education and the Workforce and the Committee on Ways and Means reported bills that would ease the rules so that more individuals can be assisted.

□ 1330

Mr. Chairman, there are others issues that were not solved in committee. The substitute, in my opinion, should reauthorize the Welfare to Work program in future years. The 2.6 million individuals who remain on welfare is a hard-to-serve population that will require extensive and intensive assistance to successfully move off of welfare. This program will be needed for many more years to come.

Also, H.R. 3073 only covers six months of education and job training assistance. This is far too short. I regret also that the Committee on Rules did not make in order the amendment of the gentlewoman from California (Ms. WOOLSEY) to extend training to one year. I support amendments to be offered by the gentlewoman from Hawaii (Mrs. MINK) which would change the fatherhood program to the parenthood program. I share her concern that both parents need support and should be treated equally.

Mr. Chairman, I urge my colleagues to support these amendments and to support the welfare-to-work operations of the bill.

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

Mr. GOODLING. Mr. Chairman, I yield what time he may consume to the gentleman from California (Mr. MCKEON), the subcommittee chair.

Mr. MCKEON. Mr. Chairman, I rise in strong support of H.R. 3073, the Fathers Count Act. Not only does it focus on the need to help noncustodial fathers gain employment in order to pay child support, it also includes important changes to the Welfare to Work program.

These changes are reflected in the amendment in the nature of a substitute to H.R. 3073 offered by the gentlewoman from Connecticut (Mrs. JOHNSON). This substitute includes important provisions passed in the Committee on Education and the Workforce under H.R. 3172, the Welfare-to-Work amendments of 1999, and reflect bipartisan consensus among Members from

both our committee and the Committee on Ways and Means.

Just over a month ago, my Subcommittee on Postsecondary Education, Training and Lifelong Learning held a hearing on the issue of welfare reform and, in particular, on the Welfare to Work program. I was encouraged by a report presented at that hearing by the General Accounting Office which found the Welfare to Work program to be providing an incentive for greater collaboration between welfare agencies and the job training system. This is an issue I believe is critical if these Federal programs are to be cost-effective, efficient, and avoid duplication.

This hearing also highlighted the frustration of many States and localities regarding several aspects of the Welfare to Work program. Specifically, they noted the State eligibility requirements that have limited their ability to serve individuals clearly in need of services, but who simply do not meet the program's targeted criteria.

I am pleased the Johnson substitute includes relief to these agencies by providing more flexibility in designing local programs to address the significant barriers to employment facing those who are still on welfare today.

In addition, this legislation includes several other important provisions which, taken together, expand flexibility for how these funds are used and which cut down on burdensome red tape requirements that have hampered the program's effectiveness.

It is my hope that we ensure States and locals are able to use these funds effectively as part of an ongoing successful strategy to forever change the nature of welfare.

Indeed, these strategies are beginning to show some very encouraging news. The Department of Health and Human Services recently completed its annual review of welfare reform and provided clear evidence of this success.

Specifically, the number of families relying on public assistance has fallen tremendously. Income among those leaving welfare has increased. Employment rates among single parent mothers have increased, while poverty rates have fallen. These are all indeed reasons to be encouraged by welfare reform.

However, welfare reform will not continue to be the success that it is today if there is not a focus on the unique needs of those individuals who have far greater barriers to employment than those who have already left public assistance. We know from the experience of States such as Wisconsin that these individuals can and are making a successful transition into employment and towards self-sufficiency.

However, it takes hard work, dedication, high expectation, and the types of assistance provided through the Welfare to Work program for this to happen. The changes we are making to this program today will help ensure these funds are an effective tool in these efforts to assist these individuals.

Mr. Chairman, I urge my colleagues to support this important legislation.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I rise to express my support for those provisions in H.R. 3073, the Fathers Count Act, that will make important changes to the Welfare to Work program.

As my colleagues know, the Welfare to Work program was created when President Clinton insisted that $3 billion be included in the Balanced Budget Act of 1997 to help States move their welfare recipients into the work force and comply with the ambitious work requirements established in the Personal Responsibility and Work Opportunity Reconciliation Act. I am pleased to say that that program has been largely successful.

Over the last 5 years, the welfare rolls have decreased by over 40 percent, reaching their lowest level since 1969. Conversely, the number of welfare recipients with jobs has quadrupled during that same time period.

In August, President Clinton announced that every State and the District of Columbia had met the work requirements set forth in the Personal Responsibility Act of 1998, and just as important, the annual income earned by those welfare recipients for those jobs has increased by an average of $650 per year.

However, as several of my colleagues have mentioned, one flaw is keeping the Welfare to Work program from realizing its full potential, overly restrictive eligibility requirements.

Therefore, I support the provisions in this bill that will expand the eligibility requirements of the program. This will help States enormously in their efforts to move their remaining welfare recipients to work.

However, while the new eligibility requirements will allow the States to access previously inaccessible money and provide services to previously unservable welfare recipients, that money will be expended quickly, leaving the hardest to serve individuals without resources.

During the Committee on Education and the Workforce markup of H.R. 3172, the companion bill to H.R. 3073, I offered an amendment to reauthorize the Welfare to Work program at the President's request of $1 billion for fiscal year 2000, which would have allowed the program to service an additional 200,000 individuals. Given the 2.6 million families remaining on welfare, I think that that is the least we can do.

In a recent letter from the administration, Alexis Herman states, ''We view H.R. 3172 as a complement to a complete reauthorization of the Welfare to Work program.''

Additional resources are essential to addressing the continuing needs to promote long-term economic self-sufficiency among the hardest to employ welfare recipients and to assist noncustodial parents in making meaningful contributions to their the well-being of their children.

Although, in the spirit of bipartisanship I withdrew my amendment, I agree with the administration and hope that the Congress will also consider legislation to reauthorize and provide additional resources for the Welfare to Work program in the near future. We have made too much progress to abandon our efforts now.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member for yielding me this time.

The Parents Count amendment that I am going to offer later, which attempts to correct what I think is a difficulty with the fatherhood section, and the debate seems to have been exclusively on that portion of the bill, I think we should really be spending time on the portion that has to do with Welfare-to-Work, which is an extremely important amendment that has been put together with this bill which is referred to as the Fathers Count legislation.

Beginning on title III of this legislation, Welfare to Work program eligibility, which was reported out favorably by the Committee on Education and the Workforce, is a bill which attempts to correct a very serious problem with the original welfare reform legislation. In that legislation we attempted to be so strict in defining the eligibility of people who could qualify for Welfare-to-Work, and in setting up the requirements, virtually eliminated 90 percent of the people who might otherwise have been able to participate.

I say that very liberally, because in talking to the Department of Labor that administers this program, they are saying that only about 10 percent of the funds have been utilized. Looking at the figures programs in May and June of this year, they are saying that hopefully it has risen to about 13 to 15 percent, which suggests to me that this legislation which we reported out of the Committee on Education and the Workforce is an absolutely essential correction.

In my own State, and I have talked to the people there, and they say the one thing that eliminates almost all of the custodial parents from participating is the restriction that says you must not have a high school diploma or a GED, and almost all of the people on welfare or the parents on welfare have their high school diplomas in my State, and so they are automatically disqualified.

So this correction which we are making, eliminating these very strict requirements, is essential if we expect to

take this Welfare-to-Work opportunity to the people that really need it.

The second point I want to make is that the current law, even the current law which has all of these defects, opens up opportunity for Welfare-to-Work opportunities and assistance and other kinds of programs to both custodial parents and noncustodial parents. It is opened up completely to both aspects. In fact, to make sure that the noncustodial parent has an opportunity, there were restrictions of funding, 70 percent in one area, 30 percent in another. It is an important point to realize that the Welfare Reform Act, in creating Welfare-to-Work, established opportunities for both mothers and fathers.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Chairman, I wanted to briefly talk again about the Edwards amendment on whether or not we are going to have a pervasively sectarian standard that basically, for all of the rhetoric, will eliminate faith-based organizations from being eligible for grants because States and others would be scared away from including faith-based, because there is no definition of what constitutes pervasively sectarian. The Supreme Court has been evolving this definition.

But rather than just talk about Vice President GORE, Governor Bush and others in this House and in the Senate in signed law that has passed three times with this clause, let me read a little bit from the Brookings Institution, once again where it separates kind of the far left of the Democratic Party from the moderate part of the Democratic Party, where they are talking about the reason to change the ''pervasively sectarian standard which they say has constituted a genuine, though more subtle establishment of religion, because it supports one type of religious world view, while penalizing holistic beliefs.''

Now, what did the Brookings Institution mean by holistic beliefs. They say, ''Holistic faith-based agencies operate on the belief that no area of a person's life, whether psychological, physical, social or economic, can be adequately considered in isolation from the spiritual.'' In other words, that is what we see in many of the grass-roots organizations around the country.

This bill would not allow them to teach religion; it would not allow them to have the bulk of this program, to discriminate against people who are not in that church, but it would say that if you are a faith-based organization, you can have standards on your staff, you can have it be part of your ministry, because in fact, the holistic approach says that it is not just the mechanical parts of this, but it is also the character that matters.

That is why many, if not most, although we have many secular organizations that had an impact; but many, if not most in the highest risk areas of the effective organizations have dealt with matters of the soul in addition to kind of the just mechanical execution, whether that is in homelessness, whether it is in juvenile delinquency, or whether it is as in this case, fatherhood, as this bill addresses.

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Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise very reluctantly actually against this bill, because I know that a lot of hard work was done on the bill. There are many things that make a lot of sense about it, and yet, my struggle quite simply is this.

As I read through the idea of establishing a grant program to foster responsible fatherhood, I struggle with that as a conservative. The reason I do is, is that really the role of the Federal government? To me that would seem to be the role of the local priest or the local rabbi or my preacher back home, or my uncle or my granddad, but somebody in my local community not tied to a grant from Washington, D.C., but somebody who actually lives there, who, because they care about me as a person, want to make an impact in my life in how I might be as a father, rather than being fostered through some grant out of Washington.

I would secondly say it is an extra $140 million, not a lot of money in a $1.7 million billion budget, but nonetheless, is this the highest and best use of that money?

Finally, again, this is an odd juxtaposition on where I stand on this, but does it grow or shrink government? Again, from my vantage point, it is something that grows government into a realm that we traditionally have not gone. I do not like the idea of the Federal government defining what a good father is. Is that really the role of the Federal government?

So I simply raise those concerns very reluctantly, but nonetheless raise them.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the subcommittee chair.

Mr. CASTLE. Mr. Chairman, I rise to support title III of the welfare-to-work program and the expansion of eligibility amendment thereto.

The welfare-to-work program was established in 1997 as a separate funding stream to States and localities to provide targeted assistance to moving the hardest to employ welfare recipients to work and self-sufficiency.

But what we have found is that the welfare-to-work program, while well-developed, requires greater flexibility in order to serve a greater population of the hardest to place welfare recipients.

To date, States have only spent $283 million of the total $3 billion available, but face multiple barriers to expanding their ability to serve more clients.

In Delaware, although $2.7 million was available this year, only $4,000 has been spent, with only about 40 clients being served. By relaxing the criteria as we are doing today, perhaps up to 1,000 others could be served.

Mr. Chairman, I do not ordinarily complain about a lack of State funding on Federal assistance, but in this case, there is a large population of hard to place recipients that otherwise could greatly benefit from relaxed eligibility criteria and more flexibility in who may be served under the program.

States like Delaware are clearly having difficulty in finding welfare recipients who qualify for assistance under this program. The transitional assistance to needy families funds have the flexibility to serve a greater population. Now it is time to expand the welfare-to-work eligibility criteria, thereby allowing us to spread the safety net and package services in a more seamless way.

By expanding the eligibility criteria for the welfare-to-work program, we retain, we dedicate, and strengthen the Federal commitment to serving the hardest to place welfare recipients. Not until adequate resources are targeted to the welfare-to-work recipients in a more realistic way and these recipients are helped off of welfare can we truly say that the historic Welfare Reform Act was a complete and unmitigated success.

Expanding the eligibility of welfare-to-work recipients is an excellent idea whose time has come. I am proud to support the expansion of eligibility for the hardest to serve welfare recipients.

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

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), a member of the committee.

Mr. ISAKSON. Mr. Chairman, I thank the chairman for yielding time to me, and I commend him for his hard work on this legislation, as well as the subcommittee chairman.

Mr. Chairman, I want to raise two points. I think at this time it is fortunate that we are dealing with legislation to expand welfare-to-work and to truly reach those that we have failed to reach as of yet.

Secondly, I want to point out, in reply to the comment of the gentleman from South Carolina (Mr. SANFORD) a few minutes ago with regard to whether or not it was the Federal Government's role to deal with the fatherhood programs, when welfare started, the

Federal government determined that aid to families of dependent children was predicated upon a single mother and dependent children. Fatherhood was not even an issue.

Today we want to promote families and fathers, and to expand in title III the accessibility to reach out in terms of eligibility for welfare-to-work programs. It means that this Congress and this country are addressing now those that are the most disadvantaged and those that are the last to not realize the success of welfare-to-work as passed by this Congress a number of years ago.

It is only right and proper that the Federal government recognize in this program fatherhood and the promotion of it. It is only right in this program we expand eligibility so as to reach all Americans who deserve the opportunity for the education, the training, and the background, so they can truly become employed and be a contributing member of this society.

I commend my chairman, I commend the committee, and I rise in full support of the bill.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I just want to say that what is so remarkable about this bill, and I appreciate the concern of some of my colleagues about a new program, is that it reaches out to the young men with the very same services that we have been providing to women, and that we have developed so dramatically under the welfare-to-work, the welfare reform bill.

It just helps them get the job, develop their skills, become successful, proud breadwinners, and at the same time we help them develop the discipline, parenting skills, and personal development that is essential if they are going to have good relationships with their children and good relationships with the mother of the children.

If we do not do this, we leave these children isolated, growing up without the economic or emotional support they need to take advantage of the remarkable opportunity free America offers.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the amendment offered by Representative MINK. This amendment would strike Title I of the Fathers Count Act and replace it with a gender neutral Parents Count Act.

This language is preferable because it would allow mothers to be eligible to receive the same benefits as fathers. As offered, the Act without this amendment offers programs to fathers only, programs that are also needed by mothers.

The new title would make the eligibility of poor women for parenting education programs, job training and other types of counseling equal to that of non-custodial fathers. It would further give preference to applicants that consult with domestic violence prevention and intervention organizations.

This is preferable over the original bill which provides for marriage counseling which expresses a preference for keeping married couples together despite the fact that many women and children suffer from domestic violence as a result of being locked into these marriages.

The Mink Amendment is important also to ensure that the bill does not violate the Constitution. As written, the bill expresses a gender preference for receipt of these benefits, which is contrary to the equal protection clause in the Constitution. By making the bill gender neutral, this provision removes any question of constitutionality.

My concern is that programs that encourage fatherhood—active involvement in the life of children, often overlook the importance of the entire family as a unit. We certainly need to encourage more men to get involved in their families, and I support any effort that makes special efforts to do so.

However, I do not encourage such efforts when they diminish the importance of the mother and the entire family unit in raising and caring for a child. A child needs the support of an entire family—mother, father, grandparents, the entire extended family. The Mink Amendment addresses this concern by making the bill gender neutral, but also by encouraging the reunification of the family, the entire family.

I urge my Colleagues to support this amendment because it is pro-family. If we are a Congress committed to the idea of supporting the American family, then this should be a welcome change.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Ways and Means printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, modified by the amendment printed in Part A of House Report 106–463. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fathers Count Act of 1999''.

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

Sec. 1. Short title; table of contents.

TITLE I—FATHERHOOD GRANT PROGRAM

Sec. 101. Fatherhood grants.

TITLE II—FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE

Sec. 201. Fatherhood projects of national significance.

TITLE III—WELFARE-TO-WORK PROGRAM ELIGIBILITY

Sec. 301. Flexibility in eligibility for participation in welfare-to-work program.

Sec. 302. Limited vocational educational and job training included as allowable activity.

Sec. 303. Certain grantees authorized to provide employment services directly.

Sec. 304. Simplification and coordination of reporting requirements.

Sec. 305. Use of State information to aid administration of welfare-to-work formula grant funds.

TITLE IV—ALTERNATIVE PENALTY PROCEDURE RELATING TO STATE DISBURSEMENT UNITS

Sec. 401. Alternative penalty procedure relating to State disbursement units.

TITLE V—FINANCING PROVISIONS

Sec. 501. Use of new hire information to assist in collection of defaulted student loans and grants.

Sec. 502. Elimination of set-aside of portion of welfare-to-work funds for successful performance bonus.

TITLE VI—MISCELLANEOUS

Sec. 601. Change dates for evaluation.

Sec. 602. Report on undistributed child support payments.

Sec. 603. Sense of the Congress.

Sec. 604. Additional funding for welfare evaluation study.

Sec. 605. Training in child abuse and neglect proceedings.

Sec. 606. Use of new hire information to assist in administration of unemployment compensation programs.

Sec. 607. Immigration provisions.

TITLE I—FATHERHOOD GRANT PROGRAM

SEC. 101. FATHERHOOD GRANTS.

(a) IN GENERAL.—Part A of title IV of the Social Security Act (42 U.S.C. 601–679b) is amended by inserting after section 403 the following:

''SEC. 403A. FATHERHOOD PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to make grants available to public and private entities for projects designed to—

''(1) promote marriage through counseling, mentoring, disseminating information about the advantages of marriage, enhancing relationship skills, teaching how to control aggressive behavior, and other methods;

''(2) promote successful parenting through counseling, mentoring, disseminating information about good parenting practices including prepregnancy family planning, training parents in money management, encouraging child support payments, encouraging regular visitation between fathers and their children, and other methods; and

''(3) help fathers and their families avoid or leave cash welfare provided by the program under part A and improve their economic status by providing work first services, job search, job training, subsidized employment, career-advancing education, job retention, job enhancement, and other methods.

''(b) FATHERHOOD GRANTS.—

''(1) APPLICATIONS.—An entity desiring a grant to carry out a project described in subsection (a) may submit to the Secretary an application that contains the following:

''(A) A description of the project and how the project will be carried out.

''(B) A description of how the project will address all 3 of the purposes of this section.

''(C) A written commitment by the entity that the project will allow an individual to participate in the project only if the individual is—

''(i) a father of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part;

''(ii) a father, including an expectant or married father, whose income (net of court-ordered child support) is less than 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved); or

''(iii) a parent referred to in paragraph (3)(A)(iii).

''(D) A written commitment by the entity that the entity will provide for the project, from funds obtained from non-Federal sources, amounts (including in-kind contributions) equal in value to—

''(i) 20 percent of the amount of any grant made to the entity under this subsection; or

''(ii) such lesser percentage as the Secretary deems appropriate (which shall be not less than 10 percent) of such amount, if the application demonstrates that there are circumstances that limit the ability of the entity to raise funds or obtain resources.

''(2) CONSIDERATION OF APPLICATIONS BY INTERAGENCY PANELS.—

''(A) FIRST PANEL.—

''(i) ESTABLISHMENT.—There is established a panel to be known as the 'Fatherhood Grants Recommendations Panel' (in this subparagraph referred to as the 'Panel').

''(ii) MEMBERSHIP.—

''(I) IN GENERAL.—The Panel shall be composed of 10 members, as follows:

''(aa) 2 members of the Panel shall be appointed by the Secretary.

''(bb) 2 members of the Panel shall be appointed by the Secretary of Labor.

''(cc) 2 members of the Panel shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

''(dd) 1 member of the Panel shall be appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives.

''(ee) 2 members of the Panel shall be appointed by the Chairman of the Committee on Finance of the Senate.

''(ff) 1 member of the Panel shall be appointed by the ranking minority member of the Committee on Finance of the Senate.

''(II) CONFLICTS OF INTEREST.—An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual.

''(III) TIMING OF APPOINTMENTS.—The appointment of members to the Panel shall be completed not later than March 1, 2000.

''(iii) DUTIES.—

''(I) REVIEW AND MAKE RECOMMENDATIONS ON PROJECT APPLICATIONS.—The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be awarded grants under this subsection, with due regard for the provisions of paragraph (3), but shall not recommend that a project be awarded such a grant if the application describing the project does not attempt to meet the requirement of paragraph (1)(B).

''(II) TIMING.—The Panel shall make such recommendations not later than September 1, 2000.

''(iv) TERM OF OFFICE.—Each member appointed to the Panel shall serve for the life of the Panel.

''(v) PROHIBITION ON COMPENSATION.—Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel.

''(vi) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(vii) MEETINGS.—The Panel shall meet as often as is necessary to complete the business of the Panel.

''(viii) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the Secretary at the time of appointment.

''(ix) STAFF OF FEDERAL AGENCIES.—The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this subparagraph.

''(x) OBTAINING OFFICIAL DATA.—The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this subparagraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel.

''(xi) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

''(xii) TERMINATION.—The Panel shall terminate on September 1, 2000.

''(B) SECOND PANEL.—

''(i) ESTABLISHMENT.—Effective January 1, 2001, there is established a panel to be known as the 'Fatherhood Grants Recommendations Panel' (in this subparagraph referred to as the 'Panel').

''(ii) MEMBERSHIP.—

''(I) IN GENERAL.—The Panel shall be composed of 10 members, as follows:

''(aa) 2 members of the Panel shall be appointed by the Secretary.

''(bb) 2 members of the Panel shall be appointed by the Secretary of Labor.

''(cc) 2 members of the Panel shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

''(dd) 1 member of the Panel shall be appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives.

''(ee) 2 members of the Panel shall be appointed by the Chairman of the Committee on Finance of the Senate.

''(ff) 1 member of the Panel shall be appointed by the ranking minority member of the Committee on Finance of the Senate.

''(II) CONFLICTS OF INTEREST.—An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual.

''(III) TIMING OF APPOINTMENTS.—The appointment of members to the Panel shall be completed not later than March 1, 2001.

''(iii) DUTIES.—

''(I) REVIEW AND MAKE RECOMMENDATIONS ON PROJECT APPLICATIONS.—The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be awarded grants under this subsection, with due regard for the provisions of paragraph (3), but shall not recommend that a project be awarded such a grant if the application describing the project does not attempt to meet the requirement of paragraph (1)(B).

''(II) TIMING.—The Panel shall make such recommendations not later than September 1, 2001.

''(iv) TERM OF OFFICE.—Each member appointed to the Panel shall serve for the life of the Panel.

''(v) PROHIBITION ON COMPENSATION.—Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel.

''(vi) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(vii) MEETINGS.—The Panel shall meet as often as is necessary to complete the business of the Panel.

''(viii) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the Secretary at the time of appointment.

''(ix) STAFF OF FEDERAL AGENCIES.—The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this subparagraph.

''(x) OBTAINING OFFICIAL DATA.—The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this subparagraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel.

''(xi) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

''(xii) TERMINATION.—The Panel shall terminate on September 1, 2001.

''(3) MATCHING GRANTS.—

''(A) GRANT AWARDS.—

''(i) IN GENERAL.—The Secretary shall award matching grants, on a competitive basis, among entities submitting applications therefor which meet the requirements of paragraph (1), in amounts that take into account the written commitments referred to in paragraph (1)(D).

''(ii) TIMING.—

''(I) FIRST ROUND.—On October 1, 2000, the Secretary shall award not more than $70,000,000 in matching grants after considering the recommendations submitted pursuant to paragraph (2)(A)(iii)(I).

''(II) SECOND ROUND.—On October 1, 2001, the Secretary shall award not more than $70,000,000 in matching grants after considering the recommendations submitted pursuant to paragraph (2)(B)(iii)(I).

''(iii) NONDISCRIMINATION.—The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects awarded grants under this section on the same basis as fathers, expectant fathers, and married fathers.

''(B) PREFERENCES.—In determining which entities to which to award grants under this subsection, the Secretary shall give preference to an entity—

''(i) to the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage or facilitate the payment of child support, including but not limited to—

''(I) obtaining agreements with the State in which the project will be carried out under which the State will exercise its authority under the last sentence of section 457(a)(2)(B)(iv) in every case in which such authority may be exercised;

''(II) obtaining a written commitment by the agency responsible for administering the State plan approved under part D for the State in which the project is to be carried out that the State will voluntarily cancel child support arrearages owed to the State

by the father as a result of the father providing various supports to the family such as maintaining a regular child support payment schedule or living with his children; and

''(III) obtaining a written commitment by the entity that the entity will help participating fathers who cooperate with the agency in improving their credit rating;

''(ii) to the extent that the application includes written agreements of cooperation with other private and governmental agencies, including the State or local program funded under this part, the local Workforce Investment Board, the State or local program funded under part D, and the State or local program funded under part E, which should include a description of the services each such agency will provide to fathers participating in the project described in the application;

''(iii) to the extent that the application describes a project that will enroll a high percentage of project participants within 6 months before or after the birth of the child; or

''(iv) to the extent that the application sets forth clear and practical methods by which fathers will be recruited to participate in the project.

''(C) MINIMUM PERCENTAGE OF RECIPIENTS OF GRANT FUNDS TO BE NONGOVERNMENTAL (INCLUDING FAITH-BASED) ORGANIZATIONS.—Not less than 75 percent of the entities awarded grants under this subsection in each fiscal year (other than entities awarded such grants pursuant to the preferences required by subparagraph (B)) shall be awarded to—

''(i) nongovernmental (including faith-based) organizations; or

''(ii) governmental organizations that pass through to organizations referred to in clause (i) at least 50 percent of the amount of the grant.

''(D) DIVERSITY OF PROJECTS.—

''(i) IN GENERAL.—In determining which entities to which to award grants under this subsection, the Secretary shall attempt to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban versus rural areas, and entities employing differing methods of achieving the purposes of this section.

''(ii) REPORT TO THE CONGRESS.—Within 90 days after each award of grants under subclause (I) or (II) of subparagraph (A)(ii), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a brief report on the diversity of projectes selected to receive funds under the grant program. The report shall include a comparison of funding for projects located in urban areas, projects located in suburban areas, and projects located in rural areas.

''(E) PAYMENT OF GRANT IN 4 EQUAL ANNUAL INSTALLMENTS.—During the fiscal year in which a grant is awarded under this subsection and each of the succeeding 3 fiscal years, the Secretary shall provide to the entity awarded the grant an amount equal to ¼ of the amount of the grant.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—Each entity to which a grant is made under this subsection shall use grant funds provided under this subsection in accordance with the application requesting the grant, the requirements of this subsection, and the regulations prescribed under this subsection, and may use the grant funds to support community-wide initiatives to address the purposes of this section.

''(B) NONDISPLACEMENT.—

''(i) IN GENERAL.—An adult in a work activity described in section 407(d) which is funded, in whole or in part, by funds provided under this section shall not be employed or assigned—

''(I) when any other individual is on layoff from the same or any substantially equivalent job; or

''(II) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with such an adult.

''(ii) GRIEVANCE PROCEDURE.—

''(I) IN GENERAL.—Complaints alleging violations of clause (i) in a State may be resolved—

''(aa) if the State has established a grievance procedure under section 403(a)(5)(J)(iv), pursuant to the grievance procedure; or

''(bb) otherwise, pursuant to the grievance procedure established by the State under section 407(f)(3).

''(II) FORFEITURE OF GRANT IF GRIEVANCE PROCEDURE NOT AVAILABLE.—If a complaint referred to in subclause (I) is made against an entity to which a grant has been made under this section with respect to a project, and the complaint cannot be brought to, or cannot be resolved within 90 days after being brought, by a grievance procedure referred to in subclause (I), then the entity shall immediately return to the Secretary all funds provided to the entity under this section for the project, and the Secretary shall immediately rescind the grant.

''(C) RULE OF CONSTRUCTION.—This section shall not be construed to require the participation of a father in a project funded under this section to be discontinued by the project on the basis of changed economic circumstances of the father.

''(D) RULE OF CONSTRUCTION ON MARRIAGE.—This section shall not be construed to authorize the Secretary to define marriage for purposes of this section.

''(E) PENALTY FOR MISUSE OF GRANT FUNDS.—If the Secretary determines that an entity to which a grant is made under this subsection has used any amount of the grant in violation of subparagraph (A), the Secretary shall require the entity to remit to the Secretary an amount equal to the amount so used, plus all remaining grant funds, and the entity shall thereafter be ineligible for any grant under this subsection.

''(F) REMITTANCE OF UNUSED GRANT FUNDS.—Each entity to which a grant is awarded under this subsection shall remit to the Secretary all funds paid under the grant that remain at the end of the 5th fiscal year ending after the initial grant award.

''(5) AUTHORITY OF AGENCIES TO EXCHANGE INFORMATION.—Each agency administering a program funded under this part or a State plan approved under part D may share the name, address, telephone number, and identifying case number information in the State program funded under this part, of fathers for purposes of assisting in determining the eligibility of fathers to participate in projects receiving grants under this section, and in contacting fathers potentially eligible to participate in the projects, subject to all applicable privacy laws.

''(6) EVALUATION.—The Secretary, in consultation with the Secretary of Labor, shall, directly or by grant, contract, or interagency agreement, conduct an evaluation of projects funded under this section (other than under subsection (c)(1)). The evaluation shall assess, among other outcomes selected by the Secretary, effects of the projects on marriage, parenting, employment, earnings, and payment of child support. In selecting projects for the evaluation, the Secretary should include projects that, in the Secretary's judgment, are most likely to impact the matters described in the purposes of this section. In conducting the evaluation, random assignment should be used wherever possible.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subsection.

''(8) LIMITATION ON APPLICABILITY OF OTHER PROVISIONS OF THIS PART.—Sections 404 through 410 shall not apply to this section or to amounts paid under this section, and shall not be applied to an entity solely by reason of receipt of funds pursuant to this section. A project shall not be considered a State program funded under this part solely by reason of receipt of funds paid under this section.

''(9) FUNDING.—

''(A) IN GENERAL.—

''(i) INTERAGENCY PANELS.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2000 and 2001, a total of $150,000 shall be made available for the interagency panels established by paragraph (2) of this subsection.

''(ii) GRANTS.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section, there shall be made available for grants under this subsection—

''(I) $17,500,000 for fiscal year 2001;

''(II) $35,000,000 for each of fiscal years 2002 through 2004; and

''(III) $17,500,000 for fiscal year 2005.

''(iii) EVALUATION.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2000 through 2006, a total of $6,000,000 shall be made available for the evaluation required by paragraph (6) of this subsection.

''(B) AVAILABILITY.—

''(i) GRANT FUNDS.—The amounts made available pursuant to subparagraph (A)(ii) shall remain available until the end of fiscal year 2005.

''(ii) EVALUATION FUNDS.—The amounts made available pursuant to subparagraph (A)(iii) shall remain available until the end of fiscal year 2007.''.

(b) FUNDING.—Section 403(a)(1)(E) of such Act (42 U.S.C. 603(a)(1)(E)) is amended by inserting '', and for fiscal years 2000 through 2006, such sums as are necessary to carry out section 403A'' before the period.

(c) AUTHORITY TO STATES TO PASS THROUGH CHILD SUPPORT ARREARAGES COLLECTED THROUGH TAX REFUND INTERCEPT TO FAMILIES WHO HAVE CEASED TO RECEIVE CASH ASSISTANCE; FEDERAL REIMBURSEMENT OF STATE SHARE OF SUCH PASSED THROUGH ARREARAGES.—Section 457(a)(2)(B)(iv) of such Act (42 U.S.C. 657(a)(2)(B)(iv)) is amended—

(1) by inserting ''(except the last sentence of this clause)'' after ''this section''; and

(2) by adding at the end the following: ''Notwithstanding the preceding sentences of this clause, if the amount is collected on behalf of a family that includes a child of a participant in a project funded under section 403A and that has ceased to receive cash payments under a State program funded under section 403, then the State may distribute the amount collected pursuant to section 464 to the family, and the aggregate of the amounts otherwise required by this section to be paid by the State to the Federal government shall be reduced by an amount equal to the State share of the amount collected pursuant to section 464 that would otherwise be retained as reimbursement for assistance paid to the family.''.

(d) APPLICABILITY OF CHARITABLE CHOICE PROVISIONS OF WELFARE REFORM.—Section

104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended by adding at the end the following:

''(1) Notwithstanding the preceding provisions of this section, this section shall apply to any entity to which funds have been provided under section 403A of the Social Security Act in the same manner in which this section applies to States, and, for purposes of this section, any project for which such funds are so provided shall be considered a program described in subsection (a)(2).''.

TITLE II—FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE

SEC. 201. FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.

Section 403A of the Social Security Act, as added by title I of this Act, is amended by adding at the end the following:

''(c) FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.—

''(1) NATIONAL CLEARINGHOUSE.—The Secretary shall award a $5,000,000 grant to a nationally recognized, nonprofit fatherhood promotion organization with at least 4 years of experience in designing and disseminating a national public education campaign, including the production and successful placement of television, radio, and print public service announcements which promote the importance of responsible fatherhood, and with at least 4 years experience providing consultation and training to community-based organizations interested in implementing fatherhood outreach, support, or skill development programs with an emphasis on promoting married fatherhood as the ideal, to—

''(A) develop, promote, and distribute to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that encourages the appropriate involvement of both parents in the life of any child of the parents, and encourages such organizations to develop or sponsor programs that specifically address the issue of responsible fatherhood and the advantages conferred on children by marriage;

''(B) develop a national clearinghouse to assist States, communities, and private entities in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to all interested parties, information regarding media campaigns and fatherhood programs;

''(C) develop and distribute materials that are for use by entities described in subparagraph (A) or (B) and that help young adults manage their money, develop the knowledge and skills needed to promote successful marriages, plan for future expenditures and investments, and plan for retirement;

''(D) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that list all the sources of public support for education and training that are available to young adults, including government spending programs as well as benefits under Federal and State tax laws.

''(2) MULTICITY FATHERHOOD PROJECTS.—

''(A) IN GENERAL.—The Secretary shall award a $5,000,000 grant to each of 2 nationally recognized nonprofit fatherhood promotion organizations which meet the requirements of subparagraph (B), at least 1 of which organizations meets the requirement of subparagraph (C).

''(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

''(i) The organization must have several years of experience in designing and conducting programs that meet the purposes described in paragraph (1).

''(ii) The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area and in coordinating such programs with local government agencies and private, nonprofit agencies, including State or local agencies responsible for conducting the program under part D and Workforce Investment Boards.

''(iii) The organization must submit to the Secretary an application that meets all the conditions applicable to the organization under this section and that provides for projects to be conducted in 3 major metropolitan areas.

''(C) USE OF MARRIED COUPLES TO DELIVER SERVICES IN THE INNER CITY.—The requirement of this subparagraph is that the organization has extensive experience in using married couples to deliver program services in the inner city.

''(3) PAYMENT OF GRANTS IN 4 EQUAL ANNUAL INSTALLMENTS.—During each of fiscal years 2002 through 2005, the Secretary shall provide to each entity awarded a grant under this subsection an amount equal to ¼ of the amount of the grant.

''(4) FUNDING.—

''(A) IN GENERAL.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section, $3,750,000 shall be made available for grants under this subsection for each of fiscal years 2002 through 2005.

''(B) AVAILABILITY.—The amounts made available pursuant to subparagraph (A) shall remain available until the end of fiscal year 2005.''.

TITLE III—WELFARE-TO-WORK PROGRAM ELIGIBILITY

SEC. 301. FLEXIBILITY IN ELIGIBILITY FOR PARTICIPATION IN WELFARE-TO-WORK PROGRAM.

(a) IN GENERAL.—Section 403(a)(5)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(ii)) is amended as follows:

''(ii) GENERAL ELIGIBILITY.—An entity that operates a project with funds provided under this paragraph may expend funds provided to the project for the benefit of recipients of assistance under the program funded under this part of the State in which the entity is located who—

''(I) has received assistance under the State program funded under this part (whether in effect before or after the amendments made by section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 first apply to the State) for at least 30 months (whether or not consecutive); or

''(II) within 12 months, will become ineligible for assistance under the State program funded under this part by reason of a durational limit on such assistance, without regard to any exemption provided pursuant to section 408(a)(7)(C) that may apply to the individual.''.

(b) NONCUSTODIAL PARENTS.—

(1) IN GENERAL.—Section 403(a)(5)(C) of such Act (42 U.S.C. 603(a)(5)(C)) is amended—

(A) by redesignating clauses (iii) through (viii) as clauses (iv) through (ix), respectively; and

(B) by inserting after clause (ii) the following:

''(iii) NONCUSTODIAL PARENTS.—An entity that operates a project with funds provided under this paragraph may use the funds to provide services in a form described in clause (i) to noncustodial parents with respect to whom the requirements of the following subclauses are met:

''(I) The noncustodial parent is unemployed, underemployed, or having difficulty in paying child support obligations.

''(II) At least 1 of the following applies to a minor child of the noncustodial parent (with preference in the determination of the noncustodial parents to be provided services under this paragraph to be provided by the entity to those noncustodial parents with minor children who meet, or who have custodial parents who meet, the requirements of item (aa)):

''(aa) The minor child or the custodial parent of the minor child meets the requirements of subclause (I) or (II) of clause (ii).

''(bb) The minor child is eligible for, or is receiving, benefits under the program funded under this part.

''(cc) The minor child received benefits under the program funded under this part in the 12-month period preceding the date of the determination but no longer receives such benefits.

''(dd) The minor child is eligible for, or is receiving, assistance under the Food Stamp Act of 1977, benefits under the supplemental security income program under title XVI of this Act, medical assistance under title XIX of this Act, or child health assistance under title XXI of this Act.

''(III) In the case of a noncustodial parent who becomes enrolled in the project on or after the date of the enactment of this clause, the noncustodial parent is in compliance with the terms of an oral or written personal responsibility contract entered into among the noncustodial parent, the entity, and (unless the entity demonstrates to the Secretary that the entity is not capable of coordinating with such agency) the agency responsible for administering the State plan under part D, which was developed taking into account the employment and child support status of the noncustodial parent, which was entered into not later than 30 (or, at the option of the entity, not later than 90) days after the noncustodial parent was enrolled in the project, and which, at a minimum, includes the following:

''(aa) A commitment by the noncustodial parent to cooperate, at the earliest opportunity, in the establishment of the paternity of the minor child, through voluntary acknowledgement or other procedures, and in the establishment of a child support order.

''(bb) A commitment by the noncustodial parent to cooperate in the payment of child support for the minor child, which may include a modification of an existing support order to take into account the ability of the noncustodial parent to pay such support and the participation of such parent in the project.

''(cc) A commitment by the noncustodial parent to participate in employment or related activities that will enable the noncustodial parent to make regular child support payments, and if the noncustodial parent has not attained 20 years of age, such related activities may include completion of high school, a general equivalency degree, or other education directly related to employment.

''(dd) A description of the services to be provided under this paragraph, and a commitment by the noncustodial parent to participate in such services, that are designed to assist the noncustodial parent obtain and retain employment, increase earnings, and enhance the financial and emotional contributions to the well-being of the minor child.

In order to protect custodial parents and children who may be at risk of domestic violence, the preceding provisions of this subclause shall not be construed to affect any other provision of law requiring a custodial parent to cooperate in establishing the paternity of a child or establishing or enforcing a support order with respect to a child, or entitling a custodial parent to refuse, for good cause, to provide such cooperation as a condition of assistance or benefit under any program, shall not be construed to require such cooperation by the custodial parent as a condition of participation of either parent in the program authorized under this paragraph, and shall not be construed to require a custodial parent to cooperate with or participate in any activity under this clause. The entity operating a project under this clause with funds provided under this paragraph shall consult with domestic violence prevention and intervention organizations in the development of the project.''.

(2) CONFORMING AMENDMENT.—Section 412(a)(3)(C)(ii) of such Act (42 U.S.C. 612(a)(3)(C)(ii)) is amended by striking ''(vii)'' and inserting ''(viii)''.

(c) RECIPIENTS WITH CHARACTERISTICS OF LONG-TERM DEPENDENCY; CHILDREN AGING OUT OF FOSTER CARE.—

(1) IN GENERAL.—Section 403(a)(5)(C)(iv) of such Act (42 U.S.C. 603(a)(5)(C)(iv)), as so redesignated by subsection (b)(1)(A) of this section, is amended—

(A) by striking ''or'' at the end of subclause (I); and

(B) by striking subclause (II) and inserting the following:

''(II) to children—

''(aa) who have attained 18 years of age but not 25 years of age; and

''(bb) who, before attaining 18 years of age, were recipients of foster care maintenance payments (as defined in section 475(4)) under part E or were in foster care under the responsibility of a State.

''(III) to recipients of assistance under the State program funded under this part, determined to have significant barriers to self-sufficiency, pursuant to criteria established by the local private industry council; or

''(IV) to custodial parents with incomes below 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved).''.

(2) CONFORMING AMENDMENTS.—Section 403(a)(5)(C)(iv) of such Act (42 U.S.C. 603(a)(5)(C)(iv)), as so redesignated by subsection (b)(1)(A) of this section, is amended—

(A) in the heading by inserting ''HARD TO EMPLOY'' before ''INDIVIDUALS''; and

(B) in the last sentence by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii) and, as appropriate, clause (v)''.

(d) CONFORMING AMENDMENT.—Section 404(k)(1)(C)(iii) of such Act (42 U.S.C. 604(k)(1)(C)(iii)) is amended by striking ''item (aa) or (bb) of section 403(a)(5)(C)(ii)(II)'' and inserting ''section 403(a)(5)(C)(iii)''.

SEC. 302. LIMITED VOCATIONAL EDUCATIONAL AND JOB TRAINING INCLUDED AS ALLOWABLE ACTIVITY.

Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)) is amended by inserting after subclause (VI) the following:

''(VII) Not more than 6 months of vocational educational or job training.''.

SEC. 303. CERTAIN GRANTEES AUTHORIZED TO PROVIDE EMPLOYMENT SERVICES DIRECTLY.

Section 403(a)(5)(C)(i)(IV) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)(IV)) is amended by inserting '', or if the entity is not a private industry council or workforce investment board, the direct provision of such services'' before the period.

SEC. 304. SIMPLIFICATION AND COORDINATION OF REPORTING REQUIREMENTS.

(a) ELIMINATION OF CURRENT REQUIREMENTS.—Section 411(a)(1)(A) of the Social Security Act (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting ''(except for information relating to activities carried out under section 403(a)(5))'' after ''part''; and

(2) by striking clause (xviii).

(b) ESTABLISHMENT OF REPORTING REQUIREMENT.—Section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)), as amended by section 301(b)(1) of this Act, is amended by adding at the end the following:

''(x) REPORTING REQUIREMENTS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, States, and organizations that represent State or local governments, shall establish requirements for the collection and maintenance of financial and participant information and the reporting of such information by entities carrying out activities under this paragraph.''.

SEC. 305. USE OF STATE INFORMATION TO AID ADMINISTRATION OF WELFARE-TO-WORK GRANT FUNDS.

(a) AUTHORITY OF STATE AGENCIES TO DISCLOSE TO PRIVATE INDUSTRY COUNCILS THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF POTENTIAL WELFARE-TO-WORK PROGRAM PARTICIPANTS.—

(1) STATE IV-D AGENCIES.—Section 454A(f) of the Social Security Act (42 U.S.C. 654a(f)) is amended by adding at the end the following:

''(5) PRIVATE INDUSTRY COUNCILS RECEIVING WELFARE-TO-WORK GRANTS.—Disclosing to a private industry council (as defined in section 403(a)(5)(D)(ii)) to which funds are provided under section 403(a)(5) the names, addresses, telephone numbers, and identifying case number information in the State program funded under part A, of noncustodial parents residing in the service delivery area of the private industry council, for the purpose of identifying and contacting noncustodial parents regarding participation in the program under section 403(a)(5).''.

(2) STATE TANF AGENCIES.—Section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)) is amended by adding at the end the following:

''(K) INFORMATION DISCLOSURE.—If a State to which a grant is made under section 403 establishes safeguards against the use or disclosure of information about applicants or recipients of assistance under the State program funded under this part, the safeguards shall not prevent the State agency administering the program from furnishing to a private industry council the names, addresses, telephone numbers, and identifying case number information in the State program funded under this part, of noncustodial parents residing in the service delivery area of the private industry council, for the purpose of identifying and contacting noncustodial parents regarding participation in the program under this paragraph.''.

(b) SAFEGUARDING OF INFORMATION DISCLOSED TO PRIVATE INDUSTRY COUNCILS.—Section 403(a)(5)(A)(ii)(I) of such Act (42 U.S.C. 603(a)(5)(A)(ii)(I)) is amended—

(1) by striking ''and'' at the end of item (dd);

(2) by striking the period at the end of item (ee) and inserting ''; and''; and

(3) by adding at the end the following:

''(ff) describes how the State will ensure that a private industry council to which information is disclosed pursuant to section 403(a)(5)(K) or 454A(f)(5) has procedures for safeguarding the information and for ensuring that the information is used solely for the purpose described in that section.''.

TITLE IV—ALTERNATIVE PENALTY PROCEDURE RELATING TO STATE DISBURSEMENT UNITS

SEC. 401. ALTERNATIVE PENALTY PROCEDURE RELATING TO STATE DISBURSEMENT UNITS.

(a) IN GENERAL.—Section 455(a) of the Social Security Act (42 U.S.C. 655(a)) is amended by adding at the end the following:

''(5)(A)(i) If—

''(I) the Secretary determines that a State plan under section 454 would (in the absence of this paragraph) be disapproved for the failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27), and that the State has made and is continuing to make a good faith effort to so comply; and

''(II) the State has submitted to the Secretary, not later than April 1, 2000, a corrective compliance plan that describes how, by when, and at what cost the State will achieve such compliance, which has been approved by the Secretary,

then the Secretary shall not disapprove the State plan under section 454, and the Secretary shall reduce the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the fiscal year by the penalty amount.

''(ii) All failures of a State during a fiscal year to comply with any of the requirements of section 454B shall be considered a single failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27) during the fiscal year for purposes of this paragraph.

''(B) In this paragraph:

''(i) The term 'penalty amount' means, with respect to a failure of a State to comply with subparagraphs (A) and (B)(i) of section 454(27)—

''(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs (regardless of whether a penalty is imposed in that fiscal year under this paragraph with respect to the failure), except as provided in subparagraph (C)(ii) of this paragraph;

''(II) 8 percent of the penalty base, in the case of the 2nd such fiscal year;

''(III) 16 percent of the penalty base, in the case of the 3rd such fiscal year;

''(IV) 25 percent of the penalty base, in the case of the 4th such fiscal year; or

''(V) 30 percent of the penalty base, in the case of the 5th or any subsequent such fiscal year.

''(ii) The term 'penalty base' means, with respect to a failure of a State to comply with subparagraphs (A) and (B)(i) of section 454(27) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the preceding fiscal year.

''(C)(i) The Secretary shall waive all penalties imposed against a State under this paragraph for any failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27) if the Secretary determines that, before April 1, 2000, the State has achieved such compliance.

''(ii) If a State with respect to which a reduction is required to be made under this

paragraph with respect to a failure to comply with subparagraphs (A) and (B)(i) of section 454(27) achieves such compliance on or after April 1, 2000, and on or before September 30, 2000, then the penalty amount applicable to the State shall be 1 percent of the penalty base with respect to the failure involved.

''(D) The Secretary may not impose a penalty under this paragraph against a State for a fiscal year for which the amount otherwise payable to the State under paragraph (1)(A) of this subsection is reduced under paragraph (4) of this subsection for failure to comply with section 454(24)(A).''.

(b) INAPPLICABILITY OF PENALTY UNDER TANF PROGRAM.—Section 409(a)(8)(A)(i)(III) of such Act (42 U.S.C. 609(a)(8)(A)(i)(III)) is amended by striking ''section 454(24)'' and inserting ''paragraph (24), or subparagraph (A) or (B)(i) of paragraph (27), of section 454''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

TITLE V—FINANCING PROVISIONS

SEC. 501. USE OF NEW HIRE INFORMATION TO ASSIST IN COLLECTION OF DEFAULTED STUDENT LOANS AND GRANTS.

(a) IN GENERAL.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

''(6) INFORMATION COMPARISONS AND DISCLOSURE FOR ENFORCEMENT OF OBLIGATIONS ON HIGHER EDUCATION ACT LOANS AND GRANTS.—

''(A) FURNISHING OF INFORMATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall furnish to the Secretary, on a quarterly basis or at such less frequent intervals as may be determined by the Secretary of Education, information in the custody of the Secretary of Education for comparison with information in the National Directory of New Hires, in order to obtain the information in such directory with respect to individuals who—

''(i) are borrowers of loans made under title IV of the Higher Education Act of 1965 that are in default; or

''(ii) owe an obligation to refund an overpayment of a grant awarded under such title.

''(B) REQUIREMENT TO SEEK MINIMUM INFORMATION NECESSARY.—The Secretary of Education shall seek information pursuant to this section only to the extent essential to improving collection of the debt described in subparagraph (A).

''(C) DUTIES OF THE SECRETARY.—

''(i) INFORMATION COMPARISON; DISCLOSURE TO THE SECRETARY OF EDUCATION.—The Secretary, in cooperation with the Secretary of Education, shall compare information in the National Directory of New Hires with information in the custody of the Secretary of Education, and disclose information in that Directory to the Secretary of Education, in accordance with this paragraph, for the purposes specified in this paragraph.

''(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) shall be given priority over collection of any defaulted student loan or grant overpayment against the same income.

''(D) USE OF INFORMATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education may use information resulting from a data match pursuant to this paragraph only—

''(i) for the purpose of collection of the debt described in subparagraph (A) owed by an individual whose annualized wage level (determined by taking into consideration information from the National Directory of New Hires) exceeds $16,000; and

''(ii) after removal of personal identifiers, to conduct analyses of student loan defaults.

''(E) DISCLOSURE OF INFORMATION BY THE SECRETARY OF EDUCATION.—

''(i) DISCLOSURES PERMITTED.—The Secretary of Education may disclose information resulting from a data match pursuant to this paragraph only to—

''(I) a guaranty agency holding a loan made under part B of title IV of the Higher Education Act of 1965 on which the individual is obligated;

''(II) a contractor or agent of the guaranty agency described in subclause (I);

''(III) a contractor or agent of the Secretary; and

''(IV) the Attorney General.

''(ii) PURPOSE OF DISCLOSURE.—The Secretary of Education may make a disclosure under clause (i) only for the purpose of collection of the debts owed on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

''(iii) RESTRICTION ON REDISCLOSURE.—An entity to which information is disclosed under clause (i) may use or disclose such information only as needed for the purpose of collecting on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

''(F) REIMBURSEMENT OF HHS COSTS.—The Secretary of Education shall reimburse the Secretary, in accordance with subsection (k)(3), for the additional costs incurred by the Secretary in furnishing the information requested under this subparagraph.''.

(b) PENALTIES FOR MISUSE OF INFORMATION.—Section 402(a) of the Child Support Performance and Incentive Act of 1998 (112 Stat. 669) is amended in the matter added by paragraph (2) by inserting ''or any other person'' after ''officer or employee of the United States''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1999.

SEC. 502. ELIMINATION OF SET-ASIDE OF PORTION OF WELFARE-TO-WORK FUNDS FOR SUCCESSFUL PERFORMANCE BONUS.

(a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) (as added by section 305(a)(2) of this Act) as subparagraphs (E) through (J), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a)(5)(A)(i) of such Act (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking ''subparagraph (I)'' and inserting ''subparagraph (H)''.

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking ''(I)'' and inserting ''(H)''; and

(ii) by striking ''(G), and (H)'' and inserting ''and (G)''; and

(B) in item (bb), by striking ''(F)'' and inserting ''(E)''.

(3) Section 403(a)(5)(B)(v) of such Act (42 U.S.C. 603(a)(5)(B)) is amended in the matter preceding subclause (I) by striking ''(I)'' and inserting ''(H)''.

(4) Subparagraphs (E) and (F) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(F) and (G)), as so redesignated by subsection (a) of this section, are each amended by striking ''(I)'' and inserting ''(H)''.

(5) Section 412(a)(3)(A) of such Act (42 U.S.C. 612(a)(3)(A)) is amended by striking ''403(a)(5)(I)'' and inserting ''403(a)(5)(H)''.

(c) FUNDING AMENDMENT.—Section 403(a)(5)(H)(i) of such Act (42 U.S.C. 603(a)(5)(H)(i)), as so redesignated by subsection (a) of this section, is amended by striking ''$1,500,000,000'' and all that follows and inserting ''for grants under this paragraph—

''(I) $1,500,000,000 for fiscal year 1998; and

''(II) $1,400,000,000 for fiscal year 1999.''.

TITLE VI—MISCELLANEOUS

SEC. 601. CHANGE DATES FOR EVALUATION.

(a) IN GENERAL.—Section 403(a)(5)(G)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(G)(iii)), as so redesignated by section 502(a) of this Act, is amended by striking ''2001'' and inserting ''2005''.

(b) INTERIM REPORT REQUIRED.—Section 403(a)(5)(G) of such Act (42 U.S.C. 603(a)(5)(G)), as so redesignated, is amended by adding at the end the following:

''(iv) INTERIM REPORT.—Not later than January 1, 2002, the Secretary shall submit to the Congress a interim report on the evaluations referred to in clause (i).''.

SEC. 602. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed due to a change in address. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. The Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 603. SENSE OF THE CONGRESS.

It is the sense of the Congress that the States may use funds provided under the program of block grants for temporary assistance for needy families under part A of title IV of the Social Security Act to promote fatherhood activities of the type described in section 403A of such Act, as added by this Act.

SEC. 604. ADDITIONAL FUNDING FOR WELFARE EVALUATION STUDY.

Section 414(b) of the Social Security Act (42 U.S.C. 614(b)) is amended by striking ''appropriated $10,000,000'' and all that follows and inserting ''appropriated—

''(1) $10,000,000 for each of fiscal years 1996 through 1999;

''(2) $12,300,000 for fiscal year 2000;

''(3) $17,500,000 for fiscal year 2001;

''(4) $15,500,000 for fiscal year 2002; and

''(5) $4,000,000 for fiscal year 2003.''.

SEC. 605. TRAINING IN CHILD ABUSE AND NEGLECT PROCEEDINGS.

(a) IN GENERAL.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) 75 percent of so much of such expenditures as are for the short-term training (including cross-training with personnel employed by, or under contract with, the State

or local agency administering the plan in the political subdivision, training on topics relevant to the legal representation of clients in proceedings conducted by or under the supervision of an abuse and neglect court, and training on related topics such as child development and the importance of achieving safety, permanency, and well-being for a child) of judges, judicial personnel, law enforcement personnel, agency attorneys, attorneys representing a parent in proceedings conducted by, or under the supervision of, an abuse and neglect court, attorneys representing a child in such proceedings, guardians ad litem, and volunteers who participate in court-appointed special advocate programs, to the extent the training is related to the court's role in expediting adoption procedures, implementing reasonable efforts, and providing for timely permanency planning and case reviews, except that any such training shall be offered by the State or local agency administering the plan, either directly or through contract, in collaboration with the appropriate judicial governing body operating in the State,''.

(b) DEFINITIONS.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

''(8) The term 'abuse and neglect courts' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

''(A) that implement part B or this part, including preliminary disposition of such proceedings;

''(B) that determine whether a child was abused or neglected;

''(C) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

''(D) that determine any other legal disposition of a child in the abuse and neglect court system.

''(9) The term 'agency attorney' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under part B and this part in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

''(10) The term 'attorney representing a child' means an attorney or a guardian ad litem who represents a child in a proceeding conducted by, or under the supervision of, an abuse and neglect court.

''(11) The term 'attorney representing a parent' means an attorney who represents a parent who is an official party to a proceeding conducted by, or under the supervision of, an abuse and neglect court.''.

(c) CONFORMING AMENDMENTS—

(1) Section 473(a)(6)(B) of such Act (42 U.S.C. 673(a)(6)(B)) is amended by striking ''474(a)(3)(E)'' and inserting ''474(a)(3)(F)''.

(2) Section 474(a)(3)(E) of such Act (42 U.S.C. 674(a)(3)(E)) (as so redesignated by subsection (a)(1)(A) of this section) is amended by striking ''subparagraph (C)'' and inserting ''subparagraph (D)''.

(3) Section 474(c) of such Act (42 U.S.C. 674(c)) is amended by striking ''subsection (a)(3)(C)'' and inserting ''subsection (a)(3)(D)''.

(d) SUNSET.—Effective on October 1, 2004—

(1) section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) is amended by striking subparagraph (C) and redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively;

(2) section 475 of such Act (42 U.S.C. 675) is amended by striking paragraphs (8) through (11);

(3) section 473(a)(6)(B) of such Act (42 U.S.C. 673(a)(6)(B)) is amended by striking ''474(a)(3)(F)'' and inserting ''474(a)(3)(E)''.

(4) section 474(a)(3)(E) of such Act (42 U.S.C. 674(a)(3)(E)) (as so redesignated by subsection (a)(1)(A) of this section) is amended by striking ''subparagraph (D)'' and inserting ''subparagraph (C)''; and

(5) section 474(c) of such Act (42 U.S.C. 674(c)) is amended by striking ''subsection (a)(3)(D)'' and inserting ''subsection (a)(3)(C)''.

SEC. 606. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)), as amended by section 501(a) of this Act, is further amended by adding at the end the following:

''(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

''(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name and address of any putative employer of the individual, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999.

SEC. 607. IMMIGRATION PROVISIONS.

(a) NONIMMIGRANT ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—

(1) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

''(F) NONPAYMENT OF CHILD SUPPORT.—

''(i) IN GENERAL.—Any alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $5,000, until child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

''(ii) WAIVER AUTHORIZED.—The Attorney General may waive the application of clause (i) in the case of an alien, if the Attorney General—

''(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; or

''(II) determines that there are prevailing humanitarian or public interest concerns.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of the enactment of this Act.

(b) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.—

(1) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

''(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons or other similar process, which is issued by—

''(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

''(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

(c) AUTHORIZATION TO SHARE CHILD SUPPORT ENFORCEMENT INFORMATION TO ENFORCE IMMIGRATION AND NATURALIZATION LAW.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 of the Social Security Act (42 U.S.C. 652) is amended by adding at the end the following:

''(m) If the Secretary receives a certification by a State agency, in accordance with section 454(32), that an individual who is a nonimmigrant alien (as defined in section 101(a)(15) of the Immigration and Nationality Act) owes arrearages of child support in an amount exceeding $5,000, the Secretary may, at the request of the State agency, the Secretary of State, or the Attorney General, or on the Secretary's own initiative, provide such certification to the Secretary of State and the Attorney General information in order to enable them to carry out their responsibilities under sections 212(a)(10) and 235(d) of such Act.''.

(2) STATE AGENCY RESPONSIBILITY.—Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(A) by striking ''and'' at the end of paragraph (32);

(B) by striking the period at the end of paragraph (33) and inserting ''; and''; and

(C) by inserting after paragraph (33) the following:

''(34) provide that the State agency will have in effect a procedure for certifying to the Secretary, in such format and accompained by such supporting documentation as the Secretary may require, determinations for purposes of section 452(m) that nonimmigrant aliens owe arrearages of child support in an amount exceeding $5,000.''.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in Part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, debatable for the time

specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

(Mr. GOODLING asked and was given permission to speak out of order for 1 minute.)

ANNOUNCEMENT REGARDING BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES

Mr. GOODLING. Mr. Chairman, pursuant to House Resolution 353, I announce the following measures to be taken up under suspension of the rules: H.R. 3261, H.R. 2724.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in Part B of House Report 106–463.

AMENDMENT NO. 1 OFFERED BY MRS. MINK OF HAWAII

Mrs MINK of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 1 offered by Mrs. MINK of Hawaii:

Strike title I and insert the following:

TITLE I—PARENTS COUNT PROGRAM

SEC. 101. PARENT GRANTS.

(a) IN GENERAL.—Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is amended by inserting after section 403 the following:

"SEC. 403A. PARENT PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to make grants available to public and private entities for projects designed to—

''(1) promote successful parenting through counseling, mentoring, disseminating information about good parenting practices, including family planning, training parents in money management, encouraging child support payments, encouraging visitation between a custodial parent and their children, and other methods;

''(2) help parents and their families to avoid or leave cash welfare provided by the program under this part and improve their economic status by providing work first services, job search, job training, subsidized employment, career-advancing education, job retention, job enhancement, and other methods; and

''(3) help parents in their marriages through counseling, mentoring, and teaching how to control aggressive methods, and other methods.

''(b) PARENT GRANTS.—

''(1) APPLICATIONS.—An entity desiring a grant to carry out a project described in subsection (a) may submit to the Secretary an application that contains the following:

''(A) A description of the project and how the project will be carried out.

''(B) A description of how the project will address all 3 of the purposes of this section.

''(C) A written commitment by the entity that the project will allow an individual to participate in the project only if the individual is—

''(i) a parent of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part; or

''(ii) a parent, including an expectant parent, whose income is less than 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved).

''(D) A written commitment by the entity that the entity will provide for the project, from funds obtained from non-Federal sources (other than funds which are counted as qualified State expenditures for purposes of section 409(a)(7)), amounts (including in-kind contributions) equal in value to—

''(i) 20 percent of the amount of any grant made to the entity under this subsection; or

''(ii) such lesser percentage as the Secretary deems appropriate (which shall be not less than 10 percent) of such amount, if the application demonstrates that there are circumstances that limit the ability of the entity to raise funds or obtain resources.

''(2) CONSIDERATION OF APPLICATIONS BY INTERAGENCY PANELS.—

''(A) FIRST PANEL.—

''(i) ESTABLISHMENT.—There is established a panel to be known as the 'Parent Grants Recommendation Panel' (in this subparagraph referred to as the 'Panel').

''(ii) MEMBERSHIP.—

''(I) IN GENERAL.—The Panel shall be composed of 10 members, as follows:

''(aa) 1 member of the Panel shall be appointed by the Secretary.

''(bb) 1 member of the Panel shall be appointed by the Secretary of Labor.

''(cc) 2 members of the Panel shall be appointed by the Chairman of the Committee on Education and the Workforce of the House of Representatives.

''(dd) 2 members of the Panel shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives.

''(ee) 2 members of the Panel shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate.

''(ff) 2 members of the Panel shall be appointed by the ranking member of the Committee on Health, Education, Labor, and Pensions of the Senate.

''(II) CONFLICTS OF INTEREST.—An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual.

''(III) TIMING OF APPOINTMENTS.—The appointment of members to the Panel shall be completed not later than March 1, 2000.

''(iii) DUTIES.—

''(I) REVIEW AND MAKE RECOMMENDATIONS ON PROJECT APPLICATIONS.—The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be awarded grants under this subsection, with due regard for the provisions of paragraph (3), but shall not recommend that a project be awarded such a grant if the application describing the project does not attempt to meet the requirement of paragraph (1)(B).

''(II) TIMING.—The Panel shall make such recommendations not later than September 1, 2000.

''(iv) TERM OF OFFICE.—Each member appointed to the Panel shall serve for the life of the Panel.

''(v) PROHIBITION ON COMPENSATION.—Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel.

''(vi) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(vii) MEETINGS.—The Panel shall meet as often as is necessary to complete the business of the Panel.

''(viii) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the Secretary at the time of appointment.

''(ix) STAFF OF FEDERAL AGENCIES.—The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this subparagraph.

''(x) OBTAINING OFFICIAL DATA.—The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this paragraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel.

''(xi) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

''(xii) TERMINATION.—The Panel shall terminate on September 1, 2000.

''(B) SECOND PANEL.—

''(i) ESTABLISHMENT.—Effective January 1, 2001, there is established a panel to be known as the 'Parent Grants Recommendation Panel' (in this subparagraph referred to as the 'Panel').

''(ii) MEMBERSHIP.—

''(I) IN GENERAL.—The Panel shall be composed of 10 members, as follows:

''(aa) 1 member of the Panel shall be appointed by the Secretary.

''(bb) 1 member of the Panel shall be appointed by the Secretary of Labor.

''(cc) 2 members of the Panel shall be appointed by the Chairman of the Committee on Education and the Workforce of the House of Representatives.

''(dd) 2 members of the Panel shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives.

''(ee) 2 members of the Panel shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate.

''(ff) 2 members of the Panel shall be appointed by the ranking member of the Committee on Health, Education, Labor, and Pensions of the Senate.

''(II) CONFLICTS OF INTEREST.—An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual.

''(III) TIMING OF APPOINTMENTS.—The appointment of members to the Panel shall be completed not later than March 1, 2001.

''(iii) DUTIES.—

''(I) REVIEW AND MAKE RECOMMENDATIONS ON PROJECT APPLICATIONS.—The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be awarded grants under this subsection, with due regard for the provisions of paragraph (3), but shall not recommend that a project be awarded such a grant if the application describing the project does not attempt to meet the requirement of paragraph (1)(B).

''(II) TIMING.—The Panel shall make such recommendations not later than September 1, 2001.

''(iv) TERM OF OFFICE.—Each member appointed to the Panel shall serve for the life of the Panel.

''(v) PROHIBITION ON COMPENSATION.—Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel.

''(vi) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(vii) MEETINGS.—The Panel shall meet as often as is necessary to complete the business of the Panel.

''(viii) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the Secretary at the time of appointment.

''(ix) STAFF OF FEDERAL AGENCIES.—The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this subparagraph.

''(x) OBTAINING OFFICIAL DATA.—The Panel may secure directly from any department of agency of the United States information necessary to enable it to carry out this paragraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel.

''(xi) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

''(xii) TERMINATION.—The Panel shall terminate on September 1, 2001.

''(3) MATCHING GRANTS.—

''(A) GRANT AWARDS.—

''(i) IN GENERAL.—The Secretary shall award matching grants, on a competitive basis, among entities submitting applications therefor which meet the requirements of paragraph (1), in amounts that take into account the written commitments referred to in paragraph (1)(D).

''(ii) TIMING.—

''(I) FIRST ROUND.—On October 1, 2000, the Secretary shall award not more than $70,000,000 in matching grants after considering the recommendations submitted pursuant to paragraph (2)(A)(iii)(I).

''(II) SECOND ROUND.—On October 1, 2001, the Secretary shall award not more than $70,000,000 in matching grants considering the recommendations submitted pursuant to paragraph (2)(B)(iii)(I).

''(iii) NONDISCRIMINATION.—The provisions of this section shall be applied and administered so as to ensure that both mothers and expectant mothers and fathers and expectant fathers are eligible for benefits and services under projects awarded grants under this subsection.

''(B) PREFERENCES.—In determining which entities to award grants under this subsection, the Secretary shall give preference to an entity—

''(i) to the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage or facilitate the payment of child support, including but not limited to—

''(I) obtaining agreements with the State in which the project will be carried out under which the State will exercise its authority under the last sentence of section 457(a)(2)(B)(iv) in every case in which such authority may be exercised;

''(II) obtaining a written commitment by the agency responsible for administering the State plan approved under part D for the State in which the project is to be carried out that the State will cancel child support arrearages owed to the State in proportion to the length of time that the parent maintains a regular child support payment schedule or lives with his or her children; and

''(III) obtaining a written commitment by the entity that the entity will help participating parents who cooperate with the agency in improving their credit rating;

''(ii) to the extent that the application includes written agreements of cooperation with other private and governmental agencies, including State or local programs funded under this part, the local Workforce Investment Board, and the State or local program funded under part D, which should include a description of the services each such agency will provide to parents participating in the project described in the application;

''(iii) to the extent that the application describes a project that will enroll a high percentage of project participants within 6 months before or after the birth of the child;

''(iv) to the extent that the application sets forth clear and practical methods by which parents will be recruited to participate in the project; and

''(v) to the extent that the application demonstrates that the entity will consult with domestic violence prevention and intervention organizations in the development and implementation of the project in order to protect custodial parents and children who may be at risk of domestic violence.

''(C) MINIMUM PERCENTAGE OF GRANTS FOR NONGOVERNMENTAL (INCLUDING FAITH-BASED) ORGANIZATIONS.—Not less than 75 percent of the aggregate amounts paid as grants under this subsection in each fiscal year (other than amounts paid pursuant to the preferences required by subparagraph (B)) shall be awarded to nongovernmental (including faith-based) organizations.

''(D) DIVERSITY OF PROJECTS.—In determining which entities to award grants under this subsection, the Secretary shall attempt to balance among entities of differing sizes, entities in differing geographic areas, entities in urban versus rural areas, and entities employing differing methods of achieving the purposes of this section.

''(E) PAYMENT OF GRANT IN 4 EQUAL ANNUAL INSTALLMENTS.—During the fiscal year in which a grant is awarded under this subsection and each of the succeeding 3 fiscal years, the Secretary shall provide to the entity awarded the grant an amount equal to 1/4 of the amount of that grant.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—Each entity to which a grant is made under this subsection shall use grant funds provided under this subsection in accordance with the application requesting the grant, the requirements of this subsection, and the regulations prescribed under this subsection, and may use the grant funds to support communitywide initiatives to address the purposes of this section.

''(B) NONDISPLACEMENT.—

''(i) IN GENERAL.—An adult in a work activity described in section 407(d) which is funded, in whole or in part, by funds provided under this section shall not be employed or assigned—

''(I) when any other individual is on layoff from the same or any substantially equivalent job; or

''(II) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with such an adult.

''(ii) GRIEVANCE PROCEDURE.—

''(I) STATE PROCEDURE.—A State to which a grant is made under this section shall establish and maintain a grievance procedure for resolving complaints of alleged violations of clause (i) by State or local governmental entities.

''(II) FEDERAL PROCEDURE.—The Secretary shall establish and maintain a grievance procedure for resolving complaints of alleged violations of clause (i) by private entities.

''(iii) NO PREEMPTION.—This subparagraph shall not preempt or supersede any provision of State or local law that provides greater protection for employees from displacement.

''(C) RULE OF CONSTRUCTION.—This section shall not be construed to require the participation of a parent in a project funded under this section to be discontinued the project on the basis of changed economic circumstances of the parent.

''(D) RULE OF CONSTRUCTION ON MARRIAGE.—This section shall not be construed to authorize the Secretary to define marriage for purposes of this section.

''(E) PENALTY FOR MISUSE OF GRANT FUNDS.—If the Secretary determines that an entity to which a grant is made under this subsection has used any amount of the grant in violation of subparagraph (A), the Secretary shall require the entity to remit to the Secretary an amount equal to the amount so used, plus all remaining grant funds, and the entity shall thereafter be ineligible for any grant under this subsection.

''(F) REMITTANCE OF UNUSED GRANT FUNDS.—Each entity to which a grant is awarded under this subsection shall remit to the Secretary all funds paid under the grant that remain at the end of the 5th fiscal year ending after the initial grant award.

''(5) AUTHORITY OF STATE AGENCIES TO EXCHANGE INFORMATION.—Each agency administering a State program funded under this part or a State plan approved under part D may share the name, address, and telephone number of parents for purposes of assisting in determining the eligibility of parents to participate in projects receiving grants under this title, and in contacting parents potentially eligible to participate in the projects, subject to all applicable privacy laws.

''(6) EVALUATION.—The Secretary, in consultation with the Secretary of Labor, shall, directly or by grant, contract, or interagency agreement, conduct an evaluation of projects funded under this section (other than under subsection (c)(1)). The evaluation shall assess, among other outcomes selected by the Secretary, the effects of the projects on parenting, employment, earnings, payment of child support, and marriage. In selecting projects for the evaluation, the Secretary should include projects that, in the Secretary's judgment, are most likely to impact the matters described in the purposes of this section. In conduction the evaluation, random assignment should be used wherever possible.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subsection.

''(8) LIMITATION ON APPLICABILITY OF OTHER PROVISIONS OF THIS PART.—Sections 404 through 410 shall not apply to this section or to amounts paid under this section, and shall not be applied to an entity solely by reason of receipt of funds pursuant to this section.

''(9) FUNDING.—

''(A) IN GENERAL.—

''(i) INTERAGENCY PANELS.—Of the amounts made available pursuant to section 403(a)(1)(E) for fiscal years 2000 and 2001, a

total of $150,000 shall be made available for the interagency panels established by paragraph (2) of this subsection.

''(ii) GRANTS.—Of the amounts made available pursuant to section 403(a)(1)(E), there shall be made available for grants under this subsection—

''(I) $17,500,00 for fiscal year 2001;

''(II) $35,000,000 for each of fiscal years 2002 through 2004; and

''(III) $17,500,000 for fiscal year 2005.

''(iii) EVALUATION.—Of the amounts made available pursuant to section 403(a)(1)E) for fiscal years 2000 through 2006, a total of $6,000,000 shall be made available for the evaluation required by paragraph (6) of this subsection.

''(B) AVAILABILITY.—

''(i) GRANT FUNDS.—The amounts made pursuant to subparagraph (A)(ii) shall remain available until the end of fiscal year 2005.

''(ii) EVALUATION FUNDS.—The amounts made available pursuant to subparagraph (A)(iii) shall remain available until the end of fiscal year 2006.''.

(b) FUNDING.—Section 403(a)(1)(E) of such Act (42 U.S.C. 603(a)(1)(E)) is amended by inserting '', and for fiscal years 2000 through 2006, such sums as are necessary to carry out section 403A'' before the period.

(c) AUTHORITY TO STATES TO PASS THROUGH CHILD SUPPORT ARREARAGES COLLECTED THROUGH TAX REFUND INTERCEPT TO FAMILIES WHO HAVE CEASED TO RECEIVE CASH ASSISTANCE; FEDERAL REIMBURSEMENT OF STATE SHARE OF SUCH PASSED THROUGH ARREARAGES.—Section 457(a)(2)(B)(iv) of such Act (42 U.S.C. 657(a)(2)(B)(iv)) is amended—

(1) by inserting ''(except the last sentence of the clause)'' after ''this section''; and

(2) by adding at the end the following: ''Notwithstanding the preceding sentences of this clause, if the amount is collected on behalf of a family that includes a child of a participant in a project funded under section 403A and that has ceased to receive cash payments under a State program funded under section 403, and the amount so collected exceeds the amount that would otherwise be required to be paid to the family for the month in which collected, then the State may distribute the amount to the family, and the aggregate of the amounts otherwise required by this section to be paid by the State to the Federal Government shall be reduced by an amount equal to the State share of any amount so distributed.''.

(d) TANF MAINTENANCE OF EFFORT DETERMINATIONS TO BE MADE WITHOUT REGARD TO EXPENDITURES FOR PARENT PROGRAMS.—Section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) EXCLUSION OF EXPENDITURES FOR PARENT PROGRAMS.—Such term does not include expenditures for any project for which funds are provided under section 403A.''.

The CHAIRMAN. Pursuant to House Resolution 367, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise to offer my amendment, which substitutes for the word ''father'' the word ''parent.'' I think that that is a very important change to what has been offered here in titles I and II.

There is, I believe, a misapprehension that somehow, in enacting the Welfare Reform Act and the welfare-to-work provisions that went along with it, that somehow fathers, the noncustodial part of the family, was neglected and not served and not considered.

In debating the Welfare Reform Act, we had numerous discussions about deadbeat dads and how important it was to enforce the child support provisions, and all the mechanisms that went to that. So there was no neglect of the concerns that fathers had an important part in assuming their parental responsibilities. That is all incorporated in the Welfare Reform Act.

In the enactment of the welfare-to-work legislation, there was careful consideration to understand the burden of both the custodial parent as well as the noncustodial parent.

When one infers that in most cases the custodial parent is the mother, about 85 percent of the cases, then we look at the distribution of the funding under the welfare-to-work program and we realize that, indeed, fathers have been taken into account, because I am told by the Department of Labor that about 25 percent of the funding has actually gone to the noncustodial parent, to enable that parent to obtain work guidance and all sorts of assistance, transportation to the job and whatever.

So there was no discrimination, no leaving out of the fathers in the formula for consideration of the necessity of responsibility.

The children were, of course, the main object of the legislation. In every case, both the custodial parent and the noncustodial parent were given the options of coming under the program and benefiting from it.

So now we come to this new provision which is described as a fatherhood grant program. I believe that what is assumed by the purpose of this language is that somehow fathers have been left out.

Obviously, we want to do everything we can to instill responsibility in absent fathers to make sure they pay for their child support, to make sure if they want a job, they are counseled and assisted in every possible way for obtaining a job.

But when we create a new title and we spend $150 million and direct it only to fathers, it seems to me that the concept of family then kind of withers on the vine. When we talk about family, we are talking about a mother and a father.

When we have, on page 4 of this legislation, a provision which says that there must be a written commitment by the entity applying for this grant that will allow an individual to participate only if the individual is a father of a child who is on welfare, or a father whose income is less than 150 percent, it seems to me that we are creating a division which is so unnecessary.

It may be true that the entities that come in for this funding will deal with fathers separately than they will with mothers, but it seems to me to create a whole program and declare that only those eligible to participate are fathers is wrong.

So I have offered this amendment to Title I which expands it, talks about the importance of parents. It talks about the importance of counseling. The original bill that we are debating provides for marriage counseling. I do not know if a marriage counselor will deal with a situation with only one part of the family. They want both parties to come together.

So I think that it makes a lot of sense to recognize the roles and responsibilities of both the fathers and the mothers, and to provide this extra assistance.

It is important to realize that the current law does deal with job funding and all sorts of services in job search and getting ready for work for both the custodial and the noncustodial, so that is not new. What it will create is a whole new bureaucracy for the management of this aspect of the welfare-to-work law which already exists in the Department of Labor.

I would hope that my amendment will be agreed to and that we will provide this advantage for both sides of the family equation.

Mr. ENGLISH. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 10 minutes.

Mr. ENGLISH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON), the distinguished chairman of the subcommittee.

□ 1400

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong opposition to this amendment. First of all, ironically, in the bill is a reform of the welfare-to-work provisions that is a program whose goal it is to reach out to women who have been on welfare for long periods of time, 5, 10, 15 years, and provide the education and training that is essential to help someone like that get into the workforce. For a lot of societal reasons, the great majority of people on welfare are women. Like 99.9 percent. And almost all the services in the fatherhood bill are already available to women.

Mr. Chairman, all our program does is to level the playing field by making similar services available to men. There is no effort anywhere in current law that would provide for the noncustodial parent the kinds of resources this bill does. And because they are primarily men when we are talking about noncustodial parents of children on welfare, then we need a fatherhood program.

How many times have I stood on this floor and fought for those special training centers under the SBA for women, because women entrepreneurs need different information than men entrepreneurs to succeed because the environment in which they come up is different. Well, the same is true for poor fathers of welfare children. They suffer a sort of unique exclusion in our society. Their girlfriends, because they are on welfare, get job training, get education. Pretty soon they feel good about themselves; pretty soon they have a good job and they leave the young man behind. This is the imbalance that the gentleman from Florida (Mr. SHAW), my friend, referred to in his remarks and the source of the fatherhood bill.

We need to level the playing fields for these guys so they too can get the job training and skill development; they can get good jobs. Not only will they be able to support the kids better, but they will have the pride in themselves that is essential to healthy relationships.

This bill directly addresses some of the problems that tend to be common among these men, for example, the problem of aggressive behavior. So not only are we looking at providing them with education around parenting skills. Women at least get that from their friends; they at least get it from their moms. The young men who are the unmarried fathers of children on welfare have no milieu in which to help them develop the skills they are going to need for this new life of fatherhood. I am proud that we are recognizing the needs of these men, and it is about time because we recognized the same needs of the women a long time ago.

There is not one aspect of this bill that in any way interferes with the money for maternal and child health block grants; that is gender based. Women, infant and children's program; that is gender based. Violence against women; that money goes to women. This money is to prevent that violence. This is a fatherhood program that is geared primarily at this human development that allows us to control anger in such a way that we do not end up with domestic violence.

Mr. Chairman, I urge my colleagues to go to any school in their district that has done Character Counts and mediation and the principal will tell us, the incidence of ''he hit me'' or ''she hit me'' plummet 95 percent in the first 3 months. So we can teach violence control and teach relational issues, but we need to teach that with the men together. They need to hear each other and share experience about how they resolved a conflict with a woman, because there is no venue for them to do that.

If my colleagues visit these fatherhood programs, they will see why we need special services for dads, because dads do count.

So I urge my colleagues to oppose this amendment because it demeans the importance of our fathers, it demeans the role they play, and it denies them the skill development they need to succeed.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the Mink amendment. I strongly support fatherhood and any efforts to help men be better parents. I just do not believe these programs have to be isolated.

Right now under the welfare-to-work program, men and women can receive job training, educational training, and likewise equal support. We do not need a gender-specific law now.

The Mink amendment eliminates all gender discriminatory language and replaces it with parents. By replacing the word ''father'' with ''parent'' in title I of the Fathers Count Act, the Mink amendment emphasizes the fact that both fathers and mothers are important to families. Providing grants to help only fathers will pit dads and moms in a fight for welfare assistance against each other. Targeting only fathers ignores the fact that 84 percent of single-parent families are headed by mothers. Tying Federal benefits to only fathers violates the equal protection clause of the 14th amendment to the Constitution.

We must help all parents, whether mother or father, acquire the skills and training to become self-sufficient. This bill, without the Mink amendment, would undo the protections of the family violence option that many States have adopted under welfare reform. The Mink amendment improves the Fathers Count Act by giving preference to programs that consult with domestic violence organizations in the development and implementation of the project. Nearly 30 percent of women on public assistance are experiencing violence in their lives and two-thirds report having been victims previously.

The Mink amendment improves upon the goal of the fatherhood program by stating that the program must help parents in their marriages, through counseling, mentoring and teaching, how to control aggressive behavior.

Mr. Chairman, I urge a ''yes'' vote on the Mink amendment.

Mr. ENGLISH. Mr. Chairman, I yield myself 1 minute, simply to clarify the point that the language in this bill already provides for nondiscrimination. If I can read from the actual language of the bill that is currently on the floor: ''Nondiscrimination. The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects awarded grants under this section on the same basis as fathers, expectant fathers, and married fathers.''

Mr. Chairman, this is a red herring. There is no issue here.

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

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentlewoman from Hawaii (Mrs. MINK) for yielding me this time.

Mr. Chairman, I rise in support of the underlying bill. I am pleased to note that legislation that the gentleman from Pennsylvania (Chairman GOODLING), the gentleman from California (Mr. MCKEON), and I authored, which frees up funding for moving from welfare to work, is in this bill. I thank the majority for their cooperation.

Mr. Chairman, I support the Mink amendment. If I could have one wish for every child in America, it would be that there is at least one committed adult who gets out of bed every morning and makes that child's welfare the most important priority in his or her life. I think it is important that we recognize that males or females, blood relatives or nonblood relatives, can serve that function.

Anything that narrows those opportunities by gender, by blood relation versus nonblood relation, I think narrows the chance that children are going to get that kind of care. Mothers and fathers, aunts and uncles, friends who are willing to take responsibility as guardians, all of these people are necessary for children to be nurtured.

Mr. Chairman, I support the Mink amendment because I believe it does not tie the funding streams to the gender of the adult, but it ties the funding streams to the needs of the child and the existence of an adult who is willing to help. I urge support of the Mink amendment as well as support for the underlying bill.

Mr. ENGLISH. Mr. Chairman, I have no additional speakers, and I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY.)

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of amendment offered by the gentlewoman from Hawaii (Mrs. MINK) to make all parents count, rather than only fathers. We cannot overemphasize the value of having a father present and participating in a positive way in a child's life. Dads are invaluable. But so are moms. And most of the children we want to help with this bill live with their mothers.

Mr. Chairman, if we want to change these children's lives, we must provide grants to help both their parents, their mom and their dad. Then the family can make changes.

Why should we not offer parents counseling and job skills assistance, both the moms and the dads, and make sure that the custodial parent, the low-income mom, has the same opportunity

as the noncustodial father? A recent study of 10 cities by the Institute of Children and Poverty showed that 42 percent of the poorest families in those cities do not get TANF benefits. We have census data that shows that the poorest one-fifth of single-mother families had a significant loss of income between 1995 and 1997, due largely to the loss of public benefits without any corresponding gain in earnings.

The moms in these poor families would need to go on welfare in order to get the kind of benefits that are being offered to the absentee dads by the fatherhood grants. What sense does that make? Our goal is to get more people into work, not on to welfare.

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

Mr. Chairman, listening to the debate on this particular amendment on the floor, I am constrained one more time to reread what is actually in the bill on the floor before us that addresses this issue already:

''Nondiscrimination. The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects awarded grants under this section on the same basis as fathers, expectant fathers, and married fathers.''

Mr. Chairman, we have heard some curious arguments today. We do not hear the same arguments applied to other programs such as maternal and Child Health Block Grants, the Women, Infants and Children program, and the Violence Against Women Act. Mr. Chairman, I think the point here is we already have a level playing field. We are not creating a new bureaucracy. This is a very lean program in which the money will go directly to projects at the local level and do so on a nondiscriminatory basis.

This program is not being created in isolation. This fits nicely and directly into many of the efforts that are already going on at the local level and also at existing welfare-to-work programs.

Mr. Chairman, I believe that this amendment is unnecessary and it overlooks a fundamental reality and that is the benefits from this legislation will go beyond the father by enabling the father to provide help and support for the mother; and most importantly, it will benefit their child by providing two caring, supportive parents active in their lives.

This bill, without this amendment, is a solid social initiative. This amendment, I believe, simply muddies the waters; and it should be categorically rejected.

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

The CHAIRMAN pro tempore (Mr. PEASE). All time for debate on the amendment has expired.

The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

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

Mr. ENGLISH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, further proceedings on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. ENGLISH

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 2 Offered by Mr. ENGLISH:

In section 403A(b)(2)(A)(ii) of the Social Security Act, as proposed to be added by section 101(a) of the bill, redesignate subclauses (II) and (III) as subclauses (III) and (IV), respectively, and insert after subclause (I) the following:

''(II) QUALIFICATIONS.—An individual shall not be eligible to serve on the Panel unless the individual has experience in programs for fathers, programs for the poor, programs for children, program administration, or program research.''.

In section 403A(b)(2)(B)(ii) of the Social Security Act, as proposed to be added by section 101(a) of the bill, redesignate subclauses (II) and (III) as subclauses (III) and (IV), respectively, and insert after subclause (I) the following:

''(II) QUALIFICATIONS.—An individual shall not be eligible to serve on the Panel unless the individual has experience in programs for fathers, programs for the poor, programs for children, program administration, or program research.''.

In section 403A(b)(3)(B)(i) of the Social Security Act, as proposed to be added by section 101(a) of the bill—

(1) strike ''and'' at the end of subclause (II);

(2) add ''and' at the end of subclause (III); and

(3) add at the end the following:

''(IV) helping fathers arrange and maintain a consistent schedule of visits with their children;''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, the gentleman from Pennsylvania (Mr. ENGLISH) and a Member opposed each will control 5 minutes.

Mr. CARDIN. Mr. Chairman, I am not in opposition to the amendment, but I am not aware of anyone in opposition, and I ask unanimous consent to control the time in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

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

Mr. Chairman, my amendment has two parts. First, it requires that individuals who serve on the selection panels created under this act have some background in programs for fathers, programs for the poor, programs for children, program administration or program research.

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This amendment ensures that only individuals who have professional experience related to social programs evaluate which fatherhood programs should be funded under this act.

Second, this amendment encourages the payment of child support by helping fathers with visitation. The intent of this legislation is to select programs which will have the greatest chance of promoting marriage, improving parent effectiveness, and helping fathers with employment.

This legislation gives preference to those programs which promote the payment of child support by helping fathers in a variety of ways. My amendment would add one more way to promote payment of child support specifically by helping fathers arrange and maintain a schedule of regular visits to their children.

This amendment encourages fathers to have a more active role in their children's lives, both financially and by spending more time with their children. Under this amendment, the real winners are the children. This amendment, I understand, has bipartisan support and has no budgetary impact.

I urge all of my colleagues on both sides of the aisle to support it.

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

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

Mr. Chairman, as I pointed out, I support the gentleman's amendment. But I took the time because I have had some conversations with the gentleman concerning this amendment. I support it, but a literal reading of it could be interpreted to link visitation with the payment of child support. Now, I know that the author of the amendment does not intend that to be the consequence. We are in a position where we cannot amend an amendment on the floor under the rule which we are operating under.

So I heard the gentleman's explanation, and I fully agree with what he is intending to do that we want to make sure the noncustodial parent has a more active role in the child's life, which is the language used by the gentleman from Pennsylvania (Mr. ENGLISH), a more responsible relationship.

I would just point out, my conversations with the gentleman is that we will work, as this bill works its way through the process, to make sure there is no unintended consequences of the gentleman's amendment.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, I make that commitment absolutely. I thank the gentleman from Maryland (Mr. CARDIN) for his support and his thoughtful analysis of this issue, and I would be delighted to work with him and work with the rest of the subcommittee on that point.

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

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

Mr. Chairman, I urge all of my colleagues to look carefully at this issue. I think it is relatively straightforward. This amendment would vastly strengthen this bill. It would introduce expertise into the evaluation process. In the end, it would bring fathers closer to their children.

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

The CHAIRMAN pro tempore (Mr. PEASE). All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in Part B of House Report 106–463.

AMENDMENT NO. 3 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mrs. MINK of Hawaii:

Strike title II, and redesignate succeeding titles and sections (and amend the table of contents) accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, title II of the Fathers Count Act gives $5 million to two nationally recognized nonprofit fatherhood promotion organizations, $5 million to each of two nationally recognized nonprofit fatherhood promotion organizations. I oppose that kind of selection out of organizations for funding at such a level as $5 million.

We have been debating on the floor that the Federal Government and the bureaucracy has to be cut. In fact, we cannot come to agreement on many of our appropriation bills because we are still arguing over the funding levels that each of these worthy groups are entitled to. Yet, here, today we have legislation which is prepared to give two organizations $5 million just for existing.

The provision in the law says that the nonprofit promotion organization has to have a minimum of 4 years of experience in disseminating a national public education campaign, including production and placement of television, radio, and print public service announcements that promote the importance of responsible fatherhood.

While I do not have any objection to national organizations being in existence to do exactly that, to teach men in our society to be responsible if they father children, they ought to be willing to pay for their support, maintenance, and education.

The government ought not to be out there trying to find ways in which to nurture these people through the establishment of funding for national organizations. But national organizations probably do a tremendous amount of good. They gather together the forces within a community, within the country, to come to grips with this issue of parental responsibility. I think that is something to be applauded.

But I do take great objection to the idea that the Federal Government needs to get involved in promoting through the placement of television, radio, and present public service announcements about the responsibilities of fatherhood. So I would hope that my amendment would be agreed to, and that only title I of this Fathers Count Act legislation will be agreed to and, hopefully, will be changed to a parenthood kind of program.

It is important to realize that, if this is connected to welfare, which I assume that it is, that 85 percent of the people on welfare who are the custodial parents are women. If we are going to try to deal with this issue of welfare and the problems of poverty and the problems that children must suffer through because they are in a welfare family, then we have to make special efforts to try to support the single moms who are out there struggling to make a life and to support these children. Yet, we have no programs that I am aware of that specifically allocates $5 million for the support of single moms who are trying to raise their children and who are on welfare.

So I think that it is a matter of priorities. It is not a priority which I share. I believe it is a dangerous precedent. I hope that, instead of spending this $10 million in this way, that we can provide the monies for other programs.

I am told by someone who is knowledgeable that Healthy Mothers Program has been cut from the budget. Now, there is a program that has been nationally recognized, and the people that organize that program have all remarked what a tremendous contribution it makes to helping children and families at risk. Yet, the Congress is seeing fit not to fund this program.

So this money, I think, is needed in other programs where the need is much, much greater and where the benefits for the children at risk can be addressed directly. While I have no objection to these two organizations in mounting their campaigns for fatherhood and to insist that fathers be recognized for their responsibilities in their communities and in this country, I do object to the fact that special funds are set aside for the purposes for promoting these private organizations.

Mr. Chairman, title II of the Fathers Count Act gives $5 million to two nationally recognized nonprofit fatherhood promotion organizations. Five million dollars! We have recently been debating on the floor that every federal agency must cut its wasteful spending so its budget can be reduced by 1 percent. Yet, this legislation is prepared to give two organizations $5 million just for existing.

We have not done this for motherhood organizations. And mothers make up 84 percent of the custodial parents on welfare. If we do anything with this five million dollars, we should provide it to the people that need this assistance the most—the custodial parent.

Title II would give this money to organizations to help them develop and promote material addressing the issue of responsible fatherhood and promote marriage. Fathers should be responsible, and I applaud any organization that strives to make non-custodial fathers active in their children's lives and well-being. But it is not the federal government's job to provide these non-profit organizations with millions of dollars to help them do their job. This sets a dangerous precedent. Are we to provide millions of dollars to the National Education Association? Or to the National Organization for Women? Of course not.

It is the federal government's responsibility to provide services to help custodial parents become self-sufficient. We should help these parents find jobs so they can provide for their families.

My amendment will strike title II and save this government millions of dollars that can be better spent.

I urge my colleagues to support this amendment.

Mr. ENGLISH. Mr. Chairman, I rise in opposition to the amendment and claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Chairman, I yield as much time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong opposition to this amendment. The bill does not allocate $1 to any organization. It does set aside $5 million for competitive grants where the Secretary makes the final decision.

We do want some of the money in the bill to be set aside for highly developed organizations that have been in the fatherhood business for a long time, that

are reputable, and that are capable of testing project designs in many different places across the Nation because we know very, very little about what works in reaching out to these dads.

The rest of the money goes to community-based organizations because we know what is happening out there, the things that are going on, some of them funded by TANF, happening at the neighborhood level, at the small city level; and those are useful.

But it may be very hard to tell from those what ideas might be useful nationwide and what will not. We know there are a number of organizations whose programs are well enough developed and whose reputation in the service community is strong enough that they would be able to begin to test some models nationwide in multiple cities. So two of these competitive grants have to go to that kind of organization.

The bill would be weakened by the elimination of these projects because since we know so little about this area, not to be able to both fund some of the big experienced programs in multicities across the Nation to see how they work and whether they are as effective in New England as in the Southwest or California, and not to be able to do that as well as the small community-based grants would limit our ability to draw from our experience through this bill a national policy that will serve these families.

So I urge opposition to the amendment.

Mr. ENGLISH. Mr. Chairman, may I inquire how much time is remaining.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) has 2½ minutes remaining.

Mr. ENGLISH. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, the gentlewoman from Hawaii (Mrs. MINK) has brought a lot of passion to this debate. But I sense that she seems to fear that, in a free and open competition for funds in which religious and other faith-based organizations are playing on a level playing field, the usual suspects may not get all the money.

There is no question this fatherhood legislation will bring lots of new organizations into play, most of which have never before received government funding. As long as that competition is fair, what can be wrong with more competition?

Let us recognize the major provision of title II is the multicity fatherhood project. Only organizations that have experience in organizing and conducting fatherhood programs and in coordinating with local agencies are eligible for this money. These are very reasonable requirements, directly relating to achieving program success.

The committee required that at least one of the projects use the technique of employing married couples who live and work in the service delivery area to serve as role models. Based on our hearings, this innovative approach was judged to hold a great deal of potential for success, and the committee, therefore, wants to test this model through rigorous experimentation.

Also in this provision is a clearinghouse which we feel is absolutely essential. If we are going to learn from the experience with fatherhood programs, experience which is already developing, then we need to have a national clearinghouse that will allow that information and that experience to be disseminated to communities that can learn and profit from the example. We urge the rejection of this amendment.

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

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

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

Mrs. MINK of Hawaii. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, further proceedings on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in Part B of House Report 106–463.

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AMENDMENT NO. 4 OFFERED BY MR. CARDIN

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

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. CARDIN:

In section 403(a)(5)(C)(iv) of the Social Security Act, as so redesignated by section 301(b)(1)(A) of the bill, and as proposed to be amended by section 301(c)(1)(B) of the bill—

(1) insert ''or'' at the end of subclause (II);

(2) strike ''; or'' at the end of subclause (III) and insert a period; and

(3) strike subclause (IV).

In section 301 of the bill, redesignate subsection (d) as subsection (e) and insert after subsection (c) the following:

(d) CUSTODIAL PARENTS WITH INCOME BELOW POVERTY LINE WHO ARE NOT ON WELFARE.—

(1) IN GENERAL.—Section 403(a)(5)(C) of such Act (42 U.S.C. 603(a)(5)(C)), as amended by subsection (b)(1) of this section, is amended—

(A) by redesignating clauses (vi) through (ix) as clauses (vii) through (x), respectively; and

(B) by inserting after clause (v) the following:

''(vi) CUSTODIAL PARENTS WITH INCOME BELOW POVERTY LINE WHO ARE NOT ON WELFARE.—An entity that operates a project with funds provided under this paragraph may use the funds to provide assistance in a form described in clause (i) to custodial parents—

''(I) whose income is less than 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved); and

''(II) who are not otherwise recipients of assistance under a State program funded under this part.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 403(a)(5)(C)(iv) of such Act (42 U.S.C. 603(a)(5)(C)(iv)), as so redesignated by subsection (b)(1)(A) of this section, and as amended by subsection (c)(2) of this section, is amended in the last sentence by striking ''clause (v)'' and inserting ''clause (v) and (vi)''.

(B) Section 412(a)(3)(C)(ii) of such Act (42 U.S.C. 612(a)(3)(C)(ii), as amended by subsection (b)(2) of this section, is amended by striking ''(viii)'' and inserting ''(xi)''.

In section 304(b) of the bill—

(1) strike ''section 301(b)(1)'' and insert ''subsections (b)(1) and (d)(1) of section 301''; and

(2) redesignate clause (x) of section 403(a)(5)(C) of the Social Security Act, as proposed to be added by such section 304(b), as clause (xi).

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Cardin amendment to allow custodial parents, usually moms with incomes below the poverty line, to participate in welfare-to-work programs equally with noncustodial parents, usually dads.

While I was glad to get this limited amendment into the Committee on Education and the Workforce markup for access for low-income custodial moms, this is far better. In fact, it is far more fair and sensible to treat low-income custodial moms equal to dads. We know that more and more of the very poorest families in this country are not receiving welfare. These are families headed by single moms. It is not sensible, nor is it fair to give absentee dads greater access to welfare-to-work programs than it is to give these programs to the mothers, those who are living with their children and taking care of them day in and day out.

If we want to help low-income children, we need to give both their parents equal access to the welfare-to-work program. That is what the Cardin amendment does, and I urge my colleagues to support it.

Mr. GOODLING. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) is recognized for 5 minutes.

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

I would hope we would not go down this path, Mr. Chairman, for many reasons. Under the current law, the funds are targeted for hard-to-employ welfare recipients and noncustodial parents with children on welfare. No one else can get that money. But we worked out in committee an arrangement where 30 percent of that money could go for nonwelfare recipients living in poverty.

Now, I have a tremendous fear if we ever open this up and say 100 percent. Why do I have that fear and why is it legitimate? When we combined all these workforce programs to try to make them work several years ago, the State employment offices were out there trying to kill everything we were doing. Why were they doing that? Because they have a tendency to give all of their effort to those who they know they can count as successful so when they have to give their statistics, they say, okay, we were very successful. However, the people they neglected are the hardest people there are to try to prepare for employment.

That is my fear here. If we open this up beyond the 30 percent, the next thing we will find is these people on welfare, these custodial parents with children on welfare, all of a sudden will get no service, because they are very, very difficult to try to prepare for the workforce.

Again, we have to make sure that we understand there is all sorts of money out there for those people. When we look at TANF and other programs, there are billions of dollars that are serving these very people that we are talking about at the present time. We do not want to just turn this into another job-training program, because that, of course, was a real failure in the past.

Also keep in mind there is $2.5 billion for economically disadvantaged adults and dislocated workers assistance under the Work Force Investment Act. All of that money is out there for these people. But this sets up a situation where 100 percent of the funds could be used to serve custodial parents in poverty. Again, we are taking away the opportunity, and not only the opportunity but the mandate to make sure that the most difficult to prepare for the workforce are getting help through this service.

Mr. Chairman, I yield 2½ minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I rise in strong support of every person on welfare who wants to get his or her hands on the ladder of opportunity, and that is why I rise in strong opposition to this amendment.

I also rise to congratulate over 2 million welfare recipients in this country who, under the Republican welfare reform program, have had restored to them not only a job but dignity in their life; and I implore those on the other side of the aisle to keep our focus on this welfare-to-work program for the people that are truly on welfare.

There are many job training programs, but there is only one welfare-to-work. We worked out a good compromise in committee that would allow us to use up to 30 percent of the funds for those not on welfare but below the poverty line, and this is a good start. But if we take our total focus off of welfare recipients, the ones that are still on it are going to be the ones that are hardest to get jobs and we need more than ever the welfare-to-work program focused on these people today.

So I again encourage everyone on the other side to remember, let us do not create another job training program. There are a lot of those. But in my district, the folks in the chamber and in businesses and in community organizations are working together with the Department of Social Services to focus welfare funds as well as private sector funds to get people back to work. And I just hope that we will not destroy this program by opening it up and just leaving it to anyone who chooses to use it in a different way.

Mr. CARDIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, having examined this amendment, I am inclined to agree with it, and I rise in support of it.

What this amendment does is it allows more people to participate in welfare-to-work and it allows States to use more funds for welfare-to-work programs for low-income custodial parents who do not receive TANF.

This provides greater flexibility to the States. And given that flexibility was the hallmark of our 1996 welfare reform bill, I believe that this is consistent with its spirit. I support this amendment.

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

Mr. Chairman, let me just make a couple points, if I might, in response to the gentleman from Pennsylvania, the chairman of the committee.

This amendment carries out the commitment we made to our States when we enacted welfare reform, and that is to give flexibility to our States to be able to deal with the problems. The gentleman is suggesting that we should restrict our States somehow on how they feel it is best to deal with the problems by imposing this 30 percent restrictional use of funds for low-income custodial parents. The Committee on Ways and Means, in its version of the bill, included this amendment. It did not put the 30 percent restriction in.

Mr. Chairman, what really concerns me is that it is not limited to 30 percent; it is limited much below that. In fact, it is unlikely that any resources will get to this targeted group unless this amendment is adopted, because it has to compete with two other groups of individuals; one, those that have been on TANF for 30 months or less and, number two, the commitment we made to help children aging out of foster care. They are both subject to the same 30 percent.

There are not going to be any resources available for low-income custodial parents who are playing according to the rules. We would be telling them to go on welfare to get the help. That does not make any sense. We should be rewarding people who want to play by the rules, who want to be able to get a good job. The States should have this flexibility.

I listened to the proponents of welfare reform and I voted for it. We talked about trusting our States to be able to have the flexibility to deal with the job. Let us not discriminate against low-income people because they have not been on welfare. And let us live up to our commitment we promised to children aging out of foster care so there would be resources available for that group. And let us also deal with the people who have been on welfare for less than 30 months.

Support this amendment. It is a good amendment. It is a bipartisan amendment. I urge my colleagues to vote in favor of it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maryland (Mr. Cardin).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in Part B of House Report 106–463.

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. TRAFICANT:

In section 403A(b)(1) of the Social Security Act, as proposed to be added by section 101(a) of the bill, add at the end the following:

''(E) A written commitment by the entity that the entity will make available to each individual participating in the project education about alcohol, tobacco, and other drugs and the effect of abusing such substances, and information about HIV/AIDS and its transmission.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, the gentleman from Ohio (Mr. TRAFICANT) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

Following this debate, Mr. Chairman, the gentleman from New York (Mr. HINCHEY) made a very good statement about poverty. One of the statements he made was that people without seem to have more problems.

My little amendment says it would require any of these projects getting grants under this bill to also add a drug-alcohol education component and information about the transmission of AIDS and the HIV factor.

In America, at the University of Cincinnati Medical School, 20 milligrams of diacetylmorphine, known on the streets as heroin, has produced physical dependence in 7 days, known as addiction on the streets, in 7 days with laboratory animals. The synergistic effect of drugs has destroyed families, where many families unknowingly, fathers, end up in hospital rooms with unintended overdose accidents. I think that these projects and this program is good, but any fatherhood project that does not offer this, I think, would be lacking.

I think it is a good program. I do not ask for any additional money, because I believe the social service system could network to do this, but Congress says they shall do this. I think it is that important.

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

Mr. ENGLISH. Mr. Chairman, I ask unanimous consent to manage the time in opposition, even though I am not opposed to this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the amendment of the gentleman from Ohio (Mr. TRAFICANT).

I think it is noteworthy that what he has offered is a requirement that these fatherhood projects provide education on alcohol, tobacco and other drugs, as well as the effect of abusing such substances and information about HIV/AIDS. I think we can all agree that this is a valuable addition to this bill and a valuable addition to this debate.

Mr. Chairman, I serve in a district that abuts on that of the gentleman from Ohio (Mr. TRAFICANT), and let me say I am very grateful for his longstanding interest in these issues. He has been, I think, a real leader in the House focusing on these issues for many, many years, and he has been an inspiration to me.

Let me just say, in addition, that I think his amendment strongly adds to this bill. I think it gives this bill an additional push and I, for one, strongly support its inclusion in the final language.

Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I also want to congratulate the gentleman from Ohio on his amendment. I think it is a very worthy one. I accept it for myself.

Mr. CARDIN. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I also support the amendment and compliment my friend from Ohio. It strengthens the bill, and we certainly would like to see it included.

Mrs. JOHNSON of Connecticut. Yes, reclaiming my time, Mr. Chairman, we appreciate the gentleman's continued interest in these issues and find his amendment a real constructive addition to the bill.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume to thank the chairman, and I want to close by thanking my friend and neighbor, the gentleman from Pennsylvania (Mr. ENGLISH), who has worked with me on many issues.

I also want to thank my fellow graduate at Pitt, the gentleman from Maryland (Mr. CARDIN), who has done a great job. And, Mr. Chairman, it seems that every bill that the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) seem to be involved with, it has worked out good for the American people.

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

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in Part B of House Report 106–463.

AMENDMENT NO. 6 OFFERED BY MR. EDWARDS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. EDWARDS:

At the end of section 403A(b)(3)(C) of the Social Security Act, as proposed to be added by section 101(a) of the bill, add the following new flush sentence: ''Notwithstanding any other provision of law, funds shall not be provided under this section to any faith-based institution that is pervasively sectarian.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentleman from Texas (Mr. EDWARDS) and a member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS).

□ 1445

Mr. EDWARDS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is one sentence long. It says this: ''Notwithstanding any other provision of law, funds shall not be provided under this section to any faith-based institution that is pervasively sectarian.''

This is very simple. The Supreme Court ruled in 1988 they cannot give dollars directly to pervasively sectarian organizations, essentially organizations that are thoroughly religious, that their secular and religious purposes are so intertwined they cannot separate them. We are picking up that language of the Supreme Court in its 1988 case to try to make this bill constitutional.

I want to be clear. My amendment does not stop Federal funds from flowing to faith-based organizations. That is happening today. It has happened for years. And it will continue to happen under my amendment.

What will be different is, under my amendment, we will follow the profound principles of the first 10 words, in fact, the establishment clause of the Bill of Rights, that say our Founding Fathers did not and would not want direct Federal dollars to go directly to houses of worship, churches, and synagogues.

There are many supporters, from the Joint Baptist Committee to the American Jewish Committee, of this amendment. Let me just say some things that will happen if it does not pass.

First, they will obliterate a 200-year wall of separation between church and State. Convenience or even good intentions are not good enough reasons to turn our back on the first 10 words of the First Amendment of the Bill of Rights.

Secondly, without my amendment passing, this bill will let a church or religious organization take Federal dollars and, in the decision of hiring people for that federally funded program, say, no, they are not good enough, we are not hiring them because they are not, as an American citizen, of the right religion in our opinion. I find that is offensive to the concept of religious freedom and respect and independence in this country.

Third, I think they are going to harm these religious organizations by inviting massive Federal regulation of them. And finally, they will create great dissension as these organizations compete for Federal dollars.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me the time.

Mr. Chairman, this has been a fascinating partial debate. Now we are to the actual amendment, which the sponsor says would not affect faith-based organizations but would, in fact, gut the intent of this amendment and certainly would set back and probably reverse the whole flow that the Federal Government has been doing for a number of years to try to include people who want to include character and faith-based organizations in the delivery of social services by going back to the pervasively sectarian standard.

In fact, Vice President AL GORE, in his home page for President, as well as his speech that he gave in Atlanta, said,

> I believe the lesson for our Nation is clear. In those instances where the unique power of faith that can help us meet the crushing social challenges that are otherwise impossible to meet, such as drug addiction and gang violence, we should explore carefully tailored partnerships with our faith communities so that we can use approaches that are working best.

Governor Bush in Texas has done this with prison fellowship, with other groups that are involved in youth issues and fatherhood issues, and we see many examples in this current administration.

The Brookings Institute has come out forcefully for this saying that, in fact, to use a pervasively sectarian standard has, in fact, discriminated against those who want to include as a part the moral teachings.

Now, to argue and rewrite the American Constitution to say that this obliterates the wall of separation, first off, that was not in the original Constitution, but it certainly does not obliterate the wall of separation.

The intent of the Founding Fathers was clearly not to take religion out but, rather, to keep certain religions from being funded.

As an anti-Baptist, I would not have wanted to fund the Anglican Church. People in the other States would not have wanted to fund, as they were at the time of original founding, the ministers and the church schools in those States as the only choice for schoolchildren.

But, in fact, the United States Congress in their first few years when they could not get Bibles in from England, the United States Congress, with Federal dollars, bought Bibles to distribute to the public schools.

A little bit later the Congress, concerned that it was difficult even to purchase those, the same Founders who wrote the Constitution purchased Bibles, printed them, and it says at U.S. Government expense, to be distributed by congressional legislation to public schools.

That is not what we are proposing here. The question is not whether we are proposing actual religious education. In fact, everything in this bill and in the previous three times this House has voted overwhelmingly for the charitable choice provision, the same provision that we are voting on today that the gentleman from Texas (Mr. EDWARDS) is trying to gut, the plain truth of the matter is that we cannot use any of these funds for religious teaching.

So contrary to what the Founding Fathers allow, which was Bibles printed at congressional expense distributed by the United States Congress to public schools, we are not proposing that.

We are just saying, in the process of addressing questions like fatherhood, as we did earlier in Juvenile Justice, as we did earlier in Human Services, as we did earlier in welfare reform, that we should be able to include character and faith-based organizations in that section.

The most dynamic organizations in this country, in fact, have pastors, youth leaders, people who attend churches, church-based organizations, or parent church organizations that do not teach religion but have that as a component, the love, the hope, the faith, the kindness, the tolerance that comes through religion is intermingled in their programs.

To say that a program, for example, if a particular religion, whether it is, for example, Orthodox Jews, and if Orthodox Jews have a program to reach kids in their neighborhood or fathers in their neighbor, to say that they must hire somebody who does not belong to their religion, in effect, means they will not participate in these programs.

Now, the Government gets to decide when a faith-based organization comes up and says we have a proposal here under the Father Counts bill or any of the other three previous bills where we passed this exact same language, that when they propose this to the Government, they do not say it has to show it is not teaching religion, it has to show that it is addressing the problems there, it is addressing them in a unique way regardless which of these bills we are talking about, and there are many protections; and ultimately the Federal Government has to decide is this group the best way to deliver these services.

So I think this is a reasonable amendment that has passed by as many as 350 votes in this House. It is supported by the leading presidential candidates in both parties as a general principle.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), cosponsor and coauthor of this legislation.

Mr. CARDIN. Mr. Chairman, I thank the gentleman from Texas for yielding me this time, and I urge my colleagues to support his amendment.

I hope everybody will put this in proper perspective. This bill deals with $150 million over the next 5 years. It incorporates by reference the charitable choice provisions that are in the 1997 Welfare Reform bill that has spent $16.5 billion per year. What the Edwards amendment does is make it clear that this money must be spent in a constitutionally acceptable way.

We have by reference in this statute that it must be spent consistent with the establishment clause of the United States Constitution as it relates to religious freedom, separation of church and state. That is already in this bill by reference.

Read the Edwards amendment. The Edwards amendment says that it goes to the establishment clause and incorporates the Supreme Court test, as it is in the Kendrick case. So the pervasively sectarian test is the test on whether we have violated the establishment clause.

This is not whether faith-based organizations will participate or not. They do participate under the bill or under the Edwards amendment. The Edwards amendment makes sure that we spend the money in a constitutionally acceptable way.

I urge my colleagues to accept the amendment so that we can get faith-based institutions and entities using these funds but using it an acceptable way so we can build upon the program and really help the people that this legislation is aimed at.

It is a good amendment. It clarifies. It prevents it from causing problems that otherwise could occur. I urge my colleagues to support the amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I stand in opposition to the amendment. I am afraid that this would have a chilling effect upon the application of an otherwise very, very fine bill.

We are going to need a lot of help from a lot of areas in order to be able to get through and to accomplish the goals that all of us have with regard to this legislation.

The Supreme Court, in its decisions, is not a static entity. It is a living entity. It is one that shifts and goes back and forth in accordance with the facts of the various cases and the changing times.

It is time that we looked to other organizations, non-traditional organizations, to help out. This bill is not going to promote any religious activity. It would be grossly unconstitutional if this is what it was. But the churches

and synagogues and other religious institutions can be very valuable in reaching out and getting these fathers and bringing them in and do exactly what the intent of this bill is.

I stand in opposition to the amendment.

Mr. EDWARDS. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I rise in support of the Edwards amendment.

Mr. Chairman, the amendment is simple. It just conforms the bill to the First Amendment of the Constitution as interpreted by a long line of Supreme Court decisions.

Many religiously affiliated groups now sponsor Federal programs, but the program must be administered in a secular manner and not conducted in a pervasively sectarian manner. And so, Federal funds support programs sponsored by Catholic Charities or Lutheran Services. But they do not have to be Catholic or Lutheran to benefit from those services. And if they want to compete for a job funded by those Federal dollars, they do not have to be Catholic or Lutheran to be hired.

This bill, without the Edwards amendment, allows Federal funds to sponsor pervasively sectarian activities and allows sponsors to require program participants as a condition of receiving federally funded benefits to require the participation in church religious activities and allows churches to discriminate based on religious affiliation in hiring employees with Federal dollars. That is wrong. It is unconstitutional, and we should fix it by adopting the Edwards amendment.

The CHAIRMAN. The gentlewoman from Connecticut (Mrs. JOHNSON) has 4 minutes remaining. The gentleman from Texas (Mr. EDWARDS) has 4½ minutes remaining.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Chairman, I rise in very strong objection and opposition to this amendment.

It is amazing to me how people can misinterpret history. Separation of church and state was created in this century by these courts. And, in fact, the courts are moving away from the concept, as outlined by the Members on the other side of the aisle.

To claim that our Founding Fathers were for separation of church and State is either rewriting history or being very ignorant of history.

So I just rise in strong opposition to the charge that there is this great wall separating this Government from religious influence. There was no such separation when the Nation was founded, and there can be no separation today.

George Washington, the father of our country, left no doubt that religion and religious institutions provide indispensable support to our Government. In his farewell speech, President Washington warned that, ''Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.''

John Jay, the original Chief Justice of the Supreme Court, said it is the duty of wise, free, and virtuous governments to ''encourage virtue and religion.''

John Adams, our second President, stated, ''Our Constitution was made only for a moral and religious people.''

John Hancock argued that, ''The very existence of the Republics depend much upon the public institutions of religion.''

Time after time, the founders implored the influence of religion in public affairs. This amendment tries to forbid the exact same influence that the Founding Fathers thought so necessary.

□ 1500

Those who argue for an absolute separation of church and State like to quote Thomas Jefferson as he has been quoted here many times and they quote him all over the place, but they leave out a few details.

For example, while he was President of the United States, Jefferson supported the appropriation of Federal funds to pay for Christian missionaries to Indians. That is right. As President, Thomas Jefferson provided cash support from the government to pay for missionaries and actually built a church building with government money.

The point is very clear. All of these great men had a profound impact on the creation of this Republic, and their words add essential insight into the original intent of the Constitution.

This bill we are debating deals with fatherhood programs and charitable organizations. Despite the precedence set by the Founders, this amendment tries to build a wall between virtue and its source, religious principle.

Mr. Chairman, America has always been one Nation under God. The Constitution and religion have never been mutually exclusive. As the founders set forth, it is simply impossible and it is unwise to try to separate people and their government from religion. I urge my colleagues to defeat this bad amendment.

Mr. EDWARDS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, we should all feel some trepidation at what has just been spoken in this Chamber. As a former United Methodist minister, I know and I believe that there is an appropriate role that religious organizations play in social services. In fact, they are already doing wonderful things with Federal funding through such secular affiliations as Catholic Charities and Jewish Federations. We are grateful to them for providing desperately needed services. But when we cross the line and let specific churches receive Federal grants and then engage in discriminatory practices, we are setting back the clock of civil rights in our country.

This bill would allow churches and synagogues to receive Federal money directly which would in turn allow them to use those Federal funds to discriminate in hiring practices. Do we want to open that door? Do we really want to see a sign in front of a church getting Federal funds that says, ''Jews need not apply''? Do we want to see a sign in front of a protestant church saying ''Catholics will not be considered for this position''?

I think not. I hope not. I pray not.

Mr. EDWARDS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, without this amendment, this bill opens the door to religious organizations requiring individuals to participate in a religious ceremony or to listen to sectarian proselytizing as a condition of participating in a federally funded program. That violates our Constitution and quite frankly is an abuse of government authority over families in need.

No one has or should exclude religious institutions from performing good works or from receiving public funds to do so. But a religious organization should never be allowed using Federal funds to condition a meal for a homeless person or anger counseling for an abusive husband on participating in a religious ceremony or listening to a religious sermon and it should not be allowed to discriminate in employment on a religious basis using government funds.

No one is talking about separating, totally separating church and State. But we are talking about keeping each in its proper sphere and not allowing government to help invade the religious sphere or religion invade the government's sphere. We are talking about preventing the sectarian strife that will come when the Methodists think they are getting half a percent too little and the Catholics half a percent too much of Federal funds.

That is why we need this amendment, Mr. Chairman.

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

I have gone from being concerned about the language of this bill to being alarmed by some of the statements I have heard from the leadership of this House. First, we heard the gentleman from Indiana (Mr. SOUDER) say the establishment clause of the first amendment really was not in the original Constitution, as if, my colleagues, that is to suggest that the Bill of Rights

somehow has less power or force in our constitutional government because it was only part of the Bill of Rights, it was only the first amendment to the Constitution.

Then the gentleman from Texas (Mr. DELAY) came up and said separation of church and State was invented in the 20th century. My colleagues, that would be a great surprise to Mr. Jefferson who mentioned that very phrase in the 18th century. It would be a great surprise to Mr. Madison and the writers of the Bill of Rights who felt deeply about this.

The fact is that this bill is going to allow Federal funds to go to faith-based organizations but it is going to follow not only the Bill of Rights but the Supreme Court decision of 1988, that is this century, not two centuries ago, that said you cannot send Federal dollars to pervasively sectarian organizations.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and I especially thank him for his leadership on this issue. He has been a great defender of the Constitution in this House. We take that oath when we become Members of Congress, and he has fulfilled it so admirably. I thank the gentleman from Texas.

I rise in support of his amendment which will maintain the constitutional separation of church and State while protecting religious institutions from the entangling reach of government.

His amendment is necessary because the charitable choice provision of the Fathers Count Act is, I believe, unconstitutional.

Mr. Chairman, my husband, my five children and I have among us over 100 years of Catholic education. Catholic religious organizations are an integral part of our lives. I think it is very important in understanding the importance of the gentleman from Texas' amendment to understand the difference between religious organizations and the nonsectarian aspect of their activities. These groups are called religious affiliates. For example, in our community and across the country, local Catholic charities and Jewish social service groups are nonsectarian groups. We should be able to support them. The gentleman from Texas' amendment allows us to do so. We should support his amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself the balance of my time.

Let me conclude by saying this is a very simple issue. The gentleman from Texas does not want money going to churches and I do. In many poor neighborhoods in our cities, in many small rural towns, the church is the only institution remaining. I want them to be able to reach out to fathers who need help, to welfare women to provide day care and other services. I do not want them to be able to use public dollars to proselytize or discriminate against participants. In the charitable choice statute is a clear line between church business and public business. I urge rejection of the Edwards amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Texas (Mr. EDWARDS).

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

Mr. EDWARDS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, further proceedings on the amendment offered by the gentleman from Texas (Mr. EDWARDS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 printed in part B offered by the gentlewoman from Hawaii (Mrs. MINK); amendment No. 3 printed in part B offered by the gentlewoman from Hawaii (Mrs. MINK); amendment No. 6 printed in part B offered by the gentleman from Texas (Mr. EDWARDS).

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

AMENDMENT NO. 1 OFFERED BY MRS. MINK OF HAWAII

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentlewoman from Hawaii (Mrs. MINK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 253, not voting 8, as follows:

[Roll No. 583]

AYES—172

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Spratt
Stabenow
Stark
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu

NOES—253

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre

McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Barton
LaTourette
Matsui
Quinn
Rogan
Simpson
Smith (TX)
Thornberry

□ 1533

Messrs. RADANOVICH, DEMINT, BURR of North Carolina, WALSH, NUSSLE, FOSSELLA, SPENCE, GORDON, COSTELLO, BARR of Georgia, MCINTYRE, and Mrs. TAUSCHER changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SIMPSON. Mr. Chairman, on rollcall No. 583 I was unavoidably detained. Had I been present, I would have voted "No."

(Mr. ARMEY asked and was given permission to speak out of order for 1 minute.)

FURTHER LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, I have an announcement concerning the schedule for the rest of the day.

Mr. Chairman, the passage vote on the fathers count bill will be the last recorded vote for today. We will continue debate on those suspensions already scheduled for consideration. However, any request for recorded votes on those suspensions will be held over until 12 noon on Friday.

As previously announced, the House will be in pro forma session tomorrow. We do expect legislative business on the floor Friday, with votes after 12 noon.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the distinguished majority leader for yielding to me.

Mr. Chairman, might I inquire of the gentleman from Texas (Mr. ARMEY) that in the event that the appropriations bills are not ready to be voted upon on Friday, does the majority intend to have the Members come back on Friday to vote on the suspension bills?

Mr. ARMEY. The gentleman should be advised the leadership sees no contingency that would precipitate such an event. There is nothing that I can see that would cause me to think that that would be necessary.

When and if I saw anything that would result in that kind of consideration, I would give that consideration out of respect for the Members. Should such an unlikely and unpredictable contingency arise, I am sure the Members would be notified in a proper and effective fashion.

(Mr. HOYER asked and was given permission to speak out of order for 1 minute.)

REGARDING THE LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

I would just ask the majority leader to respond to two problems. I think Members have a right to know what is happening in some of these conferences.

At this point, two of the vehicles which had been expected to be used to bring bills back to this House are being tied up in the other body by individual Members.

In addition to that, we have not yet reached any significant agreement in the Labor-HHS bill. We still have outstanding issues in both the Interior and Commerce-State-Justice which are viewed as major by both sides.

It is my profound belief that if Members are asked to come back here Friday, it is highly unlikely that there will be something for them to vote on out of these conferences.

I would simply urge the majority leader to take another read on what is happening on these bills, because it does not do any Member any good to come back here and sit twiddling their thumbs while they wait for the conferees to finish.

I would also make one other request. We just met in the D.C. conference. The decision was made to bring all five bills into one bill. My concern is that if we are interested in passing whatever comes out of the conference, if those five bills are put into one, I am afraid that there are a variety of groups on both sides who will be so concerned and so opposed to portions of those bills that we will maximize the opposition to a bill if it is packaged as five bills. I think there is a significant opportunity that the entire thing could go down.

So I think we need to have some private conversations. I am trying to help move this process forward, but I think there is insufficient appreciation of the resistance that we are still likely to meet from groups on both sides of the aisle to various items that are expected to be in these packages.

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

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

Mr. ARMEY. Mr. Chairman, I appreciate, again, the remarks from the gentleman from Wisconsin.

Mr. Chairman, I might mention that we have listened to the voices in this Chamber, primarily from the other side, express their regret that we have not yet finished our business almost daily now for some few weeks.

We understand their frustration with that, and we are determined to end that frustration and complete this work on Friday. We expect to do that. We intend to do that. We are determined to do that.

The obstructions that the gentleman from Wisconsin (Mr. OBEY) noted may seem formidable, and perhaps they are daunting to some, but they will be overcome. We will be back here Friday at noon. Votes will be taken. I thank the Members for their attention.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

(Mr. ABERCROMBIE asked and was given permission to speak out of order for 1 minute).

POINT OF ORDER

Mr. ABERCROMBIE. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ABERCROMBIE. Mr. Chairman, is every Member of this body entitled to equal treatment on this floor?

The CHAIRMAN. Does the gentleman from Hawaii (Mr. ABERCROMBIE) state a point of order?

Mr. ABERCROMBIE. Mr. Chairman, the Chair will have to give me some guidance. Part of regular order, Mr. Chairman, is to see to it that every Member is allowed to deal with his or her district and still be able to, under the rules of this House, fulfill his or her duties with respect to voting.

The CHAIRMAN. The gentleman has not stated a point of order. Does the gentleman wish to state a point of order?

Mr. ABERCROMBIE. Mr. Chairman, I believe that under what the majority leader just stated, I will be prevented from being able to go home and come back in adequate time to be able to vote.

The CHAIRMAN. The gentleman has not stated a point of order that the Committee of the Whole can resolve.

Mr. ABERCROMBIE. Is it the Chair's ruling that I am out of order wanting to be able to vote on this floor?

The CHAIRMAN. The gentleman has not stated a point of order.

Mr. ABERCROMBIE. This is unseemly, Mr. Chairman. I would not deny any Member in this House the right to vote.

The CHAIRMAN. The gentleman will suspend.

Mr. ABERCROMBIE. I will not be silenced on this.

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentlewoman from Hawaii seek recognition?

Mr. ABERCROMBIE. I will not be silenced on this. There is not a Member here that does not know that I am speaking of something that goes to the vital interest of every single Member here.

The CHAIRMAN. The gentleman from Hawaii (Mr. ABERCROMBIE) will suspend.

AMENDMENT NO. 3 OFFERED BY MRS. MINK OF HAWAII

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I ask unanimous consent that my demand for a recorded vote on amendment No. 3 be withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

The CHAIRMAN pro tempore. The amendment fails by voice vote.

AMENDMENT NO. 6 OFFERED BY MR. EDWARDS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. EDWARDS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 238, not voting 11, as follows:

[Roll No. 584]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—238

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Toomey
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Archer
Barton
Gekas
Houghton
LaTourette
Matsui
Quinn
Rogan
Salmon
Smith (TX)
Thornberry

□ 1550

Mr. Bonior changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOBSON) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3073) to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes, pursuant to House Resolution 367, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCOTT. Mr. Speaker, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCOTT moves to recommit the bill H.R. 3073 to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:

Strike section 101(d) and insert the following:

(d) APPLICABILITY OF CHARITABLE CHOICE PROVISIONS OF WELFARE REFORM.—Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended by adding at the end the following:

''(1) Notwithstanding the preceding provisions of this section, this section (except subsection (f), relating to publicly funded employment discrimination by religious institutions) shall apply to any entity to which funds have been provided under section 403A of the Social Security Act in the same manner in which this section applies to States, and, for purposes of this section (except subsection (f)), any project for which such funds are so provided shall be considered a program described in subsection (a)(2).''.

Mr. SCOTT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, first of all, I want to State that if this motion to recommit is passed, we will immediately consider final passage. So adopting the motion to recommit will not defeat the bill.

Mr. Speaker, this is a simple amendment. The bill provides that religious organizations which sponsor fatherhood programs with Federal funds may discriminate in hiring based on religious affiliation. The amendment in the motion to recommit provides that hiring with Federal funds cannot be based on religion.

The motion to recommit provides that civil rights laws will apply to these Federal funds. Mr. Speaker, the idea that religious bigotry may take place with Federal funds is not speculative. The bill, without this amendment, specifically provides that religious sponsors are not covered by title VII of the Civil Rights Act against discrimination based on religion.

Mr. Speaker, during the prior debate on charitable choice, we heard how this would work. Cited on page H4687 of the CONGRESSIONAL RECORD, June 22, 1999, the gentleman from Texas (Mr. EDWARDS) asked the major sponsor of charitable choice if a religious organization using Federal funds could fire or refuse to hire a perfectly qualified employee because of that person's religion. The response from the supporter of charitable choice, which was never disputed during that debate and was frankly validated during today's debate, was and I quote: ''A Jewish organization can fire a Protestant if they choose.''

Mr. Speaker, there was a time when some Americans, because of their religion, were not considered qualified for certain jobs. In fact, before 1960 it was thought that a Catholic could not be elected President. And before the civil rights laws of 1960s, people of certain religions routinely suffered invidious discrimination when they sought employment. Fortunately, the civil rights laws of the 1960s put an end to that practice, and we no longer see signs suggesting that those of certain religions need not apply for jobs.

Now, when those civil rights laws passed, there was one common sense exception that allowed religious organizations to discriminate based on religion when, for example, a Catholic church hired a priest. They could, of course, require that the job applicant be Catholic. Or a Jewish synagogue hiring a rabbi, they can, of course, require that the applicant be Jewish. But, Mr. Speaker, that exemption applies to the use of the private funds of the religious organizations. It was never expected to be applied to Federal funds used in a discriminatory manner.

□ 1600

Now, the sponsor of the bill may say that we need to honor the religious integrity of the sponsor. That is fine for the church funds, but we should not use Federal funds in a discriminatory manner.

Religious organizations now sponsor Federal programs. Catholic Charities sponsor federally funded services, but one does not have to be Catholic to get a job with those programs, because the civil rights laws apply to those Federal funds. The Lutheran Services of America sponsor federally funded services, but one does not have to be Lutheran to get a job paid for with those Federal funds.

This bill grants a new exemption and would allow religious bigotry to be practiced with the use of Federal funds. That is wrong. The motion to recommit guarantees that those who apply for jobs paid for with Federal dollars will not have to suffer the indignity of invidious discrimination based on their religious beliefs. So I urge my colleagues to support the motion to recommit.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to the amendment. Under the charitable choice provisions of the welfare reform bill, provisions that have been affirmed by this body in three consecutive Congresses in one form or another, religious institutions do have the right to maintain their religious character; that is, they do not have to hire someone who radically disagrees with them and cannot, therefore, be part of the body of the character of that institution.

However, they have no right to proselytize in programs that are funded with public money, and they have no right to discriminate on the basis of religion amongst applicants.

In other words, within the charitable choice provisions, there is a constitutional firewall drawn. Furthermore, it is one that has worked. There have been cases in which programs have proselytized, and their grants have been withdrawn. So it not only has a firewall, it is an enforceable firewall.

Now, I would just say to my colleagues that the underlying issue here is, do you think that churches should take part. Because this is an important matter of public policy that we are about to vote on, I believe that churches should be part of providing social services in America as long as they do not, through that means, proselytize, because the church-based groups can provide a larger context in which people can grow.

Once the money has been lost from the Federal Government, the program eliminated, or the person no longer fits the criteria, they still have the support system that the church-based community represents in many poor neighborhoods in our cities, in many small, poor rural towns where some of the fathers that need our help live.

In many of our cities, in the poorest neighborhoods, in many of our small towns, the only institution remaining is the small churches, often small black churches, small Hispanic community churches. Yes, they need to be able to reach out to the fathers of children on welfare and help them, and help them in the same way that we help the mothers of children on welfare.

So this is a very good bill. We need the small church institutions to help us reach people, and we need those institutions to support people long after the public money and the public interest is gone.

I urge my colleagues' rejection of the motion to recommit. I urge my colleagues' support for this bill, which, for the first time, is going to recognize that dads do count and that we can help dads be better providers, better fathers, and that, together, we can create

for children, for all children, a structure around them that provides better economic and emotional support.

So vote no on the motion to recommit. Support the bill. It is a giant step forward.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 176, noes 246, not voting 11, as follows:

[Roll No. 585]

AYES—176

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Snyder
Stabenow
Stark
Strickland
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—246

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Barton
Crane
DeGette
Hooley
Houghton
Lofgren
Matsui
Quinn
Rogan
Smith (TX)
Thornberry

□ 1622

Messrs. MCINTOSH, SPRATT, MCINNIS and GILMAN changed their vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Speaker, on rollcall Nos. 583, 584 and 588 I was attending parent-teacher conferences for my daughter. Had I been present, I would have voted "no" on all three votes.

The SPEAKER pro tempore (Mr. PEASE). The question is on the passage of the bill.

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 328, nays 93, not voting 12, as follows:

[Roll No. 586]

YEAS—328

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
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
Buyer
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Condit
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Holt
Horn
Hoyer
Hulshof
Hunter
Hyde

Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—93

Abercrombie
Ackerman
Baird
Baldwin
Barr
Bartlett
Berman
Burton
Campbell
Capuano
Chabot
Chenoweth-Hage
Clay
Coburn
Collins
Conyers
Cooksey
Cox
DeFazio
DeMint
Deutsch
Dickey
Doggett
Doolittle
Edwards
Filner
Frank (MA)
Gejdenson
Goode
Graham
Hastings (FL)
Hinchey
Hoeffel
Hoekstra
Hostettler
Hutchinson
Johnson, Sam
Jones (NC)
Jones (OH)
Kilpatrick
Kingston
LaHood
Lantos
Largent
Maloney (NY)
Manzullo
Markey
McDermott
McKinney
Meek (FL)
Mink
Moran (KS)
Olver
Owens
Paul
Payne
Pelosi
Peterson (MN)
Pombo
Rivers
Rohrabacher
Royce
Ryun (KS)
Salmon
Sanders
Sanford
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sisisky
Slaughter
Smith (MI)
Spence
Stark
Stump
Sununu
Tierney
Toomey
Towns
Velazquez
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—12

Baker
Barton
Callahan
DeGette
Hooley
Houghton
Lofgren
Matsui
Pascrell
Quinn
Smith (TX)
Thornberry

□ 1631

Messrs. TOWNS, MARKEY, and MORAN of Kansas changed their vote from ''yea'' to ''nay.''

Messrs. WELDON of Florida, TAYLOR of North Carolina, HERGER, and Ms. LEE changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3073.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DREIER (during debate on H.R. 2442), from the Committee on Rules, submitted a privileged report (Rept. No. 106–465) on the resolution (H. Res. 374) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER (during debate on H.R. 2442), from the Committee on Rules, submitted a privileged report (Rept. No. 106–466) on the resolution (H. Res. 375) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 78. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken on Friday, November 12, 1999.

EXEMPTING CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET PURSUANT TO FEDERAL REPORTS AND ELIMINATION AND SUNSET ACT OF 1995

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3234) to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports and Elimination and Sunset Act of 1995, as amended.

The Clerk read as follows:

H.R. 3234

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

SECTION 1. REPORTS WITHIN THE JURISDICTION OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under the following provisions of law:

(1) Section 425 of the General Education Provisions Act (20 U.S.C. 1226c), relating to the effectiveness of applicable programs.

(2) The following provisions of the Department of Education Organization Act:

(A) Section 414 (20 U.S.C. 3474), relating to the promulgation of rules and regulations.

(B) Section 426 (20 U.S.C. 3486), relating to Departmental activities.

(3) The following provisions of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.):

(A) Section 114 (20 U.S.C. 1011c), relating to the National Advisory Committee on Institutional Evaluation and Integrity.

(B) Section 392(b)(2) (20 U.S.C. 1068a(b)(2)), relating to reports on waivers.

(C) Section 432(b) (20 U.S.C. 1082(b)), relating to budget submissions by the Secretary of Education.

(D) Section 439(k) (20 U.S.C. 1087–2(k)), relating to reports on audits by the Secretary of the Treasury.

(E) Section 482(d) (20 U.S.C. 1089(d)), relating to notices of failures to comply with master calendar deadlines.

(F) Section 485B(d) (20 U.S.C. 1092b(d)), relating to a report on the student loan data system.

(G) Section 702(a)(2)(D) (20 U.S.C. 1134a(a)(2)(D)), relating to reports of the Javits Fellows Program Fellowship Board.

(4) The following provisions of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.):

(A) Section 5(q) (20 U.S.C. 954(q)), relating to the state of the arts in the Nation.

(B) Section 7(k) (20 U.S.C. 956(k)), relating to the state of the humanities in the Nation.

(C) Section 10(d) (20 U.S.C. 959(d)), relating to annual reports summarizing activities.

(D) Section 10(e) (20 U.S.C. 959(e)), relating to annual reports summarizing activities.

(5) The following provisions of the Arts and Artifacts Indemnity Act (20 U.S.C. 971 et seq.):

(A) Section 6(b) (20 U.S.C. 975(b)), relating to certification of the validity of the claims.

(B) Section 8 (20 U.S.C. 977), relating to an annual report on claims and contracts.

(6) Section 5(a)(7) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504(a)(7)), relating to an annual report on the activities of the National Commission on Libraries and Information Science.

(7) Section 112(b)(3) of the Education of the Deaf Act of 1986 (20 U.S.C. 4332(b)(3)), relating to the annual report on indirect costs from the Board of Trustees.

(8) The following provisions of the United States Institute of Peace Act (22 U.S.C. 4601 et seq.):

(A) Section 1708(h) (22 U.S.C. 4607(h)), relating to an annual report of audit.

(B) Section 1712 (22 U.S.C. 4611), relating to a biennial report on progress.

(9) Section 1121(h)(4) of the Education Amendments of 1978 (25 U.S.C. 2001(h)(4)), relating to review of or proposed closure or consolidation of schools operated by the Bureau of Indian Affairs.

(10) Section 1125(b) of the Education Amendments of 1978 (25 U.S.C. 2005(b)), relating to plans to bring Indian educational facilities into compliance with health and safety standards.

(11) Section 1137(a) of the Education Amendments of 1978 (25 U.S.C. 2017(a)), relating to annual reports on the status of educational programs administered by the Bureau of Indian Affairs and educational problems encountered during the year for which the report is submitted.

(12) Section 5206(g) of the Tribally Controlled Schools Act of 1988 (P.L. 100–297; 102 Stat. 391), relating to applications received and actions taken on grants for tribally controlled schools.

(13) Section 204(b)(2) of the Helen Keller National Center Act (29 U.S.C. 1903(b)(2)), relating to the report on the evaluation of the operation of the Helen Keller National Center.

(14) The following provisions of the Older Americans Act of 1965:

(A) Section 206(d) (42 U.S.C. 3017(d)), relating to reports on results of evaluative research and program evaluation.

(B) Subsections (a) and (b) of section 207 (42 U.S.C. 3018(a), (b)), relating to reports on activities and reports on State long-term care ombudsman programs.

(15) The following provisions of Federal law requiring reports related to the Equal Opportunity Employment Commission:

(A) Section 13 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 632).

(B) Section 705(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4(e)).

(16) The following provisions of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.):

(A) Section 13 (29 U.S.C. 710), relating to the annual report on activities carried out under the Act.

(B) Section 106(d) (29 U.S.C. 726(d)), relating to an analysis of program performance based on standards and indicators.

(C) Section 401 (29 U.S.C. 781), relating to the annual report on the status of disability policy.

(D) Section 502(b)(8) and (9) and section 502(h)(1) (29 U.S.C. 792(b)(8) and (9) and (h)(1)), relating to reports by the Access Board on investigations, recommendations, and activities of the Board.

(E) Section 507(c) (29 U.S.C. 794c(c)), relating to the report by the Interagency Disability Coordinating Council.

(17) The following provisions of Federal law requiring reports related to labor:

(A) Section 3(c) of the National Labor Relations Act (29 U.S.C. 153(c)), relating to case activities and operations of the National Labor Relations Board.

(B) Section 8 of the Act of June 13, 1888 (29 U.S.C. 6) relating to reports by the Bureau of Labor Statistics.

(C) Section 4(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)) relating to a report of the Secretary of Labor respecting implementation of such Act and the curtailment of employment opportunities.

(D) Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) relating to a report of the Secretary of Labor respecting implementation of such Act.

(E) Section 8152 of title 5, United States Code, relating to reports by the Secretary of Labor respecting the implementation of chapter 81 of such title relating to compensation for work injuries.

(F) Section 26 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 675) relating to a report of the Secretary of labor respecting implementation of such Act.

(G) Section 9(b)(1) of the Wagner-Peyser Act (29 U.S.C. 49h(b)(1)) relating to an evaluation by the Comptroller General regarding the United States Employment Service.

(H) Section 511(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 958(a)) relating to a report by the Secretary of Labor relating to coal mine health and safety.

(I) Section 202(c) of the Labor Management Relations Act of 1947 (29 U.S.C. 172(c)) relating to reports by the Federal Mediation and Conciliation Service.

(J) Section 22(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671(f)) relating to reports by the National Institute of Occupational Safety and Health.

(K) Section 2908 of Public Law 101–647, relating to reports by the Secretary of Labor respecting compliance with certain requirements.

(18) Section 513(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1143(b)), relating to an explanation of variances granted for vesting or funding, the status of enforcement cases, any recommendations received from the Advisory Council, and recommendations for further legislation.

(19) Section 4008 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1308), relating to the report of the Pension Benefit Guaranty Corporation of its financial statements and on its activities and providing actuarial evaluations for the next 5 years.

(20) Section 650 of the Head Start Act (42 U.S.C. 9846), relating to the operation of Head Start programs.

(21) The reporting requirements of section 8G(h)(2) of the Inspector General Act (5 U.S.C. App.), relating to results of audits conducted by the Office of Inspector General, and the requirements of section 8G(e) of such Act, relating to communication of reasons for removal or transfer of the Inspector General, for the following agencies:

(A) The Pension Benefit Guaranty Corporation.

(B) The Department of Labor.

(C) The Equal Employment Opportunity Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. Speaker, I rise in support of H.R. 3234.

On December 21, 1999, all the reports that we would normally use in oversight will terminate. We believe that we have identified somewhere between 170 and 200 such reports that affect our committee.

We believe for oversight purposes, if we are going to do the job the way we should do it, we should make sure that 48 of those do not terminate. So we would ask that the 48 that we have identified that are necessary to do our oversight work remain on the books. And we are happy to get rid of all of the others, which are in this folder.

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

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

Mr. Speaker, I am pleased that our staff were able to resolve the concerns that we had about the adequacy of the list of reports and studies contained in the introduced bill.

By taking just a little additional time, we have reached a bipartisan agreement that has been incorporated into the amendment that has been offered today.

Reexamining the usefulness of the reporting requirements that have been imposed on Federal agencies is a prudent exercise for committees to undertake. It can ensure that resources are not being wasted to produce reports that are no longer useful or desirable.

Therefore, Mr. Speaker, the legislation now before us indicates that our committee has met that standard. Accordingly, I urge a yes vote on the bill.

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

Mr. CLAY. 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 Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 3234, 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.

GENERAL LEAVE

Mr. GOODLING. 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. 3234.

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

There was no objection.

WARTIME VIOLATION OF ITALIAN-AMERICAN CIVIL LIBERTIES ACT

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2442) to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

The Clerk read as follows:

H.R. 2442

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 ''Wartime Violation of Italian American Civil Liberties Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The freedom of more than 600,000 Italian-born immigrants in the United States and their families was restricted during World War II by Government measures that branded them ''enemy aliens'' and included carrying identification cards, travel restrictions, and seizure of personal property.

(2) During World War II more than 10,000 Italian Americans living on the West Coast were forced to leave their homes and prohibited from entering coastal zones. More than 50,000 were subjected to curfews.

(3) During World War II thousands of Italian American immigrants were arrested, and hundreds were interned in military camps.

(4) Hundreds of thousands of Italian Americans performed exemplary service and thousands sacrificed their lives in defense of the United States.

(5) At the time, Italians were the largest foreign-born group in the United States, and today are the fifth largest immigrant group in the United States, numbering approximately 15 million.

(6) The impact of the wartime experience was devastating to Italian American communities in the United States, and its effects are still being felt.

(7) A deliberate policy kept these measures from the public during the war. Even 50 years later much information is still classified, the full story remains unknown to the public, and it has never been acknowledged in any official capacity by the United States Government.

SEC. 3. REPORT.

The Inspector General of the Department of Justice shall conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than one year after the date of enactment of this Act shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

(1) The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.

(2) The names of all Italian Americans who were taken into custody.

(3) The names of all Italian Americans who were interned and the location where they were interned.

(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army's ''Individual Exclusion Program''.

(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order 9066.

(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.

(7) A list of ports from which Italian American fishermen were restricted.

(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods.

(9) The names of Italian Americans whose boats were confiscated.

(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.

(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes.

(12) An explanation of why some Italian Americans were subjected to civil liberties infringements, as a result of Executive Order 9066, while other Italian Americans were not.

(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the story of the treatment of Italian Americans during World War II needs to be told in order to acknowledge that these events happened, to remember those whose lives were unjustly disrupted and whose freedoms were violated, to help repair the damage to the Italian American community, and to discourage the occurrence of similar injustices and violations of civil liberties in the future;

(2) Federal agencies, including the Department of Education and the National Endowment for the Humanities, should support projects such as—

(A) conferences, seminars, and lectures to heighten awareness of this unfortunate chapter in our Nation's history;

(B) the refurbishment of and payment of all expenses associated with the traveling exhibit ''Una Storia Segreta'', exhibited at major cultural and educational institutions throughout the United States; and

(C) documentaries to allow this issue to be presented to the American public to raise its awareness;

(3) an independent, volunteer advisory committee should be established comprised of representatives of Italian American organizations, historians, and other interested individuals to assist in the compilation, research, and dissemination of information concerning the treatment of Italian Americans; and

(4) after completion of the report required by this Act, financial support should be provided for the education of the American public through the production of a documentary film suited for public broadcast.

SEC. 5. FORMAL ACKNOWLEDGEMENT.

The President shall, on behalf of the United States Government, formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2442.

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

There was no objection.

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

Mr. Speaker, few people know that during World War II, approximately 600,000 Italian Americans in the United States were deprived of their civil liberties by government measures that branded them enemy aliens.

In fact, on December 7, 1941, hours after the Japanese attack on Pearl Harbor, the FBI took into custody hundreds of Italian American resident aliens previously classified as ''dangerous'' and shipped them to camps where they were imprisoned until Italy surrendered in 1943.

As so-called enemy aliens, Italian American resident aliens were required to carry a special photo identification booklet at all times and they were forced to turn over to the government such items as shortwave radios, cameras, and flashlights. Those suspected of retaining these items had their homes raided by the FBI.

In California, about 52,000 Italian American resident aliens were subjected to a curfew that confined them to their homes between 8 p.m. and 6 a.m. and a travel restriction that prohibited them from traveling farther than five miles from their homes. These measures made it difficult, if not impossible, for some Italian Americans to travel to their jobs; and thousands were arrested for violations of these and other restrictions.

Then on February 24, 1942, 10,000 Italian American resident aliens living in California were ordered by the Federal Government to evacuate coastal and military zones. Most of those who had to abandon their homes were elderly, some of whom were taken away in wheelchairs and on stretchers.

Later in the fall of 1942, about 25 Italian American citizens were ordered to evacuate these areas.

In Half Moon Bay, San Francisco, Santa Cruz, and Monterey the evacuation orders had an enormous impact on hundreds of Italian American fishermen, such as Giuseppe DiMaggio, father of baseball brothers Joe and Dominick and Vince DiMaggio, as well.

They were prohibited from taking their boats out to sea.

In fact, many boats belonging to Italian American fishermen were impounded by the U.S. Navy for the duration of the war.

On March 12, 1942, Ezio Pinza, a renowned opera singer at the Metropolitan Opera in New York, was arrested and interned at Ellis Island of all places. After two hearings and nearly three months of confinement on charges that were never articulated by the Government, Mr. Pinza was released.

Despite his ordeal, Ezio Pinza was honored to have been chosen to sing the ''Star Spangled Banner'' at the welcoming home ceremonies for Generals Patton and Doolittle.

This secret history of wartime restrictions on Italian Americans living in the United States has been largely absent from the American history books. It is long past the time that this unknown part of American history and the plight of immigrant people living in the United States who endured oppression during World War II should be revealed. The truth has to be told. I was shocked when I first heard of these abuses against one of the most loyal segments of our country.

H.R. 2442, the ''Wartime Violation of Italian American Civil Liberties Act,'' requires the Department of Justice to conduct a comprehensive review of the Federal Government's treatment of the Italian Americans during World War II and to submit to the Congress a report that documents the findings of that review.

This bill also requires the President to formally acknowledge that these events represented a fundamental injustice against Italian Americans.

In addition, H.R. 2442 encourages Federal agencies, including the Department of Education and the National Endowment for the Humanities, to support, among other things, conferences, seminars, and lectures to heighten awareness of the injustices committed against Italian Americans.

H.R. 2442 thus brings to the forefront the discrimination and the prejudice that was suffered by Italian Americans during World War II. It is my hope that a report submitted by the Justice Department pursuant to H.R. 2442 will unearth long buried events and recast the plight of Italian American immigrants in a way that will help heal those who suffered and make sure that history will never repeat such injustice again.

I want to thank the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. ENGEL) for bringing this to our national attention.

I want to also thank Mr. Anthony LaPiana of my district, who so forcibly brought this to my attention.

I urge Members to vote in favor of H.R. 2442.

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

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

Mr. Speaker, I first want to thank the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, and the gentleman from Michigan (Mr. CONYERS) for their efforts in bringing this bill to the floor today.

I have worked on this legislation with my colleague the gentleman from New York (Mr. LAZIO), and I am proud to be here today to express my support for the ''Wartime Violation of Italian American Civil Liberties Act.''

December 7, 1941, is a day that is very well-known. On that day, the Japanese bombed Pearl Harbor and the U.S. entered World War II.

What has been overlooked since that day is the fact that Italian Americans on that day suddenly became so-called ''enemy aliens.'' Loyal Italian American patriots who had fought alongside U.S. armed forces in World War I, mothers and fathers of U.S. troops fighting in World War II, even women and children, were suspected of being dangerous and subversive solely because they were Italian American.

With this new enemy alien status, Italians were subject to the strict curfew regulations, forced to carry photo IDs, and could not travel farther than a five-mile radius from their homes without prior approval.

Furthermore, many Italian fishermen were forbidden from using their boats in prohibited zones. Since fishing was the only means of income for many families, households were torn apart or completely relocated as alternative sources of income were sought.

It is difficult to believe, Mr. Speaker, that over 10,000 Italians deemed enemy aliens were forcibly evacuated from their homes and over 52,000 were subject to strict curfew regulation.

Ironically, at that time, over half a million Italian Americans were serving in the U.S. armed forces, fighting to protect the liberties of all Americans, while many of their family members had their basic rights and freedoms revoked.

When we first started working on this legislation, we had vague accounts of mostly non-Italians who were subjected to these civil liberties abuses.

□ 1645

However, throughout this process, we have come in contact with many Italians who experienced the internment ordeal firsthand. As the gentleman from Illinois mentioned, Dominic DiMaggio testified at a Committee on the Judiciary hearing about his dismay when he returned from the war to find that his mother and father were so-called enemy aliens. Doris Pinza, wife of international opera star Ezio Pinza, also testified at the hearing about her husband who was only weeks away from obtaining U.S. citizenship when he was classified as an enemy alien and detained at Ellis Island. It still saddens me to think that Ellis Island, the world renowned symbol of freedom and democracy, the place where my grandparents came to this country, was used as a holding cell for Italians. There is even documented evidence of Italians being interned in camps at Missoula, Montana, and we have photos that we hope to get here soon which will demonstrate that Missoula, Montana as well was a holding camp for Italian Americans.

Mr. Speaker, we must ensure that these terrible events will never be perpetrated again. We must safeguard the individual rights of all Americans from arbitrary persecution or no American will ever be secure. The least our government can do is try to right these terrible wrongs by acknowledging that these events did occur. While we cannot erase the mistakes of the past, we must try to learn from them in order to ensure that we never subject anyone ever again to the same injustices.

The Wartime Violation of Italian American Civil Liberties Act calls on the Department of Justice to publish a report detailing the unjust policies of the government during this time period. Essential to the report will be a study examining ways to safeguard individual rights during national emergencies.

Mr. Speaker, we owe it to the Italian American community, especially to those and the families who endured these abuses, to recognize the injustices of the past. Documentation and education about the suffering of all groups of Americans who face persecution is important in order to ensure that no group's civil liberties is ever violated again. I look forward to casting my vote for this important legislation.

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

Mr. HYDE. 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. I would also like to compliment the sponsors, the lead sponsor in particular the gentleman from New York (Mr. LAZIO) on this bill, because I think it is going to shed some light on a silent chapter in American history.

First, let me say, I think we live in a wonderful country. We are so blessed to live in a land of freedom and opportunity and indeed that is why so many of our ancestors came to these shores. As my grandparents came from Italy, they came for nothing but to seek a better way of life. Some of their children served this country in World War II.

This resolution does not ask for any memorials or any payments. I think

what it seeks to do is just to shed a little light on what was an injustice during a time when so many Italian Americans were serving this great country. If we can just allow those generations yet to come to appreciate the contributions made by millions of Italian Americans like so many other Americans who gave their life for this country so that we could be free, I think we would be making a wonderful statement, that when this country perhaps engages in an injustice, it is willing to right it. We are not coming down here screaming that this has got to be erased from the history books. No, indeed what we are doing is, as I said, letting the generations yet to come know what this is all about.

The Italian Americans who served this country in war and otherwise in business in our local communities really love and appreciate this country. What this will do, Mr. Speaker, is to allow those families that were dishonored by some of these actions by the United States Government to erase that dishonor from their family books, because if there is anything Italian Americans appreciate and love, it is their pride and honor. They love this country. They love what it represents. If we can do that and call into question some of the activities that occurred about 50 years ago by this government, I think it would be a good thing.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in strong support of this bill. The bill was considered in the Subcommittee on the Constitution, we worked on it, and I raised one concern during the deliberations in the subcommittee that I want to raise again on the floor, not to diminish the importance of the bill but to express concern about how we are doing this.

There are a number of things that we could direct the President to apologize for that have happened in the history of our country. This will be the first time that we will have gone on record as directing the President of the United States to make a formal apology for some historical event. Now, apologies have been made and this is one where it would be justified. There is no question about it. But I am concerned about the precedent that we establish by the last provision in the bill which directs the President, it says the President shall on behalf of the United States Government formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans. I think that is a wrong precedent to establish. It is not something that would impel me to vote against this bill or to lobby against it because it is a wonderful bill, but I do encourage my colleagues as we go forward in the process to correct that language, because otherwise the President of the United States is going to be out there every week apologizing for something or acknowledging some injustice. I am not sure that we want to start that precedent in our country, regardless of how terrible the incidents are that we are acknowledging.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume, simply to comment on the gentleman from North Carolina's statement. It may be a distinction without a difference, but the word ''apology'' is not used. It is an acknowledgment that these events represented a fundamental injustice against Italian Americans. And so that is somewhat different.

There is a precedent of sorts for this, 22 U.S. Code Annotated, section 1394, Recognition of Philippine Independence. The President of the United States, if I may read, shall by proclamation and on behalf of the United States, shall recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof under the constitution then in force.

So this statute, which is law and which Harry Truman, I might add, followed through with an appropriate proclamation, required an acknowledgment, a recognition of the independence of the Philippine Islands. I would cite that to my friend.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I do not want to diminish the value of this bill by getting sidetracked onto this side issue. But even that language would be better than the language that we have in this bill. The only point I want to make is that I hope the sponsors of this bill and the draftspeople, as the bill goes forward in the process with the Senate, take a close look at what we are doing here and consider altering the way we are doing it. But again, I do not want anything to diminish the value of this bill. It is a very important bill. We ought to acknowledge it. The President has suggested that we do it simply by saying the United States Government formally acknowledges, et cetera.

But again we cannot do it on the suspension calendar, anyway. I just wanted to make sure that some deliberation about how we do this gets put out.

Mr. HYDE. I think the gentleman's point is certainly worth making.

Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. I thank the gentleman for yielding me this time.

Mr. Speaker, I do want to say that it is incomprehensible to me that this abuse and discrimination could have occurred and that it was not rectified for all these years. And so I want to thank the gentleman and certainly the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. ENGEL) for bringing it to the attention of this House. It is long overdue. And as has been stated very adequately and more than adequately by the gentleman from Illinois, exactly what it does to put this, our house in order here.

The proper context of this, as I see it as an Italian American, is that these restrictions and discrimination were imposed on Italian Americans at the time when they were contributing so richly to our society. In fact, it was at a time when 1.2 million Americans were estimated to be of Italian descent serving in the United States military defending our country.

I guess I want to say, Mr. Speaker, that most of the 600,000 Italians had been living in the United States since the turn of the century, long before any possible hostilities between their homeland and their new land. In that regard, Mr. Speaker, I do want to acknowledge the Scafatis and the D'Alessios from which I am descended.

I thank my colleagues so much for this opportunity and this rectification of this discrimination.

Mr. Speaker, I rise in strong support of H.R. 2442 and urge its immediate passage. In fact, House consideration of this legislation is long overdue. In fact, it is in comprehensible that this abuse and discrimination could have occurred or that it was not rectified for all these years!

This is straightforward legislation designed to address injustices that occurred during a complicated time. This bill simply requires the President of the United States to formally acknowledge that Italians and Italian-Americans faced serious violations of their civil rights during World War II. The bill further directs the Justice Department to compile and catalogue these violations.

It has been my experience that few Americans are aware that more than half a million Italians living in the United States during World War II suffered serious violations of their civil rights.

Shortly after the United States declared war on Italy in 1941, the federal government classified more than 600,000 Italians living in the United States as "internal enemies." From February through October 1942, the United States imposed restrictions on these 600,000 Italians. They were required to register at the nearest post office, carry identification cards, and report all job changes. They could not travel more than five miles from their own homes. In some states, they had to adhere to dusk to dawn curfews. They were forbidden to own guns. Cameras and short-wave radios were also "out-of-bounds".

To put this in the proper context, these restrictions and discriminations were imposed on Italian Americans at a time when they were contributing richly to American society. In the least, an estimated 1.2 million Americans of

Italian descent were serving in the U.S. military, constituting one of the largest segments of the U.S. combat forces in the war effort.

Mr. Speaker, most of these 600,000 Italians had been living in the United States since the turn of the century—long before any possible hostilities between their homeland—Mother Italy—and their new land—the United States of America. My family—the Scafatis and the D'Alessios—came to this country in the early 1900s. And while I have never heard any family stories that they were subjected to this kind of overt discrimination, the point is, they could have been.

And if it could have happened to them in 1942, we have to ask: what is to prevent the wholesale violation of another ethnic group's civil rights in the Year 2002?

Make no mistake about it. The United States has always been "The Shining City on a Hill." America is, indeed, the "Great Melting Pot" where peoples of all races and national origins come to live and work in relative harmony.

With that said, we can be justifiably proud of our national ability to shine a spotlight on our darkest moments. There is no doubt that the treatment of Italians in America during World War II was a dark chapter in American history.

That is precisely why this legislation is so important. By debating H.R. 2442, we are shining a light on this dark chapter, so that current generations will not repeal the mistakes of the past. So that our children and their children will understand more clearly than ever that our precious civil rights exist for everyone and for all times.

Support H.R. 2442.

Mr. ENGEL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) for bringing this bill to the floor. As a cosponsor of the Wartime Violation of Italian American Civil Liberties Act, I rise in strong support of the bill.

This bill rights a terrible wrong against our parents, our grandparents and the upstanding elders of our communities. A century ago, Italian Americans left behind their homes to make their way in the new world. It is places like Wooster Square in New Haven, Connecticut, where I grew up that they came with little else but a determination to work hard and make a new life. They raised their families, and built strong, tightly knit communities. The values that Italian Americans shared are the same values that have made this Nation great; hard work, family, community, faith.

My own father, an Italian immigrant, served in the United States Army. And yet in our history, 600,000 Italian Americans were treated as enemies in their own land. Ten thousand were forced from their homes, and hundreds lost their jobs or were shipped to internment camps, all because they were Italian.

I thank the gentleman from New York (Mr. ENGEL) and the gentleman from New York (Mr. LAZIO) for keeping up the pressure on the Federal Government to acknowledge the nightmare that Italian Americans lived through, loyal U.S. citizens, leaders of their communities, during World War II.

I know I speak for both my family and myself when I say it is an honor to stand here today to call on our government to recognize this terrible injustice. This wrong must not be hidden in the shadows any longer. I am very proud to stand here and to support this bill. Again, I thank my colleagues.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Speaker, as an original cosponsor, I am pleased to rise in support of the Wartime Violation of Italian American Civil Liberties Act. I want to commend the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. ENGEL) for being such leaders in making sure that this piece of legislation was well crafted and came before the House.

I thank the gentleman from Illinois (Mr. HYDE) very much for helping this bill come before us for a vote. It is so important. H.R. 2442 is going to officially acknowledge the denial of human rights and freedoms of Italian Americans during World War II by the United States Government.

While many Americans know the sad history of our Nation's treatment of Japanese Americans following Pearl Harbor and our entry into World War II, remarkably, few Americans know that shortly after that attack, the attention and concern of the U.S. Government was similarly focused on Italian Americans. More than 600,000 Italian Americans were determined to be enemy aliens by their own government.

□ 1700

More than 10,000 were forcibly evicted from their homes; 52,000 were subject to strict curfew regulations, and hundreds were shipped to internment camps. Constitutional guarantees of due process were absolutely unrecognized.

Although they had family members whose basic rights had been revoked, more than a half million Italian Americans served this Nation with honor and valor to defeat fascism during World War II. My three brothers served very valiantly in World War II and one, in fact, received a Purple Heart. Thousands made the ultimate sacrifice.

The Wartime Violation of Italian Americans Civil Liberties Act directs the Department of Justice to prepare a comprehensive report detailing the unjust policies against Italian Americans during this period of American history. It is vital to the foundations of our democratic governance that the people be fully informed of these devastating actions. This legislation recognizes the thousands of innocent victims and honors those who suffered. In a country that so cherishes its equality, we must acknowledge the travesties of the past so we are not condemned to repeat them.

As the daughter of immigrant parents from Italy, I am very glad that this House of Representatives and my colleagues have brought forward this resolution, and I seek its swift passage.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from New York (Mr. ENGEL) has 11½ minutes remaining; the gentleman from Illinois (Mr. HYDE) has 6½ minutes remaining.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from New York (Mr. ENGEL) for bringing this legislation and this whole issue really to my attention. I think it was several months ago, maybe even a year ago, when the gentleman from New York (Mr. ENGEL) mentioned to me that he was involved with the gentleman from New York (Mr. LAZIO) in introducing this bill. I want to say that I was frankly shocked by some of the information that has come forward in terms of Italian Americans being taken into custody, being interned, being ordered to move to designated areas.

I say that because as an Italian American and representing a district that has a very large number of Italian Americans, most of my knowledge about the history of World War II and the Italian American participation was of so many soldiers of Italian American dissent going abroad, fighting in the war, including my father and a lot of my relatives, and I only had the memory, the positive memory, if you will, of their contribution to the war effort. To be told that there were many Italian Americans that suffered these various terrible things that happened to them was very disconcerting.

So, Mr. Speaker, when I saw this bill and I saw the effort to have a thorough investigation which this bill would require, I think it is about time; I think it is time that this take place. I think it is very important to Italian Americans that this information come forward. We have an obligation to our community and certainly the country has an obligation to all of those who served during the war to make sure that this information is brought forward so that we can get to the bottom of it.

I just want to commend the two gentlemen from New York for their efforts on this behalf and I urge support for the bill.

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

want to go into the well and show my colleagues two photos that were taken during that terrible period.

These photos were taken at Missoula, Montana at the internment camp holding the various Italian Americans primarily from the West Coast, and one of the things that people are saying, as our colleagues have said when they first heard about it and as the chairman said, everyone was in shock because nobody could really believe that this had actually happened. We had heard about the terrible internment of Japanese Americans during the war, but no one knew anything about Italian Americans. My colleagues can see over here, this was from Missoula, Montana, and this is a picture of the internment camp. We can see a band of Italian Americans just waiting to go into the camp.

The next photo actually is a little bit closer and it shows again the fence, how the people were fenced in; we can see the American flag flying, and again, we have Italian Americans arriving at the Missoula, Montana internment camp in 1941. Again, this happened shortly after, a matter of days literally, after the bombing of Pearl Harbor.

So I am very proud of our colleagues on both sides of the aisle who have really helped move this legislation; the chairman, who moved mountains to get this done, and it has been a pleasure working with my good friend and colleague from New York (Mr. LAZIO).

When we wrote this legislation, Mr. Speaker, we wanted the American public to know, and we want the Justice Department to continue to open up its records, because if there are things that we still do not know, we want to know all that happened during this period. This is obviously the greatest country in the world and even great countries make some mistakes, and we raise this not to go back in the past, but we raise this so that mistakes like this will never be made again against any American or against any kind of people.

I want to acknowledge the role that NIAF, the National Italian American Foundation, has played in helping with this bill, and I want to especially acknowledge the role that my administrative assistant, John Calvelli, played in helping to draft this legislation. I think most of the wording of this bill he wrote, and I am very grateful for everything that he has done for this legislation. I look forward to swift and speedy passage.

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

Mr. HYDE. Mr. Speaker, I am pleased to yield the balance of our time to the gentleman from New York (Mr. LAZIO), the chief sponsor of this excellent legislation.

Mr. LAZIO. Mr. Speaker, let me begin by saying, that there are a lot of folks who thought this day would never come; that this House would never consider a resolution that spoke to an era in American history that some believed was long forgotten. But they did not count on the gentleman from Illinois (Mr. HYDE), and I want to thank my friend, the chairman of the Committee on the Judiciary, for once again reflecting his sense of decency and justice in helping to move this bill to the floor. I also wanted to thank the subcommittee chairman, the gentleman from Florida (Mr. CANADY) and of course the leading cosponsor of the bill, the gentleman from New York (Mr. ENGEL) for his remarkable efforts in trying to move this bill forward.

This legislation embodies values that we hold dear in our Nation—the values of truth, of liberty, and of freedom. These are the very same values that our country fought to protect in nations far overseas during the Second World War.

Mr. Speaker, I happen to be a member of the Anthony Cassamento Lodge of the Sons of Italy back on Long Island. Now, the name Anthony Cassamento may not ring a bell to most people, but it means a great deal to me. Anthony Cassamento is a true American hero who lived in my district until his death. He was a man who earned the Congressional Medal of Honor for his conduct at the Battle of Guadalcanal. During the battle, every member of Corporal Cassamento's machine-gun section was killed or wounded in a fire fight. Cut off from all help and badly injured, he manned his section's weapon singlehandedly, beating back repeated assaults on his position and destroying an enemy machine gun nest. In the process, he provided crucial covering fire for a flanking assault by the rest of his unit, and saved dozens of American lives.

Mr. Speaker, while Anthony Cassamento was manning that machine gun nest and saving American lives for the cause of freedom, hundreds of his fellow Italian Americans were being shipped and held in internment camps for no other reason than their ethnicity, because they happened to be born as Italian Americans. While Anthony Cassamento was providing covering fire for his fellow Marines, his friends and acquaintances back home were considered enemy aliens by the U.S. Government.

It is a little known fact that in the first days after Pearl Harbor, hundreds of Italian Americans were arrested as security risks and shipped off to distant internment centers without benefit of counsel or of trial. They were held against their will until Italy surrendered two years later. Two years later, Mr. Speaker. Consider that. Without trial, without due process.

Another 10,000 Italian Americans across the Nation were forcibly evacuated from their homes in the early months of 1942. Also, as the chairman of the committee has explained, an estimated 600,000 Italian nationals, most of whom had lived in the United States for decades, were eventually deemed ''enemy aliens'' and subject to strict travel restrictions, curfews and seizures of their personal property. This all happened while half a million Italian Americans like Anthony Cassamento and my own dad, Anthony Lazio, were serving, fighting, and some, yes, even dying in the U.S. armed forces during World War II.

Now, the gentleman from Illinois (Mr. HYDE) had referenced a recent hearing where we listened to former all-star Red Sox center fielder Dom DiMaggio, brother of the famed Yankee Clipper Joe DiMaggio, as he described the shame that his father felt after being classified as an enemy alien. He explained the hurt his father felt after being prohibited from visiting the wharf where he had worked for decades.

We listened to Doris Pinza, widow of the international opera star, Ezio Pinza, as she related a terrible ordeal her husband endured, which included three months of detention at Ellis Island. It is a testament to Mr. Pinza's unwavering patriotism, his love of this country, that after all that, he sang the Star-Spangled Banner at the welcoming home ceremonies for Generals Patton and Doolittle after the war.

We listened to Rose Scudero tell the story about how as a young woman, she and her mother were forcibly relocated to another town in California while her dad, a U.S. citizen, stayed behind to work in a shipyard vital to the war effort.

These were truly moving stories, Mr. Speaker, stories of loyal, patriotic Americans who were treated like criminals by the country that they loved.

To this day, few Americans have any idea these events took place. Most believe that President Roosevelt's infamous Executive Order 9066 applied only to Japanese and Japanese Americans, but there is another sad chapter to this story, ''Una Storia Segreta,'' a secret story. The bill we are considering today represents a modest attempt to start setting the record straight.

Mr. Speaker, I am pleased to say that this bill has attracted 86 cosponsors from both sides of the aisle. The diversity of this list reflects both the national scope of the injustices that took place and the widespread desire felt across ethnic and geographic lines that justice be done.

As we have heard also, Mr. Speaker, the noted poet and philosopher George Santayana observed that ''Those who cannot remember the past are condemned to repeat it.'' But the truth must be established before it can be remembered. That is why this bill has been introduced. We owe it to the Italian American community and indeed to the American public to find out

exactly what happened and to publicize it. A complete understanding of what took place during this sad chapter of American history is the best guarantee that it will never happen again.

With that, I once again want to thank the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, for his leadership in bringing this measure to the floor today.

Mr. ROTHMAN. Mr. Speaker, I rise today as a proud cosponsor of ''The Wartime Violations of Italian-American Civil Liberties Act.''

I want to begin by thanking the distinguished chairman and ranking member of the House Judiciary Committee for helping bring this worthwhile resolution before the full House today.

Too few Americans know that during world war II Italian Immigrants in America were classified as ''dangerous aliens'' during World War II.

And too few Americans know that many of these Italian immigrants were shipped to internment camps.

In fact, during World War II, over 10,000 Italian immigrants to our country were removed from their homes and over 52,000 others had to endure strict curfew regulations.

I stand here today in support of this resolution because it is the moral responsibility of the United States Government to acknowledge this mistreatment of Italian-Americans during World War II.

Understand, while over 500,000 Italian-Americans were fighting to defend our nation in World War II, many of their families in the United States were being forced to carry photo ID cards and were unable to move freely throughout the country.

This resolution rightly calls on the President to acknowledge the suffering caused by the Federal Government's policies towards law abiding Italian-Americans during World War II.

It directs the U.S. Justice Department to publish a comprehensive report detailing the U.S. Government's unjust policies towards Italian-Americans during World War II.

More importantly, this Justice Department report will include an examination of how the civil liberties of all Americans can be protected in times of national emergencies in the future.

Mr. Speaker, my fellow House members, the time has come for us to recognize the enormous suffering endured by Italian-Americans during World War II.

I urge my colleagues to support this worthwhile resolution.

Mr. VENTO. Mr. Speaker, as the grandson of Italian immigrants, I rise in strong support of this legislation which brings light to a dark period in our nation's history.

During World War II, the United States government placed several restrictions on many Italian-born immigrants. By 1942, unbelievably over 600,000 Italian Americans were classified as enemy aliens, forcing over 10,000 in internment military camps without due process, imposing travel restrictions beyond a five mile radius of their homes, forcing them to carry a photo ID and seizing property. Ironically, more than 500,000 Italian Americans were courageously serving in the United States Armed Forces fighting to preserve democracy and civil liberties of all Americans abroad, while back home some of their families were denied the basic freedoms they were fighting to protect!

Clearly, this tragic chapter in American history must not be forgotten. This important measure seeks to raise the plight of all Italian Americans who experienced harassment, harsh detainment and unjust treatment during World War II. Specifically, H.R. 2442 urges the President to publicly recognize and acknowledge our governments systematic denial of basic human rights and freedoms of Italian Americans during the War and requires the Justice Department to review the treatment of Italian Americans, and issue a comprehensive report detailing the unjust polices during this period, including a study to list all of the civil liberties infringements suffered.

After all, an Italian American discovered America. Italian immigrants helped to build this country and have contributed immeasurably to the rich fabric of our history, society and culture and around the world. The actions and policies of our government during World War II was a black mark that almost destroyed a part of the very foundation upon which America was established and built and has been maintained.

I urge all my colleagues to support this long overdue legislation.

Mr. LARSON. Mr. Speaker, today I rise in support of a bill that I am co-sponsoring, which aims to increase public awareness about a violation committed by our government nearly 60 years ago against hundreds of thousands of Italian Americans. Under this bill, the President, on behalf of the United States Government, would formally acknowledge that the civil liberties of Italian Americans were violated during World War II.

Given the tremendous contributions that Italian Americans have made to this country, it is hard to believe that our government once felt it had to protect itself from those considered to be ''dangerous aliens,'' as they were termed in 1941.

To fully understand the need for this legislation, we must recall the events that took place beginning in 1941. On December 7, 1941, hours after the Japanese attacked Pearl Harbor, FBI agents took into custody hundreds of Italian Americans previously classified as ''dangerous aliens.'' Without counsel or trial, approximately 250 of them were shipped to internment camps in Montana and on Ellis Island, where they were imprisoned until Italy surrendered in 1943. Their crime: suspicion that these men, some of whom are anti-fascist, might be dangerous in time of war. How truly sad that a person's ethnic background was once reason enough to remove them from society.

In January 1942, all aliens of Italian descent (approximately 600,000 individuals) were deemed ''enemy'' aliens, and were required to re-register at post offices nationwide. This is quite noteworthy since resident aliens had already registered in 1940 under the Smith Act. All were required to carry photo-bearing ID booklets at all times, forbidden to travel beyond a five mile radius of home, and required to turn in ''countraband''—shortwave radios, cameras, flashlights, etc. On October 12, 1942, Attorney General Francis Biddle finally announces that Italian Americans are removed from ''enemy alien'' status.

Yet, their release from this status didn't allow them much time to enjoy life as fully-recognized members of American society. Records reveal that Italian Americans, the largest foreign-born group in the nation, comprised the largest ethnic group in the United States Armed Forces during World War II.

And their contributions to the United States did not stop there.

Italian Americans have made their mark in so many areas of our lives, from business, to education, to government. For example, the largest bank in the country, Bank of America was established by Amadeo Pietro Giannini, and Tropicana was founded by Anthony Rossi; the founder of Fairleigh Dickinson University was Peter Sammartino and Mother Francis Cabrini founded 14 colleges, 98 schools, and 28 orphanages; and Charles Joseph Bonaparte founded the Federal Bureau of Investigation.

Mr. Speaker, I support this bill on behalf of all Italian Americans, so that future generations will have a better understanding of our nation's history. As I have demonstrated, Italian Americans have contributed so much to this country, and I believe we owe them, and their families who had to endure American societal pressures in the 1940s, this respect.

It is through the educational efforts that this bill seeks to initiate, such as encouraging relevant federal agencies to support projects that heighten public awareness of this unfortunate chapter in our nation's history; such as having the President and Congress provide direct financial support for a film documentary; and such as the formation of an advisory committee to assist in the compilation of relevant information regarding this matter and related public policy matters, that we will ensure that this tragedy is never repeated.

On behalf of the 630,000 Italian Americans in Connecticut, and the 114,574 who live in our state's capital, Hartford, which is in my district and ranks 21st on the National Italian American Foundation's list of top 50 cities with the most Italian Americans, I urge support of this bill. We cannot change the past, but recognizing this serious violation will send an important message to the generations who have been affected by this terrible period of time in our nation's history. It will tell them: ''You are not forgotten.''

Ms. PELOSI. Mr. Speaker, I rise today in support of the ''Wartime Violation of Italian American Civil Liberties Act,'' H.R. 2442. This legislation addresses and attempts to redress America's mistaken discriminatory policies during World War II that harmed Italian Americans. This bill would require the Government to prepare a report detailing the injustices suffered by Italian Americans during World War II, and have the President formally acknowledge such injustices.

Throughout America, more than ten thousand Italian Americans were forcibly evacuated from their houses and taken away from military installations and coastal areas. In addition, approximately 600,000 Italian nationals, many whom had spent years in America, were mislabeled ''enemy aliens'' and forced to endure strict travel restrictions, curfews, and seizures of personal property. Some of these

Italian Americans were excluded from California and the district I represent, San Francisco.

As with many Japanese Americans, the U.S. government deprived these Italian Americans of their civil liberties. The government prevented them from traveling far from their homes and confiscated their shortwave radios, cameras, and firearms. Historians estimate that in California, 52,000 Italian Americans were subjected to a curfew. In Boston harbor and other ports, Italian American fishermen were denied their livelihood. Despite this mistreatment, more than 500,000 Italian Americans were allowed to serve and fight in the U.S. armed forces.

To straighten the official historical record, The Wartime Violation of Italian American Civil Liberties Act would have the Department of Justice prepare and publish a comprehensive report detailing the government's unjust policies and practices during this time period. Looking ahead, this bill would require the Department to analyze how it will protect U.S. civil liberties during future national emergencies. The bill also requires the President to formally acknowledge America's failure to protect the civil liberties of Italian Americans, who were then America's largest foreign-born ethnic group.

We can never undo the injustices that were done to Italian Americans, including thousands of long term residents. We can never adequately compensate those individuals or the Italian American community. We can take steps to remember and publicize this shameful chapter of American history. We can work to ensure that every American has equal protections and equal opportunities. Too frequently in our history, our society and individuals have sought to mislabel those different from us and override the rights of these "others." This bill reminds us of our obligation to prevent the government and individuals from mislabeling and then discriminating against the "other."

Mr. HYDE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 2442.

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.

STALKING PREVENTION AND VICTIM PROTECTION ACT OF 1999

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1869) to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1869

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 "Stalking Prevention and Victim Protection Act of 1999".

SEC. 2. EXPANSION OF THE PROHIBITION ON STALKING.

(a) IN GENERAL.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Stalking

"(a) Whoever—

"(1) for the purpose of stalking an individual, travels or causes another to travel in interstate or foreign commerce, uses or causes another to use the mail or any facility in interstate or foreign commerce, or enters or leaves, or causes another to enter or leave, Indian country; or

"(2) within the special maritime and territorial jurisdiction of the United States or within Indian country, stalks an individual; shall be punished as provided in section 2261.

"(b) For purposes of this section, a person stalks an individual if that person engages in conduct—

"(1) with the intent to injure or harass the individual; and

"(2) that places the individual in reasonable fear of the death of, or serious bodily injury (as defined for the purposes of section 2119) to, that individual, a member of that individual's immediate family (as defined in section 115), or that individual's intimate partner.

"(c) The court shall at the time of sentencing for an offense under this section issue an appropriate protection order designed to protect the victim from further stalking by the convicted person. Such an order shall remain in effect for such time as the court deems necessary, and may be modified, extended or terminated at any time after notice to the victim and opportunity for a hearing.".

(b) DETENTION PENDING TRIAL.—Section 3156(a)(4)(C) of title 18, United States Code, is amended by inserting ", or section 2261A" after "117".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by striking the item relating to section 2261A and inserting the following:

"2261A. Stalking.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I am managing this bill on behalf of the gentleman from Florida (Mr. MCCOLLUM), my friend and colleague, and at this time I would like to recognize his leadership on this bill and also the leadership of the chairman of the full Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE).

□ 1715

Mr. BACHUS. Mr. Speaker, I do rise at this time in support of H.R. 1869, the Stalking Prevention and Victim Protection Act of 1999.

The bill was introduced by the gentlewoman from New York (Mrs. KELLY), and this bill has been the result of 4 years of hard labor on behalf of the gentlewoman from New York. She recognized that presently we have over 1 million women in this country that are being stalked, we have about 400,000 men, and we have hundreds of thousands of children that are now being stalked because of the Internet.

The full Committee on the Judiciary favorably reported the bill as amended by voice vote. The goals of the bill are to expand the reach of the Federal stalking statute to prosecute cyberstalkers who are currently beyond the reach of Federal law enforcement but are deserving of Federal prosecution, and to better protect stalking victims by authorizing pretrial detention for alleged stalkers, and mandating the issuing of a civil protection order against convicted stalkers.

These goals are worthwhile, and these goals will give Federal prosecutors the tools they need to prosecute stalkers who might otherwise not be prosecuted at the State and local level.

That said, let me emphasize that the vast majority of stalking cases are, and even after this legislation passes, will be prosecuted at the State and local level. This legislation does not in any way seek to federalize stalking crimes. What it does do is that it will help Federal prosecutors respond to predatory stalking behavior that under current law is beyond the reach of State and local officials because of cyberstalking.

The bill would make several significant changes or additions to current law. I would like to go over those at this time.

First, it would reach stalkers who use the mail or any facility in interstate or foreign commerce to stalk their victims. A lot of times, that is the Internet. Under current law, Federal jurisdiction over stalking crimes is triggered only when a stalker actually crosses State lines physically with the intent to injure or harass a person, and his conduct places that person in reasonable fear of death or bodily injury.

So Members can see from that definition, it would not include someone stalking by use of the mail or the Internet, because they would not physically cross a State line.

This bill actually just brings us into the electronic age, and is long overdue. The physical travel requirements preclude the Federal prosecution of stalkers who use other means of interstate communication, such as mail or the Internet, to threaten or harass their victims. With the explosive growth of the Internet and other telecommunication technologies, there is evidence of cyberstalking. Stalking using advanced communication technologies is

becoming a serious problem. I am sure the gentlewoman from New York (Mrs. KELLY) will speak further to that.

The second thing this bill does, Mr. Chairman, it will require that a Federal court, when sentencing a defendant convicted of stalking, that it issue a protective order to protect the victim from further stalking prior to the trial.

Unfortunately, some stalkers remain interested in their targets for years, even after they have been prosecuted, convicted, and incarcerated for stalking. A civil protection order would permit a Federal court to maintain jurisdiction over the convicted stalker after the completion of the sentence imposed by the crime, both to reduce the threat of future stalking by the defendant, and to provide an enforcement mechanism should the order be violated. That is the probation order, in most cases, or the protective order.

The suspension document presently before the House contains a modification to the protection order language, specifically to paragraph C of what will be the new 18 U.S. Code Section 2261(a).

Concern was expressed with the reported version of the bill that protective orders might continue in force in perpetuity, long after any need for them. The suspension document addresses that problem by assuring that a Federal court will have the discretion to craft a protective order to fit the circumstances of each case.

The new language reads that such an order ''shall remain in effect for such time as the court deems necessary, and may be modified, extended, or terminated at any time after notice to the victim and an opportunity for a hearing.''

Third, the bill would permit a Federal court to order the detention of an alleged stalking defendant pending trial in order to assure the safety of the victim and the community, as well as the defendant's appearance at trial.

This is because of one simple fact. This is that fact, that stalking victims run a higher risk of being assaulted or even killed by a stalker immediately after the criminal justice system intervenes; that is, just after the stalker is arrested and then released on bond, prior to trial.

Mr. Speaker, it was only 9 years ago that the first anti-stalking statute was passed in California. Since that time, all 50 States have enacted stalking statutes in one form or another. Congress passed the first Federal stalking statute in 1996. This bill would be the first amendment to that statute since it was enacted.

Mr. Speaker, I believe that this bill will give Federal prosecutors better tools to more effectively prosecute interstate stalking in cyberstalking cases and to better protect the victims of those crimes and the community.

I urge all my colleagues to support the bill as amended.

Mr. Speaker, I am pleased to manage this bill on behalf of my friend and my colleague from Florida, Mr. MCCOLLUM, and want to recognize his leadership on this issue.

Mr. Speaker, I rise in support of H.R. 1869, the ''Stalking Prevention and Victim Protection Act of 1999.'' The bill was introduced by Representative SUE KELLY and has bipartisan support. The Full Judiciary Committee favorably reported the bill, as amended, by a voice vote.

The goals of the bill are to expand the reach of the Federal stalking statute to prosecute cyber stalkers who are currently beyond the reach of federal law enforcement but are deserving of federal prosecution, and to better protect stalking victims by authorizing pretrial detention for alleged stalkers and mandating the issuance of civil protection orders against convicted stalkers. I believe these goals are worthwhile. I believe we should give federal prosecutors the tools they need to prosecute stalkers who might otherwise not be prosecuted at the state and local level. That said, let me emphasize that the vast majority of stalking cases are, and if this legislation passes, will continue to be, prosecuted at the state and local level. This legislation does not seek to federalize stalking crimes. But H.R. 1869, as amended, will help federal prosecutors respond to predatory stalking behavior that, under current law, is beyond their reach—like cyberstalking.

The bill would make several significant changes or additions to current law. First, it would reach stalkers who use the mail or any facility in interstate or foreign commerce to stalk their victims. Under current law, Federal jurisdiction over a stalking crime is triggered only when a stalker travels across a state line with the intent to injury or harass a person and his conduct places that person in reasonable fear of death or bodily injury.

The physical travel requirement precludes the federal prosecution of stalkers who use other means of interstate communication—such as the mail or the Internet—to threaten or harass their victims. With the explosive growth of the Internet and other telecommunications technologies, there is evidence that cyberstalking—stalking using advanced communications technologies—is becoming a serious problem.

Second, H.R. 1869 would require that a Federal court, when sentencing a defendant convicted of stalking, issue a protection order to protect the victim from further stalking. Unfortunately, some stalkers remain interested in their targets for years, even after they have been prosecuted, convicted, and incarcerated for stalking. A civil protection order would permit a Federal court to maintain jurisdiction over a convicted stalker after the completion of the sentence imposed for the crime, both to reduce the threat of future stalking by the defendant and to provide an enforcement mechanism should the order be violated.

The suspension document presently before the House contains a modification to the protection order language—specifically, to paragraph (c) of what would be the new 18 U.S.C. section 2261A. Concern was expressed with the reported version of the bill that protection orders might continue in force in perpetuity, long after any need for them. The suspension document addresses that problem by assuring that a Federal court will have the discretion to craft a protection order to fit the circumstances of the case. The new language reads that such an order ''shall remain in effect for such time as the court deems necessary, and may be modified, extended or terminated at any time after notice to the victim and an opportunity for a hearing.''

Third, H.R. 1869 would permit a Federal court to order the detention of an alleged stalking defendant pending trial in order to assure the safety of the victim and the community as well as the defendant's appearance at trial. Stalking victims run a higher risk of being assaulted or even killed by the stalker immediately after the criminal justice system intervenes—that is, just after the stalker is arrested and then released on bail.

Mr. Speaker, it was only nine years ago that the first anti-stalking statute was passed in California. Since then, all 50 States have enacted stalking statutes of one form or another. Congress passed the first federal stalking law in 1996. H.R. 1869 would be the first amendment to that statute since it was enacted.

Mr. Speaker, I believe that this bill will give Federal prosecutors better tools to more effectively prosecute interstate stalking and cyberstalking cases and to better protect the victims of these crimes. I urge all my colleagues to support the bill as amended.

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

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

I want to express my appreciation to the gentleman from Alabama (Mr. BACHUS); the chairman of the Subcommittee on Crime, the gentleman from Florida (Mr. MCCOLLUM); the chairman of the full committee, the gentleman from Illinois (Mr. HYDE); and the gentlewoman from New York (Mrs. KELLY), as well as the ranking member of the full committee, the gentleman from Michigan (Mr. CONYERS), for working with us in preparing this bill for presentation today.

Mr. Speaker, I believe this anti-stalking bill, as amended, provides valuable additional tools to law enforcement in preventing the crime of stalking and the dreadful impact it has on its victims.

The first anti-stalking bill was passed in California approximately 9 years ago, and since then all 50 States have enacted anti-stalking statutes. Congress passed its first anti-stalking law in 1996. This bill, H.R. 1869, as filed, broadened the present Federal jurisdiction and gives Federal authorities more tools in getting at stalking. The gentleman from Alabama has outlined the provisions in the bill as we will consider them.

Mr. Speaker, I believe that the bill, as amended, addresses concerns about several of the initial provisions, including the bail provisions, protective orders, and jurisdictional and criminal intent language.

Mr. Speaker, while I had reservations about H.R. 1869 in its original form, I now enthusiastically support it. I want

to thank those involved for their willingness to address those concerns. I urge my colleagues to support the bill.

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

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

Mr. Speaker, I would like to recognize the fine work the gentleman from Virginia (Mr. SCOTT) did on this bill, and express our appreciation on behalf of the gentleman from Illinois (Chairman HYDE) and the gentleman from Florida (Chairman MCCOLLUM) for the gentleman's fine work on this bill. I think this is a great example of a bipartisan effort.

Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY), who is the architect of this bill, and as I said, it represents the culmination of 4 years of labor on her part.

Mrs. KELLY. Mr. Speaker, I stand here today in support of the Stalking Prevention and Victim Protection Act, legislation I introduced to strengthen the current Federal anti-stalking statute. Although stalking is not a new phenomenon, it is certainly one we have only recently identified as a distinct and troubling societal affliction.

Just 10 years ago, not one State in the Union had on its books a law designed to criminalize the insidious behavior of human predators who devote themselves to the haunting and harassment of others.

Though we will probably never be able to fully stop or comprehend the behavior of those driven by delusions and personal demons, it is our responsibility to do all that we can to assist the millions of stalking victims in our country.

In the last 10 years, lawmakers across the land have acknowledged this responsibility. As it stands now, there is not one State that does not have an anti-stalking statute on its books. We have responded at the Federal level, as well. Three years ago, my friend and colleague, the gentleman from California (Mr. ROYCE) shepherded through Congress the International Stalking Punishment and Prevention Act, the first Federal anti-stalking statute.

This provision makes it a crime for any person to travel across State lines with the intent to injure or harass another person, thereby placing that person or a member of that person's family in reasonable fear of death or serious bodily injury. This was landmark legislation that was an important first step to our effort.

I come to the House floor today to continue that effort. In considering the proposal before us, we ought to be guided not so much by memories of high profile cases of celebrity stalking, but rather by an increasing awareness that stalking is a commonplace circumstance affecting millions of Americans. It is my hope to help these millions who have not the resources to cocoon themselves from mainstream society as celebrities do.

The Justice Department has estimated that over 1 million women and over 370,000 men are currently stalked every year. They further estimate that one out of every 12 women and one out of every 45 men has been stalked at some point in their lives.

In light of these projections, a reassessment of the current Federal law must yield a conclusion that modifications should be made. My proposal seeks to build on current law by addressing the definition of stalking, which addresses only traveling over interstate lines. This new definition works by including those avenues of communication we are addressing in this area believed by many experts to be the most vulnerable medium to an increased rate of stalking in the coming years, the Internet.

Though its magnitude is unknown at this point, a report on cyberstalking released just 2 months ago by the Justice Department concluded that there may be potentially tens or even hundreds of thousands of victims of recent cyberstalking in the United States. Because of its ostensibly anonymous, nonconfrontational nature, many are concerned that stalking over e-mail and the Internet will increase as more Americans gain access to this exciting new communications tool.

By acting now, we will impose a serious disincentive to stalkers who consider using technological capabilities to inflict harassment and fear.

My proposal also seeks to provide additional protections to stalking victims by stipulating that a protection order be issued at the time of sentencing, and by specifying that there be a presumption against bail in cases where the accused has a previous history of stalking offenses.

I think all of my colleagues would agree that this body has no directive more important than the one which guides us to work each day to improve the lives of Americans. Though perhaps in the grand scheme of our efforts this measure may be very small, it nevertheless carries great significance to those Americans across the country whose basic daily freedoms are contaminated and crippled by an undaunted menace.

I urge all of my colleagues to vote for this proposal.

Mr. BACHUS. Mr. Speaker, in my opening statement on this bill, I mentioned that California passed the first law, the first anti-stalking statute of all the United States. I also mentioned the Federal statute that this body passed.

I am very pleased to yield such time as he may consume to the gentleman from California (Mr. ROYCE), who is the author of both of those bills, the California statute and the first Federal statute.

□ 1730

Mr. ROYCE. Mr. Speaker, I rise in support of this bill, which is the Stalking Prevention and the Victim Protection Act. In 1990, I was the author of the first antistalking law in the country. That came about at a time when there was a 6-week period in which four young women in my county of Orange County, California, were each told that they were going to be killed. And each one informed law enforcement and law enforcement, unfortunately, had to tell them there was nothing that they can do until they were physically attacked.

One police officer told me the worst thing he ever had to do in his life was to try to apprehend that stalker in the act, and he almost succeeded. Unfortunately, the young woman lost her life. She was killed just before the apprehension of the stalker was made.

So all four of these young women who knew they were going to be killed, who told law enforcement, who told their friends that this was going to happen to them lost their lives in the span of 6 weeks.

That was the impetus for the bill. Today, all 50 States have antistalker laws on their books. When I came to Congress, I felt that there was need for a Federal law. Why? Because in the case of restraining orders between the States, there is a situation where those restraining orders often are lost when the victim moves from one State to another State. Why does the victim do that? Because they are told by victim witness programs get away from the stalker. And when they try to do that, they lose the protections under the law.

So the Federal antistalker law protected those victims. But now we have a new type of stalking which has come to the fore, and this bill which was prompted by a Justice Department report on the frequency and the seriousness of cyberstalking, will do something about that. It is going to tighten Federal antistalking law to include threats through the Internet, threats through regular mail, and with the passage of this bill, victims of this crime will have further legal recourse. They are going to have an increased sense of security.

I talked to one young woman who was stalked for 14 years by a young man she did not even know. He watched her when she was on the high school track team. He began following her, stalking her, threatening her, and there was nothing, again, that law enforcement could do at the time. It culminated with a standoff on her front doorstep for 12 hours with police. He had tried to abduct her with a knife to her throat.

Mr. Speaker, these are instances where these individuals let their intent

be known. They publish their threats against these victims. There is no reason why we cannot let law enforcement act upon those threats before it is too late, before these victims lose their lives. I urge passage of this bill.

Mr. BACHUS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA), who we learned today had three brothers that fought in World War II.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding me this time, and thank him for his leadership on this important piece of legislation.

Mr. Speaker, I also want to thank the gentleman from Illinois (Mr. HYDE), chairman of the committee, and the gentleman from Michigan (Mr. CONYERS), the ranking member. I want to thank the gentleman from Virginia (Mr. SCOTT) for his work on this; and the gentleman from Florida (Mr. MCCOLLUM) in absentia; indeed, the prime sponsor, the gentlewoman from New York (Mrs. KELLY), for it.

And, sure, I have three brothers who served in wartime and what we are trying to do with this legislation is to prevent some of the wars that are going on with the stalking.

Mr. Speaker, we have heard the statistic that in 1997, the Department of Justice report concluded that 1 million women and 370,000 men are stalked every year. This greatly exceeds any expectations or estimates. And, indeed, it continues to increase, from what we understand.

According to the National Center for Victims of Crime, there is no definitive psychological or behavior profile for stalkers, which makes the effort to devise effective antistalking strategies very difficult. I must say, with all of our advances in technology, technology itself has allowed for additional opportunity for stalking.

So, Mr. Speaker, that is why I think this bill is so very important. We heard from the gentleman from California (Mr. ROYCE) about the origin, the genesis of the first stalking law that we had. It is time now that we alter it. It is time now that we go beyond the current DOJ model antistalking code that was released in 1993 and the legislation enacted in 1996.

So what this bill does is it alters the current antistalking legislation by expanding the Federal prohibition on stalking. And what it does that I think is so important, it broadens the Federal definition of stalking to include interstate commerce, which can include e-mail, telephone, and other forms of interstate communications as a means of stalking.

Mr. Speaker, I just want to mention also that it adds new provisions, which have already been stated, with regard to bail restrictions and protection orders at the time of sentencing.

We in government must do all that we can to protect our citizenry from stalking and to show it is against the law. H.R. 1869 helps us mightily to do so. It deserves passage.

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

Mr. Speaker, I would like to thank the gentlewoman from New York (Mrs. KELLY) for sponsoring the bill. I thank the gentleman from Alabama (Mr. BACHUS) for his kind remarks, because we in fact did resolve several concerns about the bill constructively and today the bill should enjoy broad bipartisan support.

Mr. Speaker, I urge my colleagues to support it.

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

Mr. BACHUS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, law enforcement agencies have said that this bill is necessary for them to protect the citizens who are their charge to protect. The National Center for Victims of Crime has given a strong endorsement to this bill. Sometimes here we become cynical, but I can honestly say that this legislation that the gentlewoman from New York (Mrs. KELLY) has brought before us will make America a safer place and will protect many Americans from unnecessarily being stalked. I simply would like to again give my thanks to the gentleman from Virginia (Mr. SCOTT), to the gentleman from Illinois (Mr. HYDE), the gentleman from Florida (Mr. MCCOLLUM), and to the gentleman from California (Mr. ROYCE), who drafted the underlying legislation.

Mr. CONYERS. Mr. Speaker, a recent study by the National Institute of Justice found that stalking is a crime that will victimize far too many in this country: 8% of American women and 2% of American men will be stalked in their lifetimes. In fact, 1.4 million Americans are stalked every year.

While I am pleased that we have been able to work with the majority to craft a stalking bill that strikes the correct balance between the need to protect stalking victims and the constitutional due process rights of all accused persons, I am disappointed that we are still addressing domestic violence issues in fits and starts.

The Violence Against Women Act of 1999, H.R. 37, which I have sponsored and which has 175 co-sponsors, addresses the continuing problem of domestic violence in a comprehensive fashion. H.R. 357 goes beyond merely expanding the federal definition of stalking and would reauthorize the important programs to stop sexual assault and domestic violence that Congress funded in the 1994 Violence Against Women Act. H.R. 357 would also build on the good work we did in 1994 and expand funding to other areas such as violence against children, sexual assault prevention, domestic violence prevention, violence against women in the military system, and many others.

Stalking is a serious problem that deserves our attention, but we cannot shut our eyes to the broader problems of domestic violence. Studies show that women and girls annually experience approximately 960,000 incidents of assault, rape, and murder at the hands of a current or former spouse or intimate partner.

It is ironic, indeed, that we had people on the other side of the aisle decrying violence against fetuses several weeks ago, but they have still been unable to hold hearings on H.R. 357, which addresses domestic violence against women, children, and men.

I am happy that H.R. 1869 will allow for prosecution of stalking where a stalker transmits a threatening communication over the telephone, through the mail, or by email. I also support provisions in the bill that make it clear that at the time of sentencing, the court should issue an appropriate protective order designed to protect the victim from further stalking by the convicted person. Under the bill, this order will remain in effect for as long as the court deems it necessary in order to prevent the stalking victim from being harassed after the person is released from prison.

In addition, we have seen far too many instances where an arrest will not make a stalker stop threatening a victim or will even result in a stalker escalating his stalking to a point that is life-endangering to the victim. While I certainly believe that everyone is innocent until proven guilty and that bail should be granted to the accused in as many cases as possible, it is also necessary in certain cases to detain alleged stalkers before trial. By defining stalking as a "crime of violence" under our criminal laws, H.R. 1869 will permit a federal court to detain an alleged stalker pending trial in order to assure the safety of the community or the defendant's appearance at trial.

While I applaud these changes in our stalking laws, we still need to do more. I encourage Congress to make this stalking bill only the first step in a broader battle against domestic violence. We should hold hearings on H.R. 357 and, at a minimum, continue the good work we began in the 1994 Violence Against Women Act, by reauthorizing those programs.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support The Stalking Prevention and Victim Protection Act that seeks to prevent the criminal act of stalking and to protect the rights of victims. Stalking is a very serious issue that deserves the full attention of this Committee and of Congress.

Each year, 1.4 million Americans are stalked. Of this number over 79% of adult stalking victims are women, and 59% of female stalking victims are stalked by a current of former intimate partner. In 80% of those cases, the victim was physically assaulted. The increasing number of these stalking cases have prompted increased attention as to significant impact stalking has on our society.

In addition to the statistics I have just recited, the Justice Department's Bureau of Justice Statistics cites that one in 12 women will be stalked at some point in their lives. However, of this high number of women who have been stalked or will be stalked in their lifetime, only 28% of these female victims will attain restraining orders against their stalkers. In recognition of the high percentage of stalking cases occurring yearly, unprecedented interest in stalking over the past decade, and increased media accounts of stalking victims,

anti-stalking laws have been passed in all 50 States and the District of Columbia which have further been supplemented the Violence Against Women's Act and the Interstate Stalking Punishment and Prevention Act of 1996.

Mr. Speaker, hearings held within the Judiciary Committee have revealed that stalking is a much bigger problem than previously assumed and should be treated as a major criminal justice problem and public health concern. Stalkers often do not threaten their victims verbally or in writing; therefore, many groups have recommended that credible threat requirements should be eliminated from anti-stalking statutes to make it easier to prosecute such cases. This bill would address these concerns and provide adequate protection to the potential victims.

I commend the sponsors of this legislation and urge my colleagues to support final passage of this bill.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1869, 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.

ARCTIC TUNDRA HABITAT EMERGENCY CONSERVATION ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2454) to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese.

The Clerk read as follows:

Senate amendments:

Page 5, after line 24, insert:

SEC. 4. COMPREHENSIVE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than the end of the period described in section 103(b), the Secretary shall prepare, and as appropriate implement, a comprehensive, long-term plan for the management of mid-continent light geese and the conservation of their habitat.

(b) REQUIRED ELEMENTS.—The plan shall apply principles of adaptive resource management and shall include—

(1) a description of methods for monitoring the levels of populations and the levels of harvest of mid-continent light geese, and recommendations concerning long-term harvest levels;

(2) recommendations concerning other means for the management of mid-continent light goose populations, taking into account the reasons for the population growth specified in section 102(a)(3);

(3) an assessment of, and recommendations relating to, conservation of the breeding habitat of mid-continent light geese;

(4) an assessment of, and recommendations relating to, conservation of native species of wildlife adversely affected by the overabundance of mid-continent light geese, including the species specified in section 102(a)(5); and

(5) an identification of methods for promoting collaboration with the government of Canada, States, and other interested persons.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2000 through 2002.

Page 6, line 1, strike out ''**SEC. 4**.'' and insert ''**SEC. 5**.''

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 this legislation.

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, I am pleased that we are once again considering H.R. 2454, the Arctic Tundra Habitat Conservation Act. This bipartisan legislation addresses the devastating impact that an exploding population of snow geese, also known as light geese, is having on the fragile Canadian Arctic Tundra.

Mr. Speaker, I am going to be very brief. I would like to say that this bill was debated and reported from the subcommittee. It was debated and reported from the full Committee on Resources. It was debated here on the floor and passed by a voice vote. It went to the Senate, where an amendment was added to provide for some long-term strategies relative to this subject and is back here for concurrence.

This is an essential stopgap measure that is supported by the U.S. Fish and Wildlife Service, by Ducks Unlimited, by the International Association of Fish and Wildlife Agencies, by the National Audubon Society, by the National Rifle Association, the Wildlife Management Institute, and the Wildlife Legislative Fund for America.

Finally, Mr. Speaker, I want to express my sincere appreciation to Senator Spencer ABRAHAM for his assistance in moving this important proposal. I am confident that early next year we will have a full debate on the Neotropical Migratory Bird Conservation Act. This was an excellent measure that was introduced by Senator ABRAHAM and the distinguished gentleman from Alaska (Mr. YOUNG), our full committee chairman.

Mr. Speaker, I urge an ''aye'' vote and I anticipate no further speakers on our side.

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

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

Mr. Speaker, as always, I want to express my appreciation to the gentleman from New Jersey (Mr. SAXTON), the chairman of our Subcommittee on Fisheries Conservation, Wildlife and Oceans, for his leadership and for bringing this legislation now for consideration.

Mr. Speaker, sometimes our best efforts to restore wildlife populations create unintended consequences and that seems to be the unfortunate case with mid-continent light geese. According to biologists inside and outside of the Federal Government, the population of light geese has exploded over the past decade. This has caused substantial destruction to fragile Arctic and sub-Arctic habits.

Indisputably, human actions are partly to blame for the growth of the light geese population. And for better or worse, human actions will be pivotal to the future control of these migratory birds.

H.R. 2454, the Arctic Tundra Habitat Emergency Conservation Act basically authorizes two emergency regulations that were proposed earlier this year by the Fish and Wildlife Service. These emergency measures were strongly supported by State wildlife management agencies and a broad assortment of private wildlife and conservation organizations, including Ducks Unlimited and the National Audubon Society.

Mr. Speaker, I am pleased that the gentleman from Alaska (Mr. YOUNG), chairman of our Committee on Resources, and the gentleman from New Jersey (Mr. SAXTON) have agreed to include an expiration date of May 15, 2001, or earlier if the service files its final environmental impact statement before that date, to limit the duration of this emergency action. I am also pleased to see that the Senate amended the bill to require the Fish and Wildlife Service to develop and implement a comprehensive management plan for mid-continent light geese and their habitats.

We have also come to recognize in the version of H.R. 2454 that was reported to the Senate by the Committee on Environmental and Public Works included a second title that would have authorized a program for the conservation and management of neotropical migratory birds. But considering the changes that have been made to the bill in the committee and by the Senate, Mr. Speaker, I am satisfied that the bill has been sufficiently narrowed to limit excessive light geese mortality while the Fish and Wildlife Service

completes its environmental impact statement and develops a long-term comprehensive management plan. It is not ideal, but it is reasonable under the circumstances. And I do urge my colleagues to pass this legislation.

Mr. Speaker, sometimes our best efforts to restore wildlife populations create unintended consequences, and that seems to be the unfortunate case with mid-continent light geese. According to biologists—from inside and outside of the Federal government—the population of light geese has exploded over the past decade. This has caused substantial destruction to fragile arctic and subarctic habitats.

Indisputably, human actions are partly to blame for the growth of the light geese population. And for better or worse, human actions will be pivotal in the future control of these migratory birds.

H.R. 2454, the Arctic Tundra Habitat Emergency Conservation Act, basically authorizes two emergency regulations that were proposed earlier this year by the Fish and Wildlife Service. These emergency measures were strongly supported by State wildlife management agencies and a broad assortment of private wildlife and conservation organizations, including Ducks Unlimited and the National Audubon Society.

The Fish and Wildlife Service voluntarily withdrew these proposed regulations earlier this year after a Federal appeals court ruled that the Service needed to complete a full environmental impact statement (EIS). At that time, I joined the ranking Democrat member of the Resources Committee, Mr. MILLER, In commending the Service for pausing to recognize the need to develop a full environmental impact statement.

Mr. Speaker, it is vital for the Service to complete this EIS at the earliest possible date. More specifically, as part of this EIS, is it absolutely critical for the Service to thoroughly review all essential biological and ecological data concerning light geese. It is my understanding that additional census data and statistical analyses concerning lesser snow geese could shed new light on the status and trends of the light geese population. The Service should consider this data thoroughly as part of this EIS.

Frankly Mr. Speaker, without the best available scientific data, we will never be able to address the problem of habitat degradation in the arctic and subarctic habitats. And without that analysis, Congress can never be sure that the management and population control strategies we authorize are necessarily targeted and free of excess light geese mortality.

It also needs to be re-emphasized that Congress is legislating in this matter solely because all other administrative options available to the Fish and Wildlife Service—under NEPA or any other statute—have been exhausted. Regrettably, the only remedy remaining is a legislative fix.

Fortnately, the bill has been improved during the legislative process. Nevertheless, I remain concerned about two provisions. First, the bill would waive all procedural requirements under the National Environmental Policy Act (NEPA). Second, the bill authorizes the use of otherwise outlawed hunting practices, notably the use of electronic calling devices and un-plugged shotguns.

I realize that we have agreed to move this bill due to the documented habitat loss and the absence of any administrative remedies. However, I continue to question whether it is ever appropriate for the Congress to pass legislation to waive NEPA or to authorize otherwise illegal, or certainly, unsportsmen-like hunting methods.

I am pleased that the Chairman of the Resources Committee, Mr. YOUNG and Mr. SAXTON agreed to include an expiration date of May 15, 2001, or earlier if the Service files its final EIS before that date, to limit the duration of this emergency action. I am also pleased to see that the Senate amended the bill to require the Fish and Wildlife Service to develop and implement a comprehensive management plan for mid-continent light geese and their habitats.

Certainly, in an ideal world it would have been far preferable to first require the Fish and Wildlife Service to complete the plan before authorizing emergency measures. But in light of the circumstances, it is my hope that an effective plan will make the need for future legislation regarding emergency management of these species unnecessary.

We have also come to recognize that the version of H.R. 2454 that was reported to the Senate by the Committee on Environment and Public Works included a second title that would have authorized a program for the conservation and management of neotropical migratory birds. This title closely resembled legislation passed by the House on April 12, H.R. 39, the Neotropical Migratory Bird Conservation Act. Surprisingly, this bill has not been scheduled for floor action this session.

It is my understanding that the Senate agreed to remove this second title after the Chairman of the Committee on Resources assured the Senate that he will work with his leadership to ensure that H.R. 39 is brought to the House floor next year for a vote. I sincerely hope that Chairman YOUNG can bring the Neotropical Migratory Bird Conservation Act before the House early next year, and I look forward to working with him to pass this important legislation.

Let me close simply by restating my concern—and the concern of many of my colleagues on this side of the aisle—that it is unfortunate that Congress is compelled to authorize these emergency actions to control the light geese population.

But considering the changes that have been made to the bill in committee and by the Senate, I am satisfied that the bill has been sufficiently narrowed to limit excessive light geese mortality while the Fish and Wildlife Service completes its EIS and develops a long-term comprehensive management plan. It is not ideal, but it is reasonable under the circumstances, and I urge my colleagues to pass this legislation.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the legislation being offered today by the gentleman from New Jersey [Mr. SAXTON]. I want to commend him and the Chairman of the full Committee [Mr. YOUNG] for their diligence in working with the other body to assure that Congress acts on this vital legislation before the end of the session.

H.R. 2454, the ''Arctic Tundra Habitat Emergency Conservation Act,'' quite simply is trying to head off an unmitigated conservation disaster for white geese, including greater and lesser snow geese and Ross' geese.

During the past three decades, these mid-continent snow geese species populations have literally exploded, from an estimated 800,000 in 1969 to more than five million today.

This dramatic increase has resulted in the devastation of nearly 50,000 acres of snow geese habitat around Canada's Hudson Bay. This tundra habitat, most of which comprises a coastal salt marsh, is vital for nesting. As the snow geese proliferate and consume this habitat, other populations of birds are also placed at risk by this loss of habitat.

A special report issued in January, 1998 by Ducks Unlimited provides a good example of the depth and the breadth of the problem. In studies conducted in Churchill, Manitoba, there were 2,000 nesting pairs in 1968. In 1997, that number grew to more than 40,000 pairs. The result is a cruel fate for the birds, particularly the thousands of orphaned, malnourished and eventually dead goslings who cannot survive on barren tundra.

Together with expected population increases is another vexing problem: recovery of habitat, destroyed by overfeeding at this far-north latitude, is expected to take at least 15 years; it will take even longer if some of the acreage continues to be foraged by geese during the recovery period.

The U.S. Fish and Wildlife Service has been working for a few years in partnership with the Canadian Wildlife Service, several state departments of Fish and Game, Ducks Unlimited, the Audubon Society and other non-governmental entities to try to address the problem. In February of this year, the Fish and Wildlife Service issued two final rules to authorize the use of additional hunting methods to reduce the population of snow geese so that a reasonable population can survive on a viable habitat. The goal was to reduce the number of mid-continent light geese in the first year by 975,000 using additional hunting methods carefully studied and approved by the Fish and Wildlife Service.

It is clear that human decision making has contributed mightily to the light geese problem through increased agricultural production, sanctuary designation, and reduction in harvest rates.

Mr. Speaker, the bill before us takes an affirmative and humane step to help assure the long-term survival of mid-continent light geese and the conservation of the habitat upon which they and other species depend. I urge my colleagues to support this important bill, and I pledge my support toward making sure the President signs it.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mr. SAXTON. 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 New Jersey (Mr. SAXTON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2454.

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

A motion to reconsider was laid on the table.

WATER RESOURCES DEVELOPMENT ACT TECHNICAL CORRECTIONS

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. ENVIRONMENTAL INFRASTRUCTURE.

(a) JACKSON COUNTY, MISSISSIPPI.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended—

(1) in subsection (c), by striking paragraph (5) and inserting the following:

''(5) JACKSON COUNTY, MISSISSIPPI.—Provision of an alternative water supply and a project for the elimination or control of combined sewer overflows for Jackson County, Mississippi.''; and

(2) in subsection (e)(1), by striking ''$10,000,000'' and inserting ''$20,000,000''.

(b) MANCHESTER, NEW HAMPSHIRE.—Section 219(e)(3) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended by striking ''$10,000,000'' and inserting ''$20,000,000''.

(c) ATLANTA, GEORGIA.—Section 219(f)(1) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended by striking ''$25,000,000 for''.

(d) PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.—Section 219(f)(2) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended by striking ''$20,000,000 for''.

(e) ELIZABETH AND NORTH HUDSON, NEW JERSEY.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—

(1) in paragraph (33), by striking ''$20,000,000'' and inserting ''$10,000,000''; and

(2) in paragraph (34)—

(A) by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(B) by striking ''in the city of North Hudson'' and inserting ''for the North Hudson Sewerage Authority''.

SEC. 2. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e)(5) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(5)) (as amended by section 509(c)(3) of the Water Resources Development Act of 1999 (113 Stat. 340)) is amended by striking ''paragraph (1)(A)(i)'' and inserting ''paragraph (1)(B)''.

SEC. 3. DELAWARE RIVER, PENNSYLVANIA AND DELAWARE.

Section 346 of the Water Resources Development Act of 1999 (113 Stat. 309) is amended by striking ''economically acceptable'' and inserting ''environmentally acceptable''.

SEC. 4. PROJECT REAUTHORIZATIONS.

Section 364 of the Water Resources Development Act of 1999 (113 Stat. 313) is amended—

(1) by striking ''Each'' and all that follows through the colon and inserting the following: ''Each of the following projects is authorized to be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified:'';

(2) by striking paragraph (1); and

(3) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

SEC. 5. SHORE PROTECTION.

Section 103(d)(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(2)(A)) (as amended by section 215(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 292)) is amended by striking ''or for which a feasibility study is completed after that date,'' and inserting ''except for a project for which a District Engineer's Report is completed by that date,''.

SEC. 6. COMITE RIVER, LOUISIANA.

Section 371 of the Water Resources Development Act of 1999 (113 Stat. 321) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) CREDITING OF REDUCTION IN NON-FEDERAL SHARE.—The project cooperation agreement for the Comite River Diversion Project shall include a provision that specifies that any reduction in the non-Federal share that results from the modification under subsection (a) shall be credited toward the share of project costs to be paid by the Amite River Basin Drainage and Water Conservation District.''.

SEC. 7. CHESAPEAKE CITY, MARYLAND.

Section 535(b) of the Water Resources Development Act of 1999 (113 Stat. 349) is amended by striking ''the city of Chesapeake'' each place it appears and inserting ''Chesapeake City''.

SEC. 8. CONTINUATION OF SUBMISSION OF CERTAIN REPORTS BY THE SECRETARY OF THE ARMY.

(a) RECOMMENDATIONS OF INLAND WATERWAYS USERS BOARD.—Section 302(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2251(b)) is amended in the last sentence by striking ''The'' and inserting ''Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), the''.

(b) LIST OF AUTHORIZED BUT UNFUNDED STUDIES.—Section 710(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2264(a)) is amended in the first sentence by striking ''Not'' and inserting ''Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), not''.

(c) REPORTS ON PARTICIPATION OF MINORITY GROUPS AND MINORITY-OWNED FIRMS IN MISSISSIPPI RIVER-GULF OUTLET FEATURE.—Section 844(b) of the Water Resources Development Act of 1986 (100 Stat. 4177) is amended in the second sentence by striking ''The'' and inserting ''Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), the''.

(d) LIST OF AUTHORIZED BUT UNFUNDED PROJECTS.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended in the first sentence by striking ''Every'' and inserting ''Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), every''.

SEC. 9. AUTHORIZATIONS FOR PROGRAM PREVIOUSLY AND CURRENTLY FUNDED.

(a) PROGRAM AUTHORIZATION.—The program described in subsection (c) is hereby authorized.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Transportation for the program authorized in subsection (a) in amounts as follows:

(1) FISCAL YEAR 2000.—For fiscal year 2000, $10,000,000.

(2) FISCAL YEAR 2001.—For fiscal year 2001, $10,000,000.

(3) FISCAL YEAR 2002.—For fiscal year 2002, $7,000,000.

(c) APPLICABILITY.—The program referred to in subsection (a) is the program for which funds appropriated in title I of Public Law 106–69 under the heading ''FEDERAL RAILROAD ADMINISTRATION'' are available for obligation upon the enactment of legislation authorizing the program.

□ 1745

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

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

Mr. Speaker, the bill's clarifications and revisions were developed in close coordination with the Senate and the administration.

Mr. Speaker, Senator Chafee worked very closely with the House conferees on the Water Resources Development Act. If I am not mistaken, it was the last major legislative achievement before his untimely death. He also worked very closely with us to fine-tune this legislation and then expedite its passage. It is a tribute to him that we were able to enact the Water Resources Development Act and then expeditiously move this bill.

H.R. 2724 perfects the legislation and addresses new, time-sensitive issues. It deserves the support of all of our colleagues.

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

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

Mr. Speaker, I am pleased to join with the distinguished gentleman from New York (Chairman BOEHLERT) in support of this bill, H.R. 2724. As the gentleman from New York (Chairman BOEHLERT) has just suggested, this is a technical corrections bill to the water resources bill. It is bipartisan, noncontroversial. I urge its support.

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

Mr. BOEHLERT. 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 York (Mr. BOEHLERT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2724.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. 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. 2724.

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

There was no objection.

COMMENDING THE SERVICE OF WOMEN IN WORLD WAR II

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 41) honoring the women who served the United States in military capacities during World War II and recognizing that these women contributed vitally to the victory of the United States and the Allies in the war, as amended.

The Clerk read as follows:

H. RES. 41

Whereas during World War II women in the United States were recruited into the Armed Forces to perform military assignments so that men could be freed for combat duties;

Whereas, despite social stigmas and public opinion averse to women in uniform, women applied for military service in such numbers that enrollment ceilings were reached within the first several years;

Whereas during World War II women served in the Army in the Women's Army Auxiliary Corps (WAAC) and the Women's Army Corps (WAC);

Whereas these women served the Army by performing a variety of duties traditionally performed by men;

Whereas in 1943 the Army removed the auxiliary status of the WAAC units, in unspoken recognition of the value of their services;

Whereas almost one-half of World War II WACs served in the Army Air Forces as officers and enlisted personnel, with duties including such flying jobs as radio operator, photographer, and flight clerk;

Whereas 7,315 of these Army Air Forces WACs were serving overseas in all theaters of war in January 1945;

Whereas General Eisenhower stated, ''During the time I have had WACs under my command they have met every test and task assigned to them; their contributions in efficiency, skill, spirit, and determination are immeasurable'';

Whereas at the end of the war 657 women were honored for their service in the Women's Army Auxiliary Corps and the Women's Army Corps, receiving medals and citations including the Distinguished Service Medal, the Legion of Merit, the Air Medal, the Soldiers' Medal for heroic action, the Purple Heart, and the Bronze Star;

Whereas in 1946 the Army requested that Congress establish the Women's Army Corp as a permanent part of the Army, perhaps the single greatest indication of the value of women in the Army to the war effort;

Whereas during World War II women served with the Army Air Forces in the Women's Auxiliary Ferrying Squadron (WAFS), the Women's Flying Training Detachment (WFTD), and the Women Air Force Service Pilots (WASPs);

Whereas women serving with the Army Air Forces ferried planes from factories to airfields, performed test flights of repaired aircraft, towed targets used in live gunnery practice by male pilots, and performed a variety of other duties traditionally performed by men;

Whereas women pilots flew more than 70 types of military aircraft, from open-cockpit primary trainers to P–51 Mustangs, B–26 Marauders, and B–29 Superfortresses;

Whereas from September 10, 1942, to December 20, 1944, 1,074 WASPs flew an aggregate 60,000,000 miles in wartime service;

Whereas, although WASPs were promised military classification, they were classified as civilians and the 38 WASPs who died in the line of duty were buried without military honors;

Whereas WASPs did not receive official status as military veterans until March 1979, when WASP units were formally recognized as components of the Air Force;

Whereas during World War II women in the Navy served in the Women Accepted for Volunteer Emergency Service (WAVES);

Whereas approximately 90,000 WAVES served the Navy in a variety of capacities and in such numbers that, according to a Navy estimate, enough men were freed for combat duty to crew the ships of four major task forces, each including a battleship, two large aircraft carriers, two heavy cruisers, four light cruisers, and 15 destroyers;

Whereas WAVES who served in naval aviation taught instrument flying, aircraft recognition, celestial navigation, aircraft gunnery, radio, radar, air combat information, and air fighter administration, but were not allowed to be pilots;

Whereas, at the end of the war, Secretary of the Navy James Forrestal stated that members of the WAVES ''have exceeded performance of men in certain types of work, and the Navy Department considers it to be very desirable that these important services rendered by women during the war should likewise be available in postwar years ahead'';

Whereas during World War II women served in the Marine Corps in the Marine Corps Women's Reserve;

Whereas more than 23,000 women served at shore establishments of the Marine Corps, and by the end of the war, 85 percent of the enlisted personnel assigned to Headquarters, Marine Corps were women;

Whereas during the war women were assigned to over 200 different specialties in the Marine Corps, and by performing these duties freed men for active duty to fight;

Whereas during World War II women served in the Coast Guard in the Coast Guard Women's Reserve (SPARs);

Whereas more than 10,000 women volunteered for service with the Coast Guard during the period from 1942 through 1946, and when the Coast Guard was at the peak of its strength during the war, one out of every 16 members of the Coast Guard was a SPAR;

Whereas the SPARs who attended the Coast Guard Academy were the first women in the United States to attend a military academy, and by filling shore jobs for the Coast Guard SPARs freed men to serve elsewhere;

Whereas by the end of World War II more than 400,000 women had served the United States in military capacities;

Whereas these women, despite their merit and the recognized value and importance of their contributions to the war effort, were not given status equal to their male counterparts and struggled for years to receive the appreciation of the Congress and the people of the United States;

Whereas these women helped to catalyze the social, demographic, and economic evolutions that occurred in the 1960's and 1970's and continue to this day; and

Whereas these pioneering women are owed a great debt of gratitude for their service to the United States: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Honoring American Military Women for Their Service in World War II Resolution''.

SEC. 2. COMMENDATION AND RECOGNITION OF WOMEN WHO SERVED THE UNITED STATES IN MILITARY CAPACITIES DURING WORLD WAR II.

The House of Representatives—

(1) honors the women who served the United States in military capacities during World War II;

(2) commends these women who, through a sense of duty and willingness to defy stereotypes and social pressures, performed military assignments to aid the war effort, with the result that men were freed for combat duties; and

(3) recognizes that these women, by serving with diligence and merit, not only opened up opportunities for women that had previously been reserved for men, but also contributed vitally to the victory of the United States and the Allies in World War II.

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

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

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 41.

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

There was no objection.

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

Mr. Speaker, H. Res. 41 commends the women who served in the military during World War II and their contribution to victory in that epic struggle. This resolution communicates a very simple statement about the importance of women who served the Nation in uniform in World War II. It is a statement that I suspect will be endorsed overwhelmingly today.

Mr. Speaker, I ask my colleagues to look beyond the simple statement contained in H. Res. 41 and examine the resolution in greater detail. I urge my colleagues to take special note of this important and long overdue resolution, because, if they are like me, they will learn a great deal about World War II and the contribution of military women.

Mr. Speaker, the role of women in World War II was critically important to the war effort on many levels. From Rosie the riveter to the millions of homemakers tending their victory gardens, the contributions of women were vital to the allied victory.

This resolution tells the story of a special group of women and their very, very direct contributions to the war effort. It is the story of the women who stepped forward when the Nation was at risk and volunteered to serve in uniform. Not only did women perform

military duties with proficient skill, but often with incredible courage and at great personal sacrifice. They got the job done and, by doing so, freed men to be assigned to combat missions.

I am very proud of the support provided by Congress to the Women in Military Service for America Memorial that was opened at Arlington Cemetery. But if this House is to faithfully honor the historical contributions of women in the military, we must adopt this resolution.

I want to commend the gentlewoman from North Carolina (Mrs. MYRICK) for introducing this resolution and bringing it to our attention.

I think it is vital that this House and the Nation focus our full attention on this resolution. We must never forget the contributions and sacrifices of these American heroes, the military women of World War II. The world might well be a very different place if they had chosen to ignore the call to duty. I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I want to make it clear that the gentlewoman from California (Ms. SANCHEZ) was intending to open this part of our discussion, and she needed to leave, and her statement will be entered into the RECORD.

Mr. Speaker, I rise today in strong support of House Resolution 41, honoring women who served in the military during World War II. Without the amazing commitment and incredible sacrifice of these brave women, our armed forces would never have been so efficient and effective at safeguarding freedom and democracy for the world.

During World War II, women from all over the country were recruited to perform crucial military assignments so that more men would be available for combat.

These women faced countless struggles. Many were looked down upon for renouncing their traditional role in society. Yet, women enrolled in the services in record numbers. In fact, by the end of World War II, more than 400,000 women had served the United States in some sort of military capacity. Some of these women were nurses. Because I am a nurse, my heart goes out to all of them and to all who served in our armed forces in World War II.

Mr. Speaker, I want to take this opportunity to tell my colleagues about a very amazing woman from my district, Jane Masterson. In 1945, Jane left her home in Kentucky to eventually become a Seaman First Class at a naval air base out of Memphis, Tennessee. When told she was too little to become an aviation machinist, she responded, ''Dynamite comes in little packages.'' Jane served her country with strength and dignity and was eventually honorably discharged due to a service-related injury.

Not content to end her service to the Nation with her World War II experience, Jane also served as the commander of the Disabled American Veterans Chapter 96 from 1985 to 1991. Jane was the only woman in this chapter. After 6 years of service in this capacity, her peers said that she was the best commander they ever had.

Mr. Speaker, tomorrow people from all over this great country of ours will gather to honor the men and women who willingly gave body and soul to defend this Nation and the values which make it great. At this time and in this place, it is very important that we remember the contributions of both our military men and women. For it is only through their combined efforts that we will succeed in continuing to protect democracy.

Mr. Speaker, I am very disappointed that our voting schedule does not allow us to return to our districts in time for veterans, at least some of us. I was looking forward to joining the Vietnam veterans in Santa Barbara to honor and to remember their bravery and sacrifice. Tomorrow, instead, I plan to walk from the Capitol to the Vietnam and Korean Memorials and to remember in silence the gift of these people, these veterans to this Nation.

One of these veterans I will remember tomorrow will be Jane Masterson and all of the other brave women who have served and continue to serve their country so well.

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

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today in support of House Resolution 41 to praise the women who have served our Nation's armed forces, and especially those that contributed to the victory of the United States in World War II.

All the women who aided in this victory deserve our praise today, but I would like to tell my colleagues about one specific woman, Mrs. Doris Pahls. Doris Pahls grew up in Chicago and, in 1941, the year the United States entered into the Second World War, she enlisted in the U.S. Army.

Mrs. Pahls became a nurse. In 1942, she was assigned to her post, a hospital in Belleville, Illinois. There she cared for soldiers who were sent home from the war, soldiers injured so severely they required hospitalization.

For 3 years, Mrs. Pahls nursed returning soldiers, giving them far more than medical care. She tended to their injuries, but she also gave them a long-awaited welcome home and listened to their experiences and stories.

When the war ended in 1945, Doris Pahls was discharged and returned home to Chicago. She married Louis F. Pahls, who had courted her all through the war, consistently writing her. We did not use the telephone or empty mail at that time.

She continued nursing at St. Elizabeth's Hospital until she and her husband had their daughter Marie Pahls Ryan.

Anyone who knew Doris Pahls discovered a woman of intense and immense energy, humor, and caring. She did not talk often about herself and her service to the United States. In fact, few knew this sparkling grandmother was part of freedom's troop, a woman of the military.

I am sad to say that Doris Pahls passed away last month from cancer. But her service to her country will not be forgotten.

When Doris was interred, her daughter received the American flag that draped her casket. Her grandchildren and her great grandchildren heard the sounds of Taps and the firing of rifles, a testament to one of the many women who stood to honor their Nation in its hour of danger.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for yielding time to me. I thank the gentlewoman from North Carolina (Mrs. MYRICK). Is this not a very special occasion? I thank the gentlewoman from California (Mrs. CAPPS) for, as the women in World War II, filling in and rising to the occasion.

We are sorry that the gentlewoman from California (Ms. SANCHEZ), who is en route to her district for meetings and ceremonies that she had to participate in, and the gentlewoman from Florida (Ms. BROWN), and many, many other women who had planned to be here to support this are moving out to their district at this time.

But I wanted to acknowledge a specialness of this particular resolution, H. Res. 41, honoring the American military women for their service in World War II.

Mr. Speaker, I had the opportunity to participate in this ceremony at the Arlington Cemetery honoring women in the military and, in particular, taking note of the strength of women who participated, who signed up, who volunteered for World War II.

As we look at those black and white films, I remember or am reminded of seeing the factories. My understanding was that, as the men went off to war, there were many women who then had to fill the plants in making military equipment.

But there was not enough focus on the number of women who volunteered for actual duty in World War II. I do not know if my colleagues realize, Mr. Speaker, that so many women volunteered for armed services duty in World War II that enrollment ceilings were reached within the first several years.

Unfortunately, I do not know if many of us are aware that, even though the WASPS were promised military classification, they were classified as civilians, and the 38 WASPS who died in the line of duty were buried without military honors.

Just seeing General Eisenhower, President Eisenhower's son, yesterday, as they honored him by naming our Federal building after President Eisenhower, the General himself, said that, during the time that he had witnessed the service of the WACs under his command, they had met every test and task assigned to them. Their contributions and efficiency, skills, spirit and determination are immeasurable. I would consider him a general's general.

So this resolution is long overdue. On the eve of honoring our veterans, let me now say that it is so very important that we honor these women and thank all of our veterans across America for the service that they have given, because I believe that God may have given me life, but the veterans have given me the quality of life that we experience and the democracy that we admire in this country.

So to all of the women who have served in the military, and particularly those who volunteered, some 20,000 in the Marine Corps for World War II, this is a time of praise and acknowledgment, and I congratulate each and every one.

Mr. MCKEON. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), author of this resolution.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman from California for yielding to me, and I rise in support of the resolution to honor the women veterans of World War II.

Back in February, I introduced H. Res. 41 because Congress has never officially honored these trail-blazing women, and, thankfully, we are doing so now and appropriately so on the eve of Veterans' Day.

More than 400,000 women served in the military during World War II. They served as members of the Women's Army Auxiliary Corps, the Women's Army Corps, the Navy Women's Auxiliary Reserve, the Coast Guard Women's Reserve, and as Women's Air Force pilots.

□ 1800

Indeed, 38 women Air Force pilots died in the line of duty and were buried without military honors. These women veterans did not earn equal pay or status; but even so, they were certainly more than willing to do the right thing and sacrificed to serve our country.

Nevertheless, it took decades for many of them to even earn recognition as military veterans. H. Res. 41 commends those women who, through a sense of duty and willingness to defy stereotypes and political pressures, performed military assignments so that men could be freed for combat duties. One of those women is my good friend in Charlotte, Gaye Patterson, who was a nurse in World War II.

In addition, the bill recognizes that the military women of World War II, by serving with diligence and merit, not only opened up opportunities for women that had been reserved for men, but also contributed vitally to the victory of the United States and the Allies in World War II.

Mr. Speaker, by passing H. Res. 41, Congress will recognize the value of their service. It has taken a while, and, unfortunately, many of these women have now passed away, but this Veterans' Day we will give them praise and thanks that is long overdue all over this country.

I would like to thank again my friend, the gentleman from California (Mr. MCKEON), for his leadership on this issue, and I urge all of my colleagues to support this resolution.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume to briefly commend my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for her diligence and inspiration in bringing this wonderful resolution to the floor. I was very happy to be here to speak to it.

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

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I want to thank the gentleman from California (Mr. MCKEON), my classmate and fine Member of this House; and I want to particularly thank the gentlewoman from North Carolina (Mrs. MYRICK) for bringing this important issue to the floor. I commend her for her commitment to providing women veterans the recognition they so richly deserve.

I am particularly pleased to have the opportunity to speak to this resolution because one of the 400,000-plus women being honored today is my own mom. I stand with my sisters, Gale, Roseann, and Judy in acknowledging and honoring her today.

In 1944, a war was going on. My mom, Olive Christensen of New York, not yet 20 years old, wanted to do her part. She entered the Navy Women's Auxiliary Reserve, or WAVES, that year and stayed on until the war's end in 1945. She left the comforts of home and family in Brooklyn and served in the Naval Hospital at the Naval Medical Center in Bethesda, Maryland.

As a Hospital Apprentice Second Class and later as a Hospital Apprentice First Class and Corpsman, she cared for the sick and wounded Marines and Naval personnel who were transferred back to the States from all fronts all around the world. While others were raising families, she was patching up the wounded. While others were living their youth, she was maturing and carrying on the responsibilities of serving in our national defense. She spent long hours in a strange city far from home, helping our troops. It was the best way she could help her country in its greatest struggle.

Mr. Speaker, over 74,000 women in my home State of New York answered their Nation's call, serving in World War I, World War II, Korea, Vietnam, the Gulf, and in peacetime. Five thousand alone came from Suffolk County, where my district is located. We cannot find their contributions in many history books. Their sacrifices are not honored as they deserve to be. Their contributions and their sacrifices are often invisible.

Our mother's mothers also served in their time, and history treats their contributions in the same manner. Theirs are also invisible. Eleven thousand women served our country in the Naval Reserve during World War I and another 300 enlisted in the Marine Corps. By 1919, they were all discharged. It would take another war before we would open the door to women again.

To all the women being honored today, I have a personal request. It is this: please tell your children, your grandchildren, and even your great grandchildren how you served your country in its time of need. Do not let your experiences become invisible. Because of the path that you paved, women today make up over 13 percent of the armed forces of this great Nation. Their contributions are immense.

American women have served their country, but their efforts and contributions were never given the same recognition as their male counterparts until today. Today, as we prepare to honor our Nation's veterans, I am proud to say that women are veterans too. Today, as a Member of Congress and as a son, I am proud to say to my mother and to all the thousands of other moms who served, ''Thanks, Mom. Thanks for your help in keeping us free.''

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume to commend the gentlewoman from North Carolina (Mrs. MYRICK) for her leadership in bringing this resolution to the floor, the gentlewoman from California (Mrs. CAPPS) for working with her on that, and all those who have spoken and those who were intending to speak and had to leave early to go back to their districts. Mr. Speaker, I urge support of this bill.

Ms. DELAURO. Mr. Speaker, I rise in strong support of the resolution offered by Representative MYRICK in honor of the more than 400,000 women who served the United States in military capacities during World War II.

Tomorrow we honor all our veterans to whom our nation owes a tremendous debt. These courageous men and women sacrificed

so much—whether in World War I, World War II, Korea, Vietnam, or the Gulf War—to ensure the freedom and opportunity that we so often take for granted.

Now, however, we take a moment to honor the brave women who overcame the traditional stereotypes of their place in society to play vital roles in the effort to bring victory to the United States and its Allies in World War II.

It is our responsibility to repay these courageous women for the sacrifices that they made to ensure peace and freedom for this country. We must also express our appreciation for their strength in paving the way for future generations of women, opening new careers opportunities and possibilities.

We must thank the 150,000 women who risked their lives serving the Army despite the fact that they did not have the same protection as men under international POW agreements; the more than 30,000 women who served the Marines and the Coast Guard; the WASPs who ferried planes from factories over a total distance of 60 million miles to airfields; and the WAVES who taught aircraft recognition, navigation, air combat information, and other essential skills.

I urge my colleagues to honor these women for their determination and bravery and vote for this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in recognition of Veterans Day, that day on which all of us are called on to honor the sacrifices made for our country by those who serve in her armed forces and those who risked or gave their lives defending her.

It is fitting that on the day before Veterans Day, this House pays tribute to a special group of veterans who put their country before themselves in a time of great danger. H. Res. 41 recognizes our nation's women veterans for their service during World War II. Nothing we can do today can repay the debt we owe them. But we must note that debt, recognize it and make certain our children know how great it is.

In 1954, President Eisenhower pronounced November 11 "Veterans Day" to honor the veterans of all American conflicts. Previously, November 11 was known as Armistice Day, a reference to the November 11, 1918, armistice between the Allies and the Central Powers in World War I.

Unfortunately for us the war to end all wars was not the last of the Nation's conflicts. All Americans are deeply indebted to the more than 600,000 brave men and women who paid the ultimate price for the liberty that we enjoy today.

This resolution expresses the sense of the House honoring the women who served the United States in military capacities during World War II. It commends these women who, through sense of duty and willingness to defy stereotypes and political pressures, performed military assignments. Their efforts freed men for combat duties, opened up opportunities for women that had been reserved for men, but also contributed vitally to the victory of the United States and the Allies in World War II.

Serving in obscurity women World War II veterans served in the Women Air Force Service Pilots (WASPs), the Women's Army Corps (WAC), the Navy Women's Auxiliary Reserve (WAVES) and the Coast Guard Women's Reserve (SPARs). By the end of World War II more than 400,000 women had served the United States in a variety of military capacities.

On Thursday, our nation will pause to honor our veterans who served our country with distinction. Whether through a parade, speech, or memorial service let us remember to honor all of our veterans including those women who served during World War II.

Mr. EVANS. Mr. Speaker, on the eve of Veterans Day—the day we set aside to honor our nation's veterans—I rise in support of H. Res. 41, a measure honoring women veterans and their contributions to the allied victory in World War II.

In 1941, Congresswoman Edith Nourse Rogers introduced H.R. 4906, the bill that established the Women's Army Auxiliary Corps (WAAC). Although faced with mounting opposition in the House, the bill was signed into law on May 15, 1942 as Public Law 77–554.

Two months later, similar legislation was introduced and signed into law establishing the Navy Women's Reserve (WAVES) and the Marine Corps Women's Reserve. Four months later, the Coast Guard Women's Reserve was established.

Women answered the call to duty without hesitation. The first group of 400 white and 40 black women were selected from among 30,000 applicants. They came from every state and a variety of circumstances. They all had two things in common—they had all volunteered and they had a desire to serve their nation.

Just as their male counterparts, they had put their lives, their goals, and their dreams—on hold to serve their country. By the end of World War II, some 400,000 women had served in the military.

There can be little doubt that these brave women performed a valuable role to the war effort during World War II. Historical documents are full of testimonials attesting to the excellence of women's contributions, disciplined character and their overall positive effect on the armed services. It is appropriate that we take this time to honor these brave women who served this nation with honor during World War II.

I also commend the sponsor of this measure, my colleague from California, LORETTA SANCHEZ. I thank and commend her for her leadership on this important measure recognizing the critically important contributions made by our nation's women veterans in World War II.

To all our veterans on the eve of the last Veterans Day of this century, I say thank you for a job well done. Mr. Speaker, I am honored to support H. Res. 41 and I urge the immediate passage of this bill.

Ms. SANCHEZ. Mr. Speaker, I rise today in strong support of H. Res. 41.

Legislation honoring the brave women who served the United States during world War II.

I would also like to commend my colleagues, Representative MYRICK and my distinguished Chairman, Mr. BUYER, for all of their hardwork on this important legislation.

As we approach Veterans Day, we must thank all of our Veterans for providing us with the peace that we enjoy in our prosperous country.

This century our nation has sent its sons and its daughters to war many times.

And today we are here to pay tribute to a special group that has answered this call to arms, the women who served our nation proudly during WWII.

To all the remarkable servicewomen out there, thank you for your service to America.

These individuals are the true pioneers who broke through the barriers and paved the way for future women serving in the military.

Women have been in our service since George Washington's troops fought for independence—clothing and feeding our troops and binding their wounds.

They were in the struggle to preserve the Union as cooks and tailors, couriers and scouts, and even as spies.

Some were so determined to fight for what they believed that they masqueraded as men and took up arms.

And more than 400,000 women served this great nation during World War II.

Yes, more than 400,000 women.

General Eisenhower is known to have stated, "During the time I have had WACs (members of the Women's Army Corps) under my command—they met every test and task assigned to them. Their contributions in efficiency, skill, spirit, and determination are immeasurable".

From Pearl Harbor to the invasion of the Philippines to the liberation of Europe, these brave women endured bombs, disease, and deprivation to support our Allied forces.

But despite this history of bravery and accomplishment, women were treated as second class soldiers.

They could give their lives for liberty, but they couldn't give orders to men.

They could heal the wounded and hold the dying, but they could not dream of holding the highest ranks.

They could take on the toughest assignments, but they could not take up arms.

Still they volunteered, fighting for freedom but also fighting for the right to serve to the fullest of their potential.

Well today, we are here to finally honor these brave women for the service they gave to this great nation during the Second World War.

We cherish your devotion, we admire your courage, and we thank you for your service.

Ms. JONES of Ohio. Mr. Speaker, I rise today in support of this resolution acknowledging some of the bravest women of our country. By the end of WW II more that 400,000 women served the United States in military capacities and today I join over 200 of my colleagues in honoring the extraordinary accomplishments of these women.

Mr. Speaker, everyone forgets the contributions made by American women during WW II. There is never any mention of women veterans. When we hear WW II veterans everyone thinks about men only. Women, despite their merit and the recognized value and importance of their contributions to the war effort, were not given status equal to their male counterparts and struggled for years to receive the appreciation of the Congress and the people of the United States. In WW I women

demonstrated that they could perform virtually all civilian tasks as efficiently as men. This process carried over into WW II with even greater impact. To release men for combat, women in all belligerent countries worked on assembly lines in factories and shipyards. Millions served in the Armed Forces in non-combat roles. More than 350,000 women donned military uniforms and 6 million women worked in defense plants and in offices. One of the most important issues of women in the military was the fact that men did not want to take orders from women.

Women became ''liberated''! They started to wear pants. On July 30, 1942, the Marine Corps Women's Reserve was established as part of the Marine Corps Reserve. On November 10, 1943, a statue named ''Mollie Marine'' was dedicated in New Orleans to honor all women Marines. In 1948 Congress passed the Women's Armed Service Act, which opened the door for women to serve their country in peacetime. Women moved beyond the image of ''Rosie the Riveter''. They established organizations such as: WAVE—Women Accepted for Volunteer Emergency Service; WAC—Women's Army Corps; WASP—Women's Air Service Pilots; WAFS—Women's Auxiliary Ferrying Squadron; WAAC—Women's Army Auxiliary Corps; AWA—Aircraft Warning Service.

In 1977 Congress finally recognized WASP's as veterans and was awarded veteran status from the U.S. Air Force. In 1984, each was awarded the Victory Medal.

There is a memorial to the veterans in D.C. that reads:

> In time of danger and not before, women were added to the Corps, with the danger over and all well righted, war is forgotten and the women slighted.

General Eisenhower strongly recommended that women be a part of the military. General Eisenhower stated, ''During the time I have had WAC's (members of the Women's Army Corps) under my command they have met every test and task assigned to them; their contributions in efficiency, skill, spirit, and determination are immeasurable. Present day servicewomen owe a lot to Eleanor Roosevelt who encouraged women to ''Be all you can be''. Since then statistics of women in the Armed Forces have skyrocketed.

Mr. Speaker, women have come a long way. I express my strong support of this resolution and join my colleagues in saluting the women who have been all they could be for the United States of America.

Mrs. FOWLER. Mr. Speaker, I rise today in support of H. Res. 41, honoring the women veterans who served during World War II. These women are not only heroes because they sacrificed their lives and comfort for our country. They are also heroes in that they were in the forefront of a movement that opened up a world of opportunities for generations of women to come. These courageous and dignified women became role models for the young women who grew up at their skirt hems.

Though women had served in the military as far back as the American Revolution, they were only first recruited in World War I. More than 35,000 women answered their Nation's call in that war. More than 10 times as many—over 400,000 women—served in the U.S. armed services during World War II. Regrettably, Mr. Speaker, more than 200 women died in action during World War II and 88 were prisoners-of-war. These brave women defied convention and donned the uniform of their Nation to fight for the freedom of other mothers and children overseas. Similarly, women served valiantly on the home front, taking the place of men who had vacated factories to occupy the front-lines of Europe and the Pacific.

Mr. Speaker, these women are our mothers, wives, friends, and colleagues. We all owe them a great debt of gratitude for the sacrifices they made on our behalf. It is fitting that we should begin the solemn celebrations for Veterans Day by passing this resolution and memorializing for generations to come the thanks of a grateful nation.

IN HONOR OF THE WOMEN WHO SERVED DURING WORLD WAR II

Ms. BERKLEY. Mr. Speaker, I rise today in support of House Resolution 41, to honor the 400,000 courageous women who served the United States during World War II. These women have made an invaluable contribution to our Nation. And today, we are proud of their accomplishments and grateful for their service. During the War, these women worked as Air Force service pilots and as members of the Women's Army Corps.

These women served the Navy as members of the Volunteer Emergency Service, and they served at shore establishments of the Marine Corps. These women were an important part of our victory in World War II and by serving with diligence and merit, they opened up new opportunities for women everywhere.

Tomorrow is Veterans Day. In ceremonies across the country, we will honor those who risked their lives to serve our country. We can not and must not forget those who sacrificed to strengthen democracy around the world and defend our freedoms.

I urge my colleagues to support this resolution and honor the women who have served our country so well.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from California (Mr. McKeon) that the House suspend the rules and agree to the resolution, H.Res. 41, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1999

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2336) to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General, as amended.

The Clerk read as follows:

H.R. 2336

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 ''United States Marshals Service Improvement Act of 1999''.

SEC. 2. APPOINTMENTS OF MARSHALS.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(1) in section 561(c)—

(A) by striking ''The President shall appoint, by and with the advice and consent of the Senate,'' and inserting ''The Attorney General shall appoint''; and

(B) by inserting ''United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates.'' after the first sentence;

(2) by striking subsection (d) of section 561;

(3) by redesignating subsections (e), (f), (g), (h), and (i) of section 561 as subsections (d), (e), (f), (g), and (h), respectively; and

(4) by striking section 562.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

SEC. 3. TRANSITIONAL PROVISIONS; PRESIDENTIAL APPOINTMENT OF CERTAIN UNITED STATES MARSHALS.

(a) INCUMBENT MARSHALS.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the date of the enactment of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(b) VACANCIES AFTER ENACTMENT.—Notwithstanding the amendments made by this Act, with respect to the first vacancy which occurs in the office of United States marshal in any district, during the period beginning on the date of the enactment of this Act and ending on December 31, 2001, the President shall appoint, by and with the advice and consent of the Senate, a marshal to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed from office by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed or until a successor is appointed.

SEC. 4. REPORT BY THE ATTORNEY GENERAL.

On or before January 31, 2003, the Attorney General shall report to the Committees on the Judiciary of the House and Senate the number of United States Marshals appointed under section 561(c) of title 28, United States Code, as amended by section 2 of this Act, as of December 31, 2002, who are people of color or women.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. Bachus).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2336, the bill now under consideration.

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

There was no objection.

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

I am pleased to once again manage this bill on behalf of my friend and colleague, the gentleman from Florida (Mr. MCCOLLUM), who is the chief architect of this bill and legislation in previous Congresses, which was actually the same legislation. I want to recognize his important leadership on this issue.

Mr. Speaker, the United States Marshals Service is the Nation's oldest Federal law enforcement agency. It is an agency of the Department of Justice. It is charged with many important and varied, and I stress that word varied, law enforcement responsibilities, including operating the witness security program, which is a very complex program, protecting the Federal judiciary, apprehending Federal fugitives, managing seized and forfeited assets in the Federal Court system, and transporting Federal prisoners between Federal prisons.

Today, there are 94 U.S. marshals, one for each Federal judicial district. Each of these persons is presently appointed by the President with the advice and consent of the Senate. But, unfortunately, there is no criteria for the selection of marshals. In fact, no managerial or law enforcement experience is even required, and it is that managerial experience that has given us problems. It is an unfamiliarity with the witness security program that has given us problems. It is not being familiar with the Federal court system and the special procedures there that has given us problems.

Unlike all other Marshals Service employees, each U.S. Marshal is exempt from the control or discipline of the director of the Marshals Service, cannot be reassigned, and can only be removed by the President or upon appointment of a successor. This lack of accountability has resulted in numerous problems, including budgetary irresponsibility among some marshals. A lack of law enforcement experience, and even more so the lack of experience in carrying out the specialized duties of the Marshals office and unfamiliarity among some appointed marshals with the mission of the Marshals Service, has led to a glut of middle managers who must assist the U.S. Marshal rather than actively pursue the work that the Deputy U.S. Marshals are supposed to do.

Mr. Speaker, this bill will address those problems. It is the United States Marshals Service Improvement Act of 1999. It will professionalize the Marshals Service by amending the selection process for U.S. Marshals. Under this bill, all marshals would be selected by the Attorney General from persons who work in the Federal Civil Service System. The bill will help to ensure that only career Federal employees with law enforcement and, as I said, more importantly with managerial experience, will be appointed as U.S. Marshals. In fact, I expect that most, if not all, future marshals will come from the ranks of career marshal employees, people that have experience dealing with the day-to-day intricacies of the Marshals Service.

The changes put forth by this bill will go into effect January 1, 2002. In the interim, all U.S. Marshals currently serving will continue to perform their duties until their terms expire, unless they resign or are removed by the President. And all marshal vacancies that must be filled between the date of the enactment of this legislation and December 31, 2001, will be filled as currently done, by presidential appointment, with the advice and consent of the Senate, for a 4-year term.

The text of H.R. 2336 is identical to a bill introduced in the 105th Congress by the gentleman from Florida (Mr. MCCOLLUM), H.R. 927, the United States Marshals Service Improvement Act of 1997. That bill passed the House on the suspension calendar by a voice vote on March 18, 1997. Unfortunately, the other body did not act on that bill, and so the gentleman from Florida (Mr. MCCOLLUM) reintroduced the legislation in this Congress, and that legislation is H.R. 2336.

This legislation continues to enjoy strong bipartisan support, and I urge all my colleagues to support it.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the bill H.R. 2336.

Mr. Speaker, the United States Marshals Service Improvement Act of 1999 is the bill before us, and I want to thank the gentleman from Alabama for outlining the importance of the U.S. Marshals Service and the provisions in the bill.

This bill will change the selection process of the United States Marshals from that of appointment by the President, with advice and consent of the Senate, to a merit system appointment by the Attorney General. It is expected this will bring about an improvement in the level of professionalism in the U.S. Marshals Service and provide more opportunities for advancement among the professional employees of the service.

As the gentleman from Alabama mentioned, a similar bill passed the House last year but was not taken up by the Senate. That bill provided for the appointment of U.S. Marshals by the U.S. Marshal. Some Members voted against that bill and expressed the concern that such an appointment procedure might dilute the progress made in assuring diversity and excellence in qualifications among the U.S. Marshals. The requirement in H.R. 2336 for the appointment by the Attorney General should ensure a broader applicant pool and a greater visibility and accountability to minority and female hiring concerns.

The bill, H.R. 2336, passed both the Subcommittee on Crime and the full Committee on the Judiciary by a unanimous vote. No opposition to the matter was expressed during committee consideration to the bill and I, therefore, urge my colleagues to support the bill.

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

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

Mr. Speaker, this legislation would depoliticize the selection process, it would address problems of patronage in the present system, and, most importantly, it would allow us to appoint more experienced U.S. Marshals, marshals not only experienced in law enforcement but, more importantly, experienced in the complexities of the U.S. Marshals' job.

□ 1815

Mr. Speaker, I urge passage of the legislation.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 2336, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

RECOGNIZING THE U.S. BORDER PATROL'S SEVENTY-FIVE YEARS OF SERVICE

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 122) recognizing the United States Border Patrol's 75 years of service since its founding.

The Clerk read as follows:

H. CON. RES. 122

Whereas the Mounted Guard was assigned to the Immigration Service under the Department of Commerce and Labor from 1904 to 1924;

Whereas the founding members of this Mounted Guard included Texas Rangers, sheriffs, and deputized cowboys who patrolled the Texas frontier looking for smugglers, rustlers, and people illegally entering the United States;

Whereas following the Department of Labor Appropriation Act of May 28, 1924, the Border Patrol was established within the Bureau of Immigration, with an initial force of 450 Patrol Inspectors, a yearly budget of $1 million, and $1,300 yearly pay for each Patrol Inspector, with each patrolman furnishing his own horse;

Whereas changes regarding illegal immigration and increases of contraband alcohol traffic brought about the need for this young patrol force to have formal training in border enforcement;

Whereas during the Border Patrol's 75-year history, Border Patrol Agents have been deputized as United States Marshals on numerous occasions;

Whereas the Border Patrol's highly trained and motivated personnel have also assisted in controlling civil disturbances, performing National security details, aided in foreign training and assessments, and responded with security and humanitarian assistance in the aftermath of numerous natural disasters;

Whereas the present force of over 8,000 agents, located in 146 stations under 21 sectors, is responsible for protecting more than 8,000 miles of international land and water boundaries;

Whereas, with the increase in drug-smuggling operations, the Border Patrol has also been assigned additional interdiction duties, and is the primary agency responsible for drug interdiction between ports-of-entry;

Whereas Border Patrol agents have a dual role of protecting the borders and enforcing immigration laws in a fair and humane manner; and

Whereas the Border Patrol has a historic mission of firm commitment to the enforcement of immigration laws, but also one fraught with danger, as illustrated by the fact that 86 agents and pilots have lost their lives in the line of duty—6 in 1998 alone: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the historical significance of the United States Border Patrol's founding and its 75 years of service to our great Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 122.

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

There was no objection.

Mr. BACHUS. 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, I rise to wholeheartedly and enthusiastically support H. Con. Res. 122, commemorating the 75th anniversary of the United States Border Patrol.

I would like to especially thank my colleague and friend, the gentleman from Texas (Mr. REYES), for sponsoring this legislation.

I come to pay tribute to a group of men and women who guard our Nation's borders and risk their very lives every day. The group of men and women to whom I am referring are the United States Border Patrol.

Might I, as a personal note, and I know that he might share it with my colleagues, just thank the gentleman from Texas (Mr. REYES) for the years of service that he gave in the Border Patrol command. His advocacy, his affection, his service has been much appreciated by all concerned.

On May 28, 1924, the Border Patrol was established within the Bureau of Immigration with an initial force of 40 patrol inspectors and a yearly budget of $1 million.

This year is the 75th anniversary of the United States Border Patrol. Along with my colleague, the gentleman from Texas (Mr. REYES), we also introduced the Border Patrol Recruitment and Retention Act of 1999.

This legislation provided incentives and support for recruiting and retaining Border Patrol agents. This legislation increased compensation for Border Patrol agents and allowed the Border Patrol agency to recruit its own agents without relying on the personnel office of the Department of Justice or INS.

We know for sure that the Border Patrol could, in fact, do their own business and do their own job, but we also know that because of the hard work that they deserve the incentives and pay increases that any other law enforcement organization deserved or received.

The Border Patrol Recruitment and Retention Enhancement Act moved Border Patrol agents with one year's agency experience from the Federal Government's GS–9 pay level, approximately $34,000 annually, to GS–11, approximately $41,000 annually next year.

Fortunately, the language was inserted in the Commerce-Justice-State appropriations bill, which passed the House and which established an Office of Border Patrol and Retention and called for the Border Patrol agents to receive bonuses and pay raises.

I am delighted that in this 75th year we have respected the Border Patrol by acknowledging them as the law enforcement body that they are and providing them with the possibility of compensation that they deserve.

I am glad to join with the gentleman from Texas (Mr. REYES), a champion of the Border Patrol in the Congress, in drafting a bill that would focus attention to it more. And we have achieved some results from our efforts.

We are a Nation of immigrants and a Nation of law. The men and women of the United States Border Patrol put their lives on the line every day guarding our lives and protecting our borders. The present force of 8,000 members is responsible for protecting more than 8,000 miles of international land and water boundaries and work in the deserts of Arizona and Texas and California along with our extensive northern border between the United States and Canada.

Mr. Speaker, let me thank the gentleman from Texas (Mr. SMITH) for supporting this legislation and the gentleman from Texas (Mr. REYES) for offering and authoring this legislation, H. Con. Res. 122, which recognizes the historical significance of the United States Border Patrol's 75 years of commitment and service to our great Nation.

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

Mr. BACHUS. Mr. Speaker, it is my pleasure and honor to yield such time as he may consume to the gentleman from Texas (Mr. REYES), my friend and colleague and the author of this legislation.

Mr. REYES. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) and a very good friend of mine for yielding me the time.

Mr. Speaker, let me begin by thanking my colleagues, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member, for their help in bringing this bill to the floor today.

Let me also thank my friend and colleague the gentleman from Alabama (Mr. BACHUS) for his support here this afternoon, as well.

This year is the 75th anniversary of the establishment of the United States Border Patrol. I had the privilege and the honor of being part of the U.S. Border Patrol for more than 26 years before I came to Congress. I joined the Border Patrol after my service in Vietnam. At the time that I joined, I was not fully aware of the historic past of the United States Border Patrol, whose motto today, as it was and always has been, is ''honor first'' and whose exemplary service through the years has proven that this motto is truly a way of life for its officers.

Mr. Speaker, I include for the RECORD a document entitled ''The History of the United States Border Patrol.''

BORDER PATROL HISTORY

From the time this nation was established until 1875 there was no legislation restricting immigration except the Alien Act of 1798 which provided the President with the authority to order the departure from the United States of any alien whom he deemed dangerous to the welfare of the country. This legislation was unpopular and it was not renewed when its two-year term expired. Between 1820 and 1880, more than ten million immigrants arrived in this country. The first restrictive legislation passed by Congress was the Act of March 3, 1875, which barred

the immigration of convicts and of women for the purpose of prostitution. This Act was followed by the Immigration Statute of August 8, 1882, which barred the admission of idiots, lunatics, convicts, and persons likely to become a public charge. Also in 1882, the first Chinese exclusion law was adopted, and in 1885, the first Contract Labor Law was passed. These laws were designed to restrict the entry of certain undesirable aliens and the flood of Chinese and other large bodies of cheap labor being imported into the United States which was flooding and depressing the labor market. As the door was closed tighter by these progressively restrictive immigration laws, increasingly large numbers of Orientals and other inadmissible aliens resorted to illegal entry to gain admission, and the need for a border control force to prevent illegal entry evolved. As early as 1904, the Commissioner General of Immigration assigned a small group of mounted inspectors along the borders to prevent the smuggling and illegal entry of aliens. This token force of untrained officers, never totaling more than 76, was woefully inadequate to cope with the illegal entry problem. In addition, once the alien escaped the border area, he generally melted into the population undetected, as there were no officers available to search out and deport him. It was estimated that for every one hundred aliens apprehended at the borders, one thousand escaped detection. Because of increased and continuing illegal entry activity, a separate unit of mounted inspector was organized in March of 1914, to which was assigned additional men and equipment, such as boars, cars, etc. The unit's scope was described as general, and the officers operated without regard to district boundaries, thus avoiding any clash of authority among officers of the respective districts. It was stated, however, that the new system was not extensive enough to cope with the organized efforts of those engaged in the business of smuggling aliens, and that this contraband traffic and illegal entry of aliens could only be broken up by the formation of a border patrol that could devote all its efforts to the prevention of the illegal entry of aliens and to seek out, arrest, and deport all aliens in the United States illegally. It was stated that the only way to stop surreptitious entries was to make it certain that arrest and expulsion would follow.

Because of travel restrictions and the assignment of troops along the borders during the World War I years of 1917–1918, immigration and illegal border activity were greatly reduced, but with the close of the war, smuggling and illegal entry accelerated rapidly. The Bureau of Immigration again resumed its efforts to close the borders between the ports of entry. The Commissioner General made strong recommendations in 1919, requesting funds for a patrol service to guard the borders and coastlines, stressing the need for a force that could devote all its energies to this important function. It was emphasized that large numbers of European and Chinese aliens who were smuggled in from Canada, Mexico, and Cuba were being apprehended. Reports in 1922 indicated there were 30,000 unemployed Chinese in Cuba, and more arriving regularly, who intended to enter the United States illegally. Smuggling from Cuba was prevalent, approaching alarming proportions.

Prior to the enactment of the Immigration Act of 1917 there were so few immigration restrictions applicable to natives and citizens of Canada and Mexico there was little reason to enter illegally. Unlike the immigrants from overseas, they were not required to pay the head tax and they were not compelled to take the literacy test. Those who measured up to the relatively simple requirements of the law were free to enter in unlimited numbers. The Immigration Act of 1917, however, imposed the head tax of $8.00 on Canadians and Mexicans and, like other aliens, they were subjected to the reading test provided in the new law. These two provisions contributed significantly to widespread border violations and increases in smuggling. Between Fiscal Years 1922 and 1924 seaman desertions rose from 5,879 to 34,679. In Fiscal Year 1924 only 6,409 aliens were deported, but the small number of officers assigned to patrol the borders was insufficient to prevent many illegal entrants from escaping detection and reaching inland points.

The volume of legal immigration soared from 141,132 in 1919 to 805,228 in 1921, and there was much concern lest an uncontrolled flood of immigration from the war-ravaged countries of Europe might descend on the United States. Because of this fear, there emerged the temporary Quota Act of 1921, which permitted the admission annually of 3% of the number of persons of each nationality in the United States according to the 1910 census. On May 26, 1924, Congress adopted a permanent quota law, which restricted immigration to approximately 150,000 quota immigrants a year.

As additional restrictions were placed on immigration, more aliens resorted to illegal entry. Congress, aware that it was unrealistic to inspect applicants for admission at ports of entry, but at the same time leave long, wide-open stretches of unguarded border between the ports where inadmissible aliens could readily enter the United States, and realizing the need for a force that could devote all of its energies to the prevention of smuggling and illegal entry and the apprehension of aliens illegally in the United States, created the Border Patrol in the Department of Labor Appropriations Act of May 28, 1924. The Act provided for the expenditure of at least one million dollars for ''additional land-border patrol''. Since then, the Border Patrol has been an integral part and important enforcement arm of the Immigration and Naturalization Service.

As there was no Civil Service register for immigration patrol inspectors, the initial force was selected from Civil Service registers for railway postal clerks and immigration inspectors. The hastily recruited small band of officers was given the responsibility of enforcing Section 8 of the Immigration Act of February 5, 1917 (39 Stat. 874:8 U.S.C.), which prohibited smuggling, harboring, concealing, or assisting an alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or reside in the United States.

Although the infant organization was charged with the responsibility of combating illegal entry and the highly organized and lucrative business of alien smuggling, the necessary authority to act was not provided in the statute under which the Patrol was established. During the first few months of operation, officers were further handicapped in the performance of their duties in that they were not uniformed and had nothing but their badges to distinguish them from other citizens. This situation gave smugglers, illegal entrant aliens, and others an excuse for ignoring their commands, thereby endangering the lives of the officers. This latter handicap was remedied in December 1924 when a Border Patrol uniform was adopted. The Border Patrol has since been known as the uniformed enforcement division of the Immigration and Naturalization Service.

Following creation of the Border Patrol, large-scale alien smuggling from Cuba to Florida and the Gulf Coast areas continued. In order to combat this difficult problem, Congress, in the Act of February 27, 1925 (43 Stat. 1049–1050; 8 U.S.C. 110), provided funds for a ''coast and land border patrol'', and, in addition, realizing that Border Patrol officers lacked specific authority to act, authorized any designated employee of the Bureau of Immigration to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or expulsion of aliens and, without warrant,

(1) to arrest any alien who, in his presence or view, is entering or attempting to enter the United States in violation of any law or regulation made it pursuance of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their rights to admission to the United States, and

(2) to board and search for aliens any vessel within the territorial waters of the United States, railway car, conveyance, or vehicle, in which he believes aliens are being brought into the United States.

Officers operated under the provisions of this Act until it was amended by the Act of August 7, 1946 (60 Stat. 865; 8 U.S.C. 110), which continued the basic authorities with the following revisions:

(1) Extended the power, without warrant, to arrest any alien in the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, or expulsion of aliens, and likely to escape before a warrant could be obtained for his arrest.

(2) Reason to believe aliens were being brought into the United States in a conveyance was no longer necessary to board and search such conveyance; however, the search had to be made within a reasonable distance of an external boundary.

(3) Added the power, without warrant, to make arrests for felonies committed and cognizable under any law of the United States regulating the admission, exclusion, or expulsion of aliens, if the person making the arrest has reason to believe that the person so arrested in guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest.

Approximately six years later, the Act of March 20, 1952, amended Section 8 of the Immigration Act of 1917 and title IV of the Act of February 27, 1925. The basic authorities in effect at the time of the new Act were retained with the following revisions and/or additions:

(1) Transportation within the United States of known illegal entrant aliens was, for the first time, made an offense.

(2) Employment and usual and normal practices incident to employment were deemed not to constitute harboring illegal aliens.

(3) Arrests for harboring, smuggling, and transportation of illegal aliens were restricted to designated officers and employees of the Immigration and Naturalization Service, and all other officers whose duties were to enforce criminal laws.

(4) Provision was made for officers to have access to private lands, but not dwellings, within 25 miles of any external boundary, for the purpose of patrolling the border to prevent the illegal entry of aliens.

Some three months later, the Act of June 27, 1952 (66 Stat. 163), cited as the ''Immigration and Nationality Act'', also referred to as the McCarran-Walter Act, repealed and substantially reenacted most of the laws relating to immigration and nationality, including the authorities of immigration officers to act without warrant. The one significant addition to authority of officers was the provision which permitted boarding and searching of a conveyance for aliens to be performed anywhere in the United States, so long as the officer had reason to believe aliens were being brought into the United States in the vehicle being searched.

The authorities contained in the Immigration and Nationality Act provide the basis for action by our officers today. The primary authority under which the Border Patrol operates stems from Section 103 of this Act (8 U.S.C. 1103), which states, in part, that the Attorney General shall ''. . . have the power and duty to control and guard the boundaries and borders of the United States against the illegal entry of aliens and shall, in his discretion, appoint for that purpose such number of employees of the Service as to him shall appear necessary and proper''.

This authority has been delegated by him to the Commissioner of Immigration and Naturalization, and the Commissioner, in turn, has delegated, under 8 CFR 103.1, to the Deputy associate Commissioner, Domestic Control, the responsibility for all the Border Patrol activities of the Service.

Further, in order to provide Border Patrol officers authority and protection when they encounter violators of customs laws incident to the performance of their normal duties, arrangements were made in 1955 for their designation as Customs Patrol Inspectors. This designation was updated on July 14, 1971, providing for delegation of authority to designate Border Patrol Agents as acting Customs Patrol Officers, without compensation. Basic authority to act under this designation lies in Title 19 U.S.C. 1581.

The Border Patrol had an initial force of 450 officers assigned to the Florida and Gulf Coasts and the two land boundaries. Exhibit I shows appropriations, officer force, and numbers of deportable aliens and smugglers apprehended, Fiscal Year 1925 to Fiscal Year 1973, inclusive. During these years, the Border Patrol apprehended 7,061,853 deportable aliens and 40,463 smugglers of aliens. In addition, the Border Patrol works closely with other agencies and, incidental to their regular duties, its officers have apprehended tens of thousands of violators of other laws and seized smuggled contraband, liquor, and narcotics valued at millions of dollars.

The Border Patrol has always been a flexible and mobile organization whose officers have high morale and an intense pride in their organization. When first organized, the entrance-on-duty salary was $1,680 per annum, as compared to $9,969 at the present time. Initially, the Border Patrol was under the supervision of the border district directors. However, starting January 1932, in order to obtain a greater degree of coordination and uniformity in operations and supervision, it was placed under the immediate control of two directors—one located at El Paso, Texas, for the Mexican border, and the other at Detroit, Michigan, for the Canadian border. This administrative alignment was terminated on June 1, 1933, and the Border Patrol reverted to its former plan of organization. When the regional concept was adopted on January 3, 1955, the Border Patrol continued to operate under the respective districts until October of that year. At that time, operational activities were placed under the immediate direction of the regional offices. This arrangement provided needed flexibility and better coordination of activities between the sectors, and facilitated the movement of officers and equipment to meet changing work-loads and conditions.

In January 1930, hearings were held by the Committee on Immigration and Naturalization, House of Representatives, to consider merging of the Immigration and Customs Border Patrols so that the execution of the customs, immigration, prohibition, and other laws regulating or prohibiting the entry into the United States of persons and merchandise might be more effective. It was proposed by the Secretary of the Treasury that the unified Border Patrol be part of the Coast Guard and be charged with the duty of guarding the borders between the designated ports of entry to prevent the entry of persons and merchandise over the land and water boundaries. The proposed unified Border Patrol was to replace the Customs and Immigration Border Patrols on the Mexican and Canadian borders and complement of work of the Coast Guard on the maritime boundaries, thereby eliminating duplication of effort, concentrating responsibility for the protection of the borders, and bringing about a more effective coordination of work. The plan, however, did not get beyond the discussion stage. Upon repeal of the prohibition laws in 1933, liquor smuggling, for all practical purposes, ceased to exist. The number of customs patrol inspectors diminished thereafter and the organization was finally abolished on July 24, 1948.

In 1935, the Border Patrol, realizing the need and value of radio communications in its work, began the installation and use of radios in vehicles and stations. This was the forerunner of the comprehensive and effective radio network we have today.

As a continuing effort to improve its efficiency and effectiveness, the Border Patrol, in 1939, established a fingerprint unit in El Paso, Texas, for aliens apprehended in the three Mexican border districts. The unit provided rapid and positive identification of previously arrested aliens, and proved to be a very effective enforcement tool until it was unable to process the increasingly large number of fingerprints of aliens apprehended along the Mexican border. The unit had, as its maximum, seven employees, and personnel limitations made it impossible to expand the unit so it could keep pace with the increasing number of aliens apprehended by the Border Patrol in Mexican border districts. Because of its limitations, the unit was discontinued in 1953.

Except for the initial year of its existence, the Border Patrol officer force, workload, and accomplishments remained fairly constant through fiscal year 1940 (see Exhibit I). During appropriation hearings for fiscal year 1941, the Secretary of Labor vigorously opposed a proposed reduction in the Border Patrol force, stating ''I think the Border Patrol is our most efficient and effective branch of the Service and whatever reductions are made in the Immigration Service should be at points other than the Border Patrol. It is the prevention of illegal entry that will reduce our work.'' On June 14, 1940, (Reorganization Plan No. V, 5 F.R. 2223; 5 U.S.C. 99, 1940 ed.) the Immigration and Naturalization Service was transferred from the Department of Labor to the Department of Justice. Because of the grave international situation that existed in 1940 and the belief that aliens who would be a threat to the best interests of the country would endeavor to enter the United States surreptitiously, Congress, on June 27, 1940, by deficiency appropriation, made available two million dollars for 712 additional Patrol officers, 57 auxiliary personnel, and the necessary equipment. This increased the force to 1,531 officers. During the war years, this force was used to provide tighter control of the borders, to man alien detention camps, guard diplomats, and to assist the military to guard the East Coast of the United States against the entry of Axis saboteurs. A Border Patrol unit was established in Boston, Massachusetts, in 1942, to guard the coastline and perform other Border Patrol duties in that area. This unit was deactivated in 1945.

The first attempt to patrol the borders by air began in the summer of 1941 when three autogiros were obtained from the military and transferred to the Service. The first fixed-wing airplanes were used in 1945 after three surplus L–5 observation planes were obtained from the military. The radio-coordinated air-ground operations have developed into one of the Patrol's most effective tools.

In 1942, after the beginning of World War II, the demand for labor accelerated rapidly. As farm laborers entered the military or found employment in the expanding war industry, an acute labor shortage was created in agriculture. Food production was considered vital to winning the war, and for the first time since World War I, it became necessary to recruit alien labor. An agreement with Mexico, affective August 4, 1942, provided for the importation of Mexican nationals. The first Mexican agricultural workers were admitted to El Paso, Texas, on September 27, 1942, under the Ninth Proviso of Section 3 of the Immigration Act of February 5, 1917. The continued shortage of domestic labor brought about the enactment of Public Law 45 on April 29, 1943, which provided for the importation of agricultural laborers.

This law expired December 31, 1947, and from 1948 to June 30, 1951, Mexican laborers again were imported under the Ninth Proviso. On July 12, 1951, congress passed Public Law 78, and Mexican laborers were imported under this Act (see Exhibit II). Upon termination of Public Law 78 on December 31, 1964, the importation of Mexican laborers diminished drastically. In calendar year 1965, 20,284 Mexican agricultural laborers were imported under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act. In addition, in fiscal year 1965, 15,377 British West Indians and 21,430 Canadian woodsmen and agricultural laborers were admitted under this Act. If the Canadian and British West Indian programs were eliminated, illegal entries would increase; however, the impact would not be as great on illegal alien activity as was brought about by the termination of Public Law 78. Statistics concerning the relationship between the importation of Mexican laborers and deportable aliens located reveal that as the number of contracted Mexican laborers declined, the number of deportable aliens apprehended increased. (See Exhibits I and II)

Early in fiscal year 1950, a Border Patrol unit was established in New York, followed by the establishment of units in Philadelphia, Baltimore, and Norfolk, to perform seaport and crewman control duties. These units were abolished in 1952 and the officers and functions were transferred to the newly formed Investigations Division.

Starting with fiscal year 1944 and upon termination of World War II, illegal alien activity accelerated rapidly, especially along the

Mexican border. Apprehension of deportable aliens increased each year. During this period, the authorized force decreased from 1,637 to 1,079. The increasingly large number of apprehensions each year could not be pointed at with pride. These large numbers of aliens who could be apprehended so rapidly indicated a weakness in the prevention of illegal entry. During appropriation hearings in February 1951, Service representatives were informed that the influx of illegal aliens was a major and fantastic disgrace and a reflection on the Immigration Service, the Department of Justice, and representatives of the national government, and that the situation was so serious along the Mexican border that it made a farce of the Immigration laws in that area.

The Mexican border situation continued to deteriorate, especially in the California and Rio Grande Valley areas. It was reported that aliens were responsible for 755 of the crimes in some of the South Texas and California counties. The Service was implored by citizens' associations, chambers of commerce, and local peace officer groups to use all possible resources toward controlling the hordes of illegal aliens flooding the Southwest. The numerous reports of robbery, rape, and pillage by illegal aliens indicated the seriousness of the situation.

In 1950, in attempting to halt this invasion, the Canadian border was reduced by 62 positions that were shifted to the Mexican border. In addition, an airlift to the interior of Mexico was inaugurated June 1, 1951. Approximately 51,504 aliens were airlifted before that lift was discontinued during July 1952 for lack of funds. The Mexican Government then agreed to provide train lifts for its nationals, with military surveillance, from the San Antonio and Los Angeles Districts to the interior of Mexico. These trainlifts were inaugurated in July 1952, but because of their ineffectiveness were discontinued after about five months of operation. During that time 25,297 aliens were transported from the border areas. In most areas, the Border Patrol could apprehend daily as many aliens as officers could handle. It was the same old story, year after year—too little and too late to stop the wave of illegal entries.

On June 9, 1954, however, the Attorney General announced that the Border Patrol would begin an operation to rid Southern California of illegal aliens. On June 17, 1954, a special force of some 800 officers from all districts was assembled at El Centro and Chula Vista, California. As news of the special operation spread, unknown thousands of aliens left the country voluntarily. The adult, healthy, Mexican males without families were expelled by bus at Nogaleses and from there by train, at the expense of the Mexican Government, to the interior of Mexico. In approximately thirty days, the operation was shifted to the South Texas area. After the wetback invasion was brought under control there, officers were assigned to Chicago and other interior cities to clean out the illegal aliens in those areas. After removing the hordes of illegal aliens in the Southwest, it was reported that unemployment claims in California dropped by $188,000 a week and that crime in some border counties decreased from 50%–90%. Welfare agencies and hospitals reported a decrease in charity demands. Jobs were made available for local citizens, and merchants reported rising sales. There was a general improvement in the economic, social, and health conditions all along the Mexican border. For example, the infant mortality rate in Hidalgo County, Texas, dropped from 233 in 1953 to 31 in the last half of 1954.

To assure that there would be a sufficient number of officers on a permanent basis to maintain control of the borders, Congress, in fiscal year 1955, authorized an increase of 400 patrol agents. To provide for a means for the expeditious movement of aliens in Service custody, five transport aircraft were acquired in late 1954. It was realized at the time that there could be no relaxation of our enforcement effort and, realizing the need to remove border violators from the area of their gainful employment in order to discourage their illegal return, the Border Patrol, on September 8, 1954, began expelling adult Mexican male aliens by boatlift from Port Isabel, Texas, to Vera Cruz, Mexico. The operation was terminated in August 1956, after 49,503 aliens had been removed. The Ojinaga to Chihuahua trainlift, and the Reynosa-Matamoros, Tamps., to Leon, Gto., airlift were started September 26, 1956, and November 29, 1957, respectively. For a brief period in 1965, the airlift was extended to include flights from Mexicali and Juarez. The Mexican airlift operation was discontinued in February 1969. Various other programs have utilized bus or train transport in Mexico to return aliens to the vicinity of their homes. At the close of Fiscal Year 1973, the following removal operations were in existence. The data of origin of the operation appears within the parentheses.

Airlift: Tijuana-Leon (3/25/70).

Buslift/Trainlift: Presido (9/26/56); El Paso-Jimenez (9/12/67); El Paso-Chihuahua (9/16/68); Port Isabel-San Luis Potosi (4/8/69); El Centro-Los Mochis (9/9/68); Chula Vista-Mazatlan (5/16/69); Del Rio-San Luis Potosi (3/13/70); Nogales-Obregon (12/3/70).

By 1956 the Mexican border violations had been reduced to the extent that adequate control prevailed. It was then possible to strengthen the other areas which was accomplished by transferring 84 officer positions from the Southwest Region. Thirty positions were allocated to the Northeast Region, 33 to the Northwest Region, and 21 to the Southeast Region.

As border conditions improved, it was realized that attention should be given to the illegal entry of aliens by air. Recognizing the potential use of private aircraft for alien smuggling and the need to provide a method to combat smuggling and illegal entry by air, as there were reportedly widespread violations, air detail offices were established for the Mexican border at El Centro, California, in July 1955, and relocated to Yuma, Arizona, in June 1956; at Detroit, Michigan, for the Canadian border in September 1957; and in the Miami Sector for the Caribbean area in July 1959. The function of these offices is to index, evaluate, and disseminate information relating to suspect aircraft and pilots transiting the Mexican, Canadian, and Florida and Gulf Coast borders. In April 1968, the Detroit office was merged with the Yuma office and in June 1968, the Miami office was moved to Yuma. Although these facilities are manned by Border Patrol personnel, they are Service-wide facilities and all offices contribute information concerning suspect aircraft and individuals, and consult the records when the need arises. More than one hundred thousand legal entries by private aircraft are verified each year. These offices have assisted in establishing almost 950 violations of Section 239 of the Immigration and Nationality Act (illegal entry in aircraft)

Further, as controls were tightened along the borders, increasing numbers of aliens resorted by use of false documents to support claims to United States citizenship. In view of the expanding complexity of the problem, it became evident that a coordinated effort on a national scale was needed to combat this menace to enforcement control, and as a result, the Fraudulent Document Center was established at El Paso, Texas, on April 15, 1958.

The Center compiles information from completed cases involving fraudulent birth or baptismal certificates used by Mexican aliens, and this information is readily available to a field officer who encounters a doubtful document claim to United States citizenship by a subject of Mexican extraction. The Center was moved to Yuma in June 1968 to place all Border Patrol record-keeping facilities in one location.

Two other record facilities are being operated by the Border Patrol. The Anti-Smuggling Information Center was established in 1965 to correlate information to identify known and/or suspect smugglers of aliens operating in the western portion of the U.S./Mexican border. The area involved has been extended to include all of the Southwest Region and the facility is now situated at Yuma, Arizona. Service officers direct information relating to smuggling operations to the Center for correlation, indexing, and filing. The current workload includes handling and processing approximately 6,000 cases per year and over 12,000 inquiries per year. A similar facility was established on July 1, 1971, at Swanton, Vermont, for information relating to alien smuggling across the U.S./Canadian border. The workload at the Canadian border facility is much less than the one on the Mexican border, but inquiries now exceed 100 per month. Beginning in 1959, there was a number of special problems of national interest that arose which resulted in the Border Patrol being called upon to furnish assistance. After Castro had succeeded in taking over the Cuban Government on January 1, 1959, anti-Castro Cubans and, in some cases United States citizens, used Florida airports to carry out hostile activity against Cuba, thereby causing embarrassment to this government. Under Presidential Proclamation 3004 dated January 17, 1953, and the provisions of Section 215 of the Immigration and Nationality Act (66 Stat. 190) and regulations of the Secretary of State relating to 22 CFR 46 and 53, the Attorney General was requested, on November 1, 1959, to prevent the departure of persons from the United States to Cuba, including its air space, who appeared to be departing for the purpose of starting or furthering civil strife in that country. The administrator of the Federal Aviation Administration issued a regulation requiring all persons operating civil aircraft for flights to or over Cuba to file a flight plan, to notify the Immigration and Naturalization Service, and to depart from designated international airports.

The Cabinet, on February 26, 1960, assigned primary responsibility for coordinating the efforts of various agencies to enforce the policy of interdicting illegal flights or incursions or export of arms to Cuba with the Administrator of the Federal Aviation Administration. The responsibility for preventing departure of unauthorized flights was assigned to the Border Patrol. In order to carry out these responsibilities, the 86th Congress, as a part of the appropriation for fiscal year 1961, appropriated $1,600,000 to increase the Border Patrol authorized force by 155 officers. On April 1, 1962, 33 of these positions were converted to guard positions and assigned to the Miami District. As the Cuban problem in Florida improved, the need for

the additional officers diminished, and the force was further reduced by 122 positions on February 6, 1963.

In May 1961, the Department of Justice requested the detail of, and was furnished, 349 patrol agents, with necessary vehicles and radio equipment, to assist U.S. marshals in quelling racial disturbances at Montgomery, Alabama. Subsequently, Patrol officers have assisted U.S. marshals in riot control at Oxford, Mississippi, Selma-Montgomery, Alabama, at the Pentagon and Resurrection City in Washington, D.C.; and in many other operations. The Border Patrol also participated in the transfer of food and drugs in the exchange for Bay of Pigs prisoners from Cuba.

In addition, the Patrol has aided U.S. marshals in maintaining peace and good order during the hearings of the House of Representatives Subcommittee on Un-American Activities. Also, between January 1961 and November 1963 Border Patrol officers were assigned to security duty with Air Force personnel to guard President Kennedy's plane in West Palm Beach, Florida. Later, during President Johnson's visits to Blaine, Washington, and El Paso, Texas, Border Patrol officers were detailed to assist the security force at those places.

During the Presidential Inauguration in January 1969, Patrol Agents were detailed to Washington, D.C., to assist in security measures. Operations Instruction 105.6(b) provides for immigration officers to render assistance to the Secret Service in its protective responsibilities to the President.

Between May 1, 1961, and August 6, 1961, there were three successful and one unsuccessful hijack attempts directed against United States commercial aircraft by unstable dissidents. On August 10, 1961, President Kennedy announced to the nation that U.S. Border Patrolmen would be assigned to protect a number of flights in order to prevent future hijack attempts. Twelve hours later, our officers were riding and safeguarding commercial flights. The operation was coordinated by the Maimi Sector for the entire United States, and when it reached its peak on August 16, 1961, 50 officers per day were accompanying 92 flights. This was scaled down gradually until September 9, after which date officers accompanied flights only upon request by an airline, the Federal Aviation Administration, or upon receipt of information that a hijack attempt might be made. During the operation, Patrol officers guarded 1,310 commercial flights and travelled 1,724,396 miles. That the operation was successful is borne out by the fact that no hijack attempts occurred during the operation. The last flight by our officers took place on October 23, 1961, when Federal Aviation Administration peace officers assumed responsibility for this activity. Between September 14, 1969 and November 2, 1969 Service Immigration Inspectors, Investigators, Airplane Pilots, and Border Patrol Agents participated in '''Operation Intercept/Cooperation,'' a multi-agency operation to halt the smuggling of marijuana, narcotics, and dangerous drugs from Mexico. Advanced planning and subsequent implementation involved realignment of Border Patrol officers assigned to back-up operations to the border area, detailing Patrol Agents and Investigators from other regions to the Southwest Region. Extending the workweek of all officers to provide greater availability of manpower, establishment of radar coverage through the cooperation of the Military and the Federal Aviation Administration, use of leased pursuit aircraft flown by Border Patrol pilots to intercept unidentified aircraft entering the United States from Mexico, and establishment of a communications system between the agencies for transmission of intelligence and operating information. The combined efforts of the participating agencies succeeded in achieving the program's objectives and initiated new approaches to a problem of national magnitude.

With the realignment and the details from other regions there were 1,123 officers assigned to border surveillance, an increase of 254 officers. A six day workweek was authorized for the officers assigned to the operation. For pursuit purposes, the Service leased seven Beech Baron aircraft and furnished three Cessna 180 and one Piper Cherokee, whereas, FAA provided two Beech Barons and Customs made available their Cessna 210. Sixteen Service pilots were accorded training to fly the Service Beech Barons. Twenty-one FAA and Military radar installations were utilized, of which ten were portable units. The greatest concentration of radar coverage extended from El Paso to the West Coast. Service communications equipment installed at radar sites were manned by Service officers.

Statistics relating to enforcement functions performed by Border Patrol Agents and Service Investigators during ''Operation Intercept/Cooperation'' reflect 115 Customs violators were located, resulting in 52 seizures which included approximately 7,000 pounds of marijuana, almost 20 ounces of heroin, and nearly 250,000 units of dangerous drugs.

After our enforcement effort was strengthened and the illegal entry problem brought under control, the number of deportable aliens apprehended remained relatively steady from Fiscal Year 1957 to Fiscal Year 1964, inclusive. During this period, the borders were considered to be under an acceptable level of control.

However, since termination of Public Law 78 on December 31, 1964, apprehensions, especially in the Southwest Region, have increased drastically. For example, during Fiscal Year 1964, the Border Patrol apprehended 42,879 deportable aliens, as compared to 369,495 in Fiscal Year 1972, an increase of 326,416 or 761%. There was a more significant increase in the apprehension of adult Mexican males ''EWI'' during the same period—17,812, in 1964, and 435,171 in 1973, an increase of 417,359 or 2343%.

To further illustrate the illegal alien problem facing the Border Patrol it is necessary to emphasize that, in Fiscal Year 1955, when the illegal entry situation along the Mexican border was brought under control, there were 337,996 Mexican laborers imported under Public Law 78 to help alleviate the agricultural labor shortage, as compared to the admission of only 20,287 Mexican agricultural laborers under the bracero program (Public Law 78). Mexican braceros were employed in seventeen states during the last year of the program. A few employers of agricultural laborors have requested certification for temporary foreign workers under the provisions of Section 214 and relating regulations. The number of Mexican laborers imported have been mere tokens of the labor force formerly available. In Fiscal Year 1966 there were 18,544 Mexican laborers admitted, 7,703 in 1967, 6,127 in 1968. No Mexican laborers have been imported since 1968.

A few months after the bracero program terminated it became evident that only a small number of workers would be admitted for temporary employment. This prompted former agricultural contract laborers, many whose only source of income and livelihood for years had been derived from work in the United States, and many others, knowing that work was available in this country, to resort to illegal entry.

To combat this pressure along the sourthern border, officers were detailed to the most active areas, transfers from the Southwest Region to the other regions were frozen February 2, 1965, and during the last six months of Fiscal Year 1966, 95 Patrol Agents positions were transferred from the other regions to the Southwest Region to bolster our forces there. Although these measures have helped, the problem of maintaining adequate control against illegal alien activity has taxed our resources to the fullest.

The continuing high volume of border violations has necessitated an increase of 152 officer positions in Fiscal Years 1970 and 1971, and 140 positions in Fiscal Year 1972. In addition, considerable knowledge has been acquired relative to the development and utilization of electronic intrusion devices to supplement border security. This comparatively new field of endeavor for the Border Patrol will undoubtedly become a major factor in the overall success of enforcement functions.

Barring a major economic disaster, such as a nationwide depression, the opportunity for employment will remain the principal attraction to the migration of aliens to the United States. A severe shortage of unskilled agricultural workers during World War II was eased considerably by the legal, temporary admission of workers from adjacent countries. This in itself did not halt the flow of illegal aliens; however, increased enforcement measures, coupled with the availability of legal farm workers, served to bring the illegal entry problem well within control of the Border Patrol. In recent years a transition in reverse has been taking place; i.e., efforts have been directed toward replacing the alien worker with citizens and legal residents. This transition, which is beyond Service control, has already and will continue to have a bearing on Border Patrol operations.

During the transition, actions taken by agricultural associations and individual farmers can affect the rate of progress and the future requirements for agricultural workers. Wholehearted acceptance of the local worker in lieu of imported labor will facilitate the transition. Unfortunately, some associations and farmers are still relying on illegal aliens to perform field work. Conversion to crops requiring less manpower and elimination of non-essential luxury produce requiring excessive labor and care would reduce the need for laborers; however, such conversions, if they have been made, have had no appreciable affect on the laborers needed. Lastly, the development and utilization of mechanical devices for ground preparation, planting, cultivation, and harvesting will influence the future requirements for agricultural workers. Further technological advances are forthcoming, but not within the present time frame.

Other important factors that cause aliens to enter the United States in violation of law are socio-economic and political conditions in their homelands. Mexico is a prime example of the disparity in existing socio-economic conditions. Although progress has been made in commercial and agricultural development, housing, educational opportunities, social and welfare matters, a high rate of unemployment persists, particularly for the unskilled laborer. Two interesting observations have appeared in news media that concisely pinpoint Mexico's labor situation.

In testimony before the House Subcommittee on Immigration on July 9, 1971, at El Paso, Texas, American Consul General William P. Hughes stated ''Mexico is expected to have 70 million people by the year 2000. It must create 400,000 jobs a year. Perhaps if we could aid Mexico to narrow the economic gap the illegal problem could erode''. (El Paso Herald, July 10, 1971). The January 29, 1973, issue of U.S. News & World Report contained the following: ''Mexico is wading into 1973 with a Growing Problem. Too few jobs for too many people. The rate for unemployment and underemployment is estimated to top 20 per cent nationwide. In the countryside, the figure may hit 50 per cent. Economists say more than 1 million Mexicans reach age 15 each year. Most of them enter the labor market''. In contrast, Canada's progress has served to reduce incentives for some of its citizens to seek benefits elsewhere. The political situation in Cuba has resulted in the exodus of large numbers of Cubans, with thousands of them finding refuge in the United States. It is not possible to predict the degree to which the foregoing factors will affect Border Patrol operations. Likewise, there is no means by which to gauge the duration of conditions that prompt aliens to enter the United States illegally. In the absence of positive, predictable or controllable factors, the Border Patrol must continue to utilize its manpower and other resources as efficiently and effectively as possible to control the flow of illegal aliens in the United States.

BIBLIOGRAPHY

In citing the various stages of development in this History of the Border Patrol, a number of sources were researched. In some instances, direct quotations were lifted from the original documents and, in others, the writer has paraphrased to avoid voluminous and repetitious quotations.

Among the major sources reviewed were: U.S. Statues at Large; U.S. Code Congressional and Administrative News; Annual Reports of the Immigration and Naturalization Service, Fiscal Years 1892 through 1968; Our Immigration, M–85, 1963 Edition; Development of Immigration and Naturalization Laws and Service History, M–67, Revised 5/1/64; The Border Patrol—Its Origin and Its Work, M–157, 1963 Edition; Appropriation Hearings, Fiscal Years 1920 through 1965; Appropriation and Immigration Congressional Committee Reports; Service Statistical (G–23) Reports; Service Files; Laws Applicable to Immigration and Nationality; World Book Encyclopedia, 1965 Edition; Planned Parenthood News, Spring 1966, Edition.

Mr. Speaker, I just want to recap that it all started with the Mounted Guard, which was assigned to the Immigration Service under the Department of Commerce and Labor from 1904 to 1924.

The founding members of this Mounted Guard included Texas Rangers, sheriffs, and deputized cowboys who patrolled the frontier looking for smugglers and rustlers back during that early period.

On May 28, 1924, the Border Patrol was established within the Bureau of Immigration with an initial force of 450 patrol inspectors and a yearly budget of $1 million and an average yearly salary of $1,300 for its inspectors who, incidentally, had to provide their own horse.

During the Border Patrol's 75-year history, these highly trained, dedicated, and professional officers have assisted in controlling civil disturbances, performing national security details for the President while he has traveled in our border States, aided in foreign training and assessments in countries such as Bolivia, Colombia, Cuba, Equador, Guatemala, El Salvador, and Haiti, and have responded with security and humanitarian assistance in the aftermath of numerous natural disasters, which include the massive earthquake in San Francisco in 1989 and the Mexico City earthquake of 1990.

Every year hundreds of lives are saved along our Nation's borders by Border Patrol agents that are out routinely on search-and-rescue missions. During the first airline hijacking in U.S. history, which occurred in El Paso in 1961, Border Patrol agents played an instrumental role in averting a disaster and restoring order.

During the civil rights era, Border Patrol agents were often deputized as U.S. Marshals to assist in the integration of our schools. Border Patrol agents have worked with the FBI and other law enforcement agencies throughout this country charged with our national security to intercept individuals that pose a threat to our national security.

The Border Patrol is also the lead agency today tasked with drug interdiction between our ports of entry, playing a major role in keeping our neighborhoods drug free.

Mr. Speaker, I could go on and on about the accomplishments, dedication, and the role of the United States Border Patrol and the history of this country.

The present force of over 8,000 agents, located in 146 stations under 21 sectors, is responsible for protecting more than 8,000 miles of international land and water boundaries. It is this Nation's largest uniform Federal law enforcement agency.

The men and women of the United States Border Patrol have the dual role of protecting this Nation's borders and enforcing immigration laws in a fair and humane, professional manner. Their job is tough and it takes a special person to perform their duties. It also takes a special person to work summers in the deserts of Arizona and West Texas or the cold winters in North Dakota and Vermont.

Our agents provide a vital service to our Nation day in and day out, and I am very proud that we are passing this resolution to thank them and honor them on behalf of this House of Representatives.

The work that our Border Patrol agents perform each day is dangerous. Eighty-six agents and pilots have lost their lives in the line of duty, six last year and two this year.

Mr. Speaker, I include for the RECORD the names of each of those brave men and women who have died while serving their country:

BORDER PATROL OFFICERS KILLED IN THE LINE OF DUTY

Clarence M. Childress, April 16, 1919.
Charles L. Hopkins, May 8, 1919.
Charles Gardiner, October 22, 1922.
James F. Mankin, September 14, 1924.
Frank N. Clark, December 13, 1924.
Joseph P. Riley, April 6, 1925.
Augustin De La Peña, August 2, 1925.
Ross A. Gardner, October 28, 1925.
William W. McKee, April 23, 1926.
Lon Parker, July 25, 1926.
Thad Pippin, April 21, 1927.
Franklin P. Wood, December 15, 1927.
Norman G. Ross, February 10, 1928.
Robert H. Lobdell, December 25, 1928.
Earl A. Roberts, March 24, 1929.
Benjamin T. Hill, May 30, 1929.
Ivan E. Scotten, July 20, 1929.
Miles J. Scannell, September 9, 1929.
William D. McCalib, January 7, 1930.
Harry E. Vincent, March 25, 1930.
Robert W. Kelsay, June 25, 1930.
Frank Vidmar, Jr., March 24, 1932.
Charles F. Inch, June 26, 1932.
Philip D. Stobridge, March 7, 1933.
Doyne C. Melton, December 7, 1933.
Bert G. Walthall, December 27, 1933.
William L. Stills, January 17, 1940.
George E. Pringle, December 28, 1940.
Robert J. Heibler, September 7, 1941.
Ralph W. Ramsey, February 26, 1942.
Earl F. Fleckinger, June 23, 1945.
Ned D. Henderson, November 18, 1945.
Anthony L. Oneto, March 11, 1947.
Michael T. Box, August 29, 1950.
Richard D. Clarke, December 18, 1950.
Edwin H. Wheeler, July 6, 1952.
William F. Bucklew, July 23, 1954.
Donald Kee, July 23, 1954.
James M. Kirchner, November 15, 1954.
James M. Carter, June 6, 1956.
Douglas C. Shute, June 6, 1956.
John A. Rector, October 16, 1956.
Archie L. Jennings, April 16, 1960.
Kenneth L. Carl, June 18, 1961.
Richard A. Lugo, May 14, 1967.
George F. Azrak, June 17, 1967.
Theodore L. Newton, Jr., June 17, 1967.
Elgar B. Holliday, October 18, 1967.
Ralph L. Anderson, October 25, 1968.
James G. Burns, December 8, 1968.
Henley M. Goode, Jr., October 11, 1969.
John S. Blue, October 4, 1969.
Friedrich Karl, October 4, 1973.
Edwin C. Dennis, February 4, 1974.
Lee L. Bounds, March 29, 1974.
Glenn A. Phillips, July 8, 1974.
Oscar T. Torres, November 30, 1974.
Joseph P. Gamez, Jr., April 21, 1978.
Weldon Smith, October 19, 1979.
Victor C. Ochoa, March 11, 1983.
Thomas K. Byrd, November 21, 1983.
Manuel Salcido, Jr., January 2, 1985.
Lester L. Haynie, June 14, 1985.
Norman Ray Salinas, August 4, 1986.
John R. McCravey, February 23, 1987.
Josiah B. Mahar, September 23, 1988.
David F. Roberson, July 14, 1989.
Keith Connelly, September 6, 1989.
John D. Keenan, November 27, 1989.
Louis D. Stahl, June 13, 1992.
Jose A. Nava, January 6, 1995.
Luis A. Santiago, March 28, 1995.
Joe R. White, April 18, 1995.
Jefferson L. Barr, January 19, 1996.
Aurelio E. Valencia, January 25, 1996.
Michael W. Barnes, December 12, 1996.
Miguel J. Maldonado, March 10, 1997.

Stephen C. Starch, June 14, 1997.
Alexander Kirpnick, June 3, 1998.
Susan L. Rodriguez, July 7, 1998.
Ricardo G. Salinas, July 7, 1998.
Jesus A. De La Ossa, October 20, 1998.
Thomas J. Williams, October 20, 1998.
Walter S. Panchison, October 23, 1998.
Rene B. Garza, January 20, 1999.
Stephen M. Sullivan, March 27, 1999.

Mr. Speaker, last year and this year, the following agents were killed protecting our country: Alexander Kirpnick, Susan Rodriguez, Ricardo Salinas, Jesus De La Ossa, Thomas Williams, Walter Panchison, Rene Garza, and Stephen Sullivan.

I am proud to have had the opportunity to serve as a member of the United States Border Patrol.

When I came to Capitol Hill and began my career in Congress, I was pleased to find that the United States Border Patrol had tremendous support, some of which this evening has been given by my colleague from Texas and my colleague from Alabama.

This support has been reflected in the mandate that INS hire an additional 1,000 Border Patrol agents each year until the year 2001. This support has been shown time and time again by this Congress providing funds for the hiring of these agents and, as my colleague from Texas (Ms. JACKSON-LEE) mentioned, increasing their pay.

As I said, I was proud to add my name to the legislation introduced by my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), which would provide pay raises for the majority of our agents.

I am proud to have introduced with my friend and colleagues, the gentleman from Texas (Mr. SMITH) and the gentleman from Kentucky (Mr. ROGERS), legislation to reform the INS and to create two separate bureaus. Our legislation would ensure that the voices of these hard-working agents are heard at the highest levels and that their safety and well-being is priority number one.

Mr. Speaker, let me once again thank my colleagues for their assistance in getting this bill to the floor. The gentleman from Texas (Chairman SMITH), the gentlewoman from Texas (Ms. JACKSON-LEE), the Republican leadership, and the Democratic leadership all have strongly supported my efforts, and I want to thank them.

I urge all of my colleagues to support H. Con. Res. 122, which recognizes the historical significance of the United States Border Patrol's contribution over the course of the last 75 years of commitment and service to our great country.

Mr. Speaker, I include for the RECORD the following poem that was written by Former Chief of the U.S. Border Patrol Buck Brandemuehl, entitled ''That Uniform'':

BUCK BRANDEMUEHL,
January 10, 1994.

THAT UNIFORM

The other day I went out to the garage to rummage about. I spied this wardrobe along the wall. I opened the door and saw that uniform. You know the one—it's dark green, has a patch on the shoulder with a blue stripe running down the pants leg. I took that uniform out and hung it on the door, and then sat back to reminisce awhile.

I remember when I first put that uniform on. I'll bet you do too. For me it was 1956. I was just out of the academy and boy was I proud. It seems just like yesterday. How time flies. Well, it took me a while to realize just what that uniform stood for and what it represented. For me it represented the men and women of a great country and the laws they enforce.

It embodies the old mounted patrol, the first ones to patrol the line. Did you know that uniform has traversed our borders for over 75 years? During prohibition when firefights and loss of life were the norm, the officers wearing that uniform carried out their mission above and beyond.

Throughout WWII that uniform certainly served its country well, and since that time it has appeared in some unusual places such as wounded knee, Indian Town Gap, Fort Chafee, and St. E's to name but a few.

That uniform has been in inaugurations, and has helped to provide security for dignitaries, including several of our Presidents. It has appeared before both houses of Congress to tell its story, and it has spanned the oceans to become known internationally. Yes, that uniform has been on the front lines during the Cuban and the Haitian crises, and the war on drugs.

I see that uniform now standing at a traffic checkpoint with the sun beating down. I see it kneeling beside the railroad tracks and standing steadfastly along a riverbank at midnight. I see that uniform diving in a canal to save a life. I see it being worn by one of our pilots on a mercy flight with a burn victim. And, above all, I see that uniform standing in honor of one of our fallen.

PRIDE IN OUR PAST . . . FAITH IN OUR FUTURE . . . YOU'RE DARNED RIGHT!

Mr. Speaker, I would like to conclude my remarks this evening by reading the last paragraph of that poem.

I see that uniform now standing at a traffic checkpoint with the sun beating down. I see it kneeling beside the railroad tracks and standing steadfastly along a riverbank at midnight. I see that uniform diving in a canal to save a life. I see it being worn by one of our pilots on a mercy flight with a burn victim. And, above all, I see that uniform standing in honor of one of our fallen officers.

Mr. Speaker, the motto of the United States Border Patrol today is ''pride in our past, faith in our future.''

I want to thank the ranking member the gentlewoman from Texas (Ms. JACKSON-LEE) and my colleague the gentleman from Alabama (Mr. BACHUS) for their support this evening.

Ms. JACKSON-LEE of Texas. Mr. Speaker, with the eloquent words of the gentleman from Texas (Mr. REYES) and the salute that we have given to the Border Patrol, I want to congratulate him and congratulate the Border Patrol.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

□ 1830

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

In recent years, the House Committee on the Judiciary has strongly supported and greatly appreciated the indispensable work of the border patrol in combating both illegal immigration and drug smuggling. It was truly gratifying, I think, to all of us to hear the testimony of the gentleman from El Paso, TX (Mr. REYES) talk about the difficult and dangerous work that they do. Some of us may know, but I think it is worth noting that he served with the border patrol for some 22 years. He had an illustrious career with them and was a border patrol chief. It is the gentleman from Texas that introduced this resolution.

What does the resolution do? It honors the border patrol on the occasion of their 75th anniversary. How fitting that the person that introduced that resolution and the primary speaker on the floor was the gentleman from Texas. This resolution, because he introduced it and because it is such a worthy and distinguished anniversary, has bipartisan, widespread support. I would like to conclude by not only thanking the gentleman from Texas but also thanking the chairman of the Subcommittee on Immigration the gentleman from Texas (Mr. SMITH). He had business in the district and could not be here. I am managing this legislation for him. I would also like to commend the ranking member of the Subcommittee on Immigration the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. SMITH of Texas. Mr. Speaker, the founding members of today's U.S. Border Patrol were Texas Rangers, sheriffs, and cowboys who patrolled the Texas frontier looking for smugglers, rustlers, and illegal aliens. From their rough beginnings they have grown into a present-day force of over 8,000 full time Border Patrol agents and supporting staff.

The 1996 immigration reform law, which I introduced, authorized the hiring of 5,000 additional Border Patrol agents over 5 years. So far more than 2,000 agents have been added to the force in just the past 3 years.

This has had a significant positive effect in deterring and reducing illegal immigration and drug trafficking. However, the Clinton administration has continued to oppose increasing the size of the Border Patrol, despite widespread support and proven results.

The Border Patrol, which must guard 8,000 miles of border against drug smugglers, alien smugglers, criminals, and terrorists, still has fewer personnel than the Chicago city police department. The administration's own drug czar, General Barry McCaffrey, estimated that at least 20,000 Border Patrol agents are needed to control the flow of drugs into our country. And a recent academic study estimated that 16,000 agents are needed for the Southwestern border alone.

I hope this great 75th anniversary of the Border Patrol will give the administration one more opportunity to reconsider its opposition to increasing the ranks of the Border Patrol.

But the administration's foot-dragging should not obscure the central purpose of this resolution, which is to recognize the courage, dedication, and professionalism of the thousands of American men and women who have worn the Border patrol uniform with pride and served their country with distinction.

At great risk and sometimes even at the cost of the lives, Border Patrol agents have guarded our frontiers for 75 years. By day and by night, in the blazing hot Southwestern desert and in Rocky Mountain snowstorms, they have fought and triumphed.

Through this resolution sponsored by my good friend and fellow Texan SILVESTRE REYES, himself a career Border Patrol agent who was responsible for Operation Hold the Line in El Paso, we honor the Border Patrol today.

Mr. FILNER. Mr. Speaker, I rise today first to thank my distinguished colleague Congressman SILVESTRE REYES for bringing this tribute to the floor today. SILVER, you have provided a daily, living example to us in the House of the professionalism and dedication of this great 75-year-old organization. The Border Patrol is one of the most important law enforcement organizations in my community of San Diego. It is responsible for keeping our border community safe. Because of the Border Patrol, our country and our communities are protected. We are protected against criminals who would cross the border; we are protected against drugs that could flow across our border; because of Operation Gatekeeper, we are protected against the flows of desperate immigrants running across our backyards and up our freeways; we are protected because Border Patrol personnel, from the inspectors to the agents put their lives on the line daily to keep ours safe.

For 75 years, the Border Patrol has acted as one of the first lines of defense for our country. I want to thank the members of the Border Patrol and especially honor the 86 members of the Patrol who have lost their lives so ours could be safe. It is a fitting tribute to them, this day before Veteran's Day—they are our Veterans in the war to protect our Border.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 122.

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.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3261) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The Clerk read as follows:

H.R. 3261

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 ''Communications Satellite Competition and Privatization Act of 1999''.

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communication services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and Inmarsat.

SEC. 3. REVISION OF COMMUNICATIONS SATELLITE ACT OF 1962.

The Communications Satellite Act of 1962 (47 U.S.C. 101) is amended by adding at the end the following new title:

''TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

''Subtitle A—Actions To Ensure Procompetitive Privatization

''SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

''(a) LICENSING FOR SEPARATED ENTITIES.—

''(1) COMPETITION TEST.—The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned, leased, or operated by the separated entity to provide services to, from, or within the United States.

''(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

''(b) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—

''(1) COMPETITION TEST.—The Commission shall substantially limit, deny, or revoke the authority for any entity subject to United States jurisdiction to use space segment owned, leased, or operated by INTELSAT or Inmarsat or any successor entities to provide non-core services to, from, or within the United States, unless the Commission determines—

''(A) after April 1, 2001, in the case of INTELSAT and its successor entities, that INTELSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States; or

''(B) after April 1, 2000, in the case of Inmarsat and its successor entities, that Inmarsat and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States.

''(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621, 622, and 624, and shall not make such a determination unless the Commission determines that such privatization is consistent with such criteria.

''(3) CLARIFICATION: COMPETITIVE SAFEGUARDS.—In making its licensing decisions under this subsection, the Commission shall consider whether users of non-core services provided by INTELSAT or Inmarsat or successor or separated entities are able to obtain non-core services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such licensing decisions would require users to replace equipment at substantial costs prior to the termination of its design life. In making its licensing decisions, the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been foreclosed due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems. Such licensing decisions shall be made in a manner which facilitates achieving the purposes and goals in this title and shall be subject to notice and comment.

''(c) ADDITIONAL CONSIDERATIONS IN DETERMINATIONS.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

''(d) INDEPENDENT FACILITIES COMPETITION.—Nothing in this section shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities, or from providing services through reselling capacity over the facilities of satellite systems independent from INTELSAT and Inmarsat, and successor or separated entities. This subsection shall not be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT over the independent satellites or facilities described in this subsection.

''SEC. 602. INTELSAT OR INMARSAT ORBITAL LOCATIONS.

''(a) REQUIRED ACTIONS.—Unless, in a proceeding under section 601(b), the Commission determines that INTELSAT or Inmarsat have been privatized in a manner that will not harm competition, then—

''(1) the President shall oppose, and the Commission shall not assist, any registration for new orbital locations for INTELSAT or Inmarsat—

''(A) with respect to INTELSAT, after April 1, 2001; and

''(B) with respect to Inmarsat, after April 1, 2000; and

''(2) the President and Commission shall, consistent with the deadlines in paragraph (1), take all other necessary measures to preclude procurement, registration, development, or use of new satellites which would provide non-core services.

''(b) EXCEPTION.—

''(1) REPLACEMENT AND PREVIOUSLY CONTRACTED SATELLITES.—Subsection (a) shall not apply to—

''(A) orbital locations for replacement satellites (as described in section 622(2)(B)); and

''(B) orbital locations for satellites that are contracted for as of March 25, 1998, if

such satellites do not provide additional services.

''(2) LIMITATION ON EXCEPTION.—Paragraph (1) is available only with respect to satellites designed to provide services solely in the C and Ku for INTELSAT, and L for Inmarsat bands.

''SEC. 603. ADDITIONAL SERVICES AUTHORIZED.

''(a) SERVICES AUTHORIZED DURING CONTINUED PROGRESS.—

''(1) CONTINUED AUTHORIZATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any provider of services using INTELSAT or Inmarsat space segment, or authorize the use of such space segment, for additional services (including additional applications of existing services) or additional areas of business, subject to the requirements of this section.

''(2) ADDITIONAL SERVICES PERMITTED UNDER NEW CONTRACTS UNLESS PROGRESS FAILS.—If the Commission makes a finding under subsection (b) that conditions required by such subsection have not been attained, the Commission may not, pursuant to paragraph (1), permit such additional services to be provided directly or indirectly under new contracts for the use of INTELSAT or Inmarsat space segment, unless and until the Commission subsequently makes a finding under such subsection that such conditions have been attained.

''(3) PREVENTION OF EVASION.—The Commission shall, by rule, prescribe means reasonably designed to prevent evasions of the limitations contained in paragraph (2) by customers who did not use specific additional services as of the date of the Commission's most recent finding under subsection (b) that the conditions of such subsection have not been obtained.

''(b) REQUIREMENTS FOR ANNUAL FINDINGS.—

''(1) GENERAL REQUIREMENTS.—The findings required under this subsection shall be made, after notice and comment, on or before January 1 of 2000, 2001, and 2002. The Commission shall find that the conditions required by this subsection have been attained only if the Commission finds that—

''(A) substantial and material progress has been made during the preceding period at a rate and manner that is probable to result in achieving pro-competitive privatizations in accordance with the requirements of this title; and

''(B) neither INTELSAT nor Inmarsat are hindering competitors' or potential competitors' access to the satellite services marketplace.

''(2) FIRST FINDING.—In making the finding required to be made on or before January 1, 2000, the Commission shall not find that the conditions required by this subsection have been attained unless the Commission finds that—

''(A) COMSAT has submitted to the INTELSAT Board of Governors a resolution calling for the pro-competitive privatization of INTELSAT in accordance with the requirements of this title;

''(B) the United States has submitted such resolution at the first INTELSAT Assembly of Parties meeting that takes place after such date of enactment; and

''(C) the INTELSAT Assembly of Parties has created a working party to consider and make recommendations for the pro-competitive privatization of INTELSAT consistent with such resolution.

''(3) SECOND ANNUAL FINDING.—In making the finding required to be made on or before January 1, 2001, the Commission shall not find that the conditions required by this subsection have been attained unless the INTELSAT Assembly of Parties has approved a recommendation for the pro-competitive privatization of INTELSAT in accordance with the requirements of this title.

''(4) THIRD ANNUAL FINDING.—In making the finding required to be made on or before January 1, 2002, the Commission shall not find that the conditions required by this subsection have been attained unless the pro-competitive privatization of INTELSAT in accordance with the requirements of this title has been achieved by such date.

''(5) CRITERIA FOR EVALUATION OF HINDERING ACCESS.—The Commission shall not make a determination under paragraph (1)(B) unless the Commission determines that INTELSAT and Inmarsat are not in any way impairing, delaying, or denying access to national markets or orbital locations.

''(c) EXCEPTION FOR SERVICES UNDER EXISTING CONTRACTS IF PROGRESS NOT MADE.—This section shall not preclude INTELSAT or Inmarsat or any signatory thereof from continuing to provide additional services under an agreement with any third party entered into prior to any finding under subsection (b) that the conditions of such subsection have not been attained.

''Subtitle B—Federal Communications Commission Licensing Criteria: Privatization Criteria

''SEC. 621. GENERAL CRITERIA TO ENSURE A PRO-COMPETITIVE PRIVATIZATION OF INTELSAT AND INMARSAT.

''The President and the Commission shall secure a pro-competitive privatization of INTELSAT and Inmarsat that meets the criteria set forth in this section and sections 622 through 624. In securing such privatizations, the following criteria shall be applied as licensing criteria for purposes of subtitle A:

''(1) DATES FOR PRIVATIZATION.—Privatization shall be obtained in accordance with the criteria of this title of—

''(A) INTELSAT as soon as practicable, but no later than April 1, 2001; and

''(B) Inmarsat as soon as practicable, but no later than April 1, 2000.

''(2) INDEPENDENCE.—The successor entities and separated entities of INTELSAT and Inmarsat resulting from the privatization obtained pursuant to paragraph (1) shall—

''(A) be entities that are national corporations; and

''(B) have ownership and management that is independent of—

''(i) any signatories or former signatories that control access to national telecommunications markets; and

''(ii) any intergovernmental organization remaining after the privatization.

''(3) TERMINATION OF PRIVILEGES AND IMMUNITIES.—The preferential treatment of INTELSAT and Inmarsat shall not be extended to any successor entity or separated entity of INTELSAT or Inmarsat. Such preferential treatment includes—

''(A) privileged or immune treatment by national governments;

''(B) privileges or immunities or other competitive advantages of the type accorded INTELSAT and Inmarsat and their signatories through the terms and operation of the INTELSAT Agreement and the associated Headquarters Agreement and the Inmarsat Convention; and

''(C) preferential access to orbital locations, including any access to orbital locations that is not subject to the legal or regulatory processes of a national government that applies due diligence requirements intended to prevent the warehousing of orbital locations.

''(4) PREVENTION OF EXPANSION DURING TRANSITION.—During the transition period prior to full privatization, INTELSAT and Inmarsat shall be precluded from expanding into additional services (including additional applications of existing services) or additional areas of business.

''(5) CONVERSION TO STOCK CORPORATIONS.—Any successor entity or separated entity created out of INTELSAT or Inmarsat shall be a national corporation established through the execution of an initial public offering as follows:

''(A) Any successor entities and separated entities shall be incorporated as private corporations subject to the laws of the nation in which incorporated.

''(B) An initial public offering of securities of any successor entity or separated entity shall be conducted no later than—

''(i) April 1, 2001, for the successor entities of INTELSAT; and

''(ii) April 1, 2000, for the successor entities of Inmarsat.

''(C) The shares of any successor entities and separated entities shall be listed for trading on one or more major stock exchanges with transparent and effective securities regulation.

''(D) A majority of the board of directors of any successor entity or separated entity shall not be subject to selection or appointment by, or otherwise serve as representatives of—

''(i) any signatory or former signatory that controls access to national telecommunications markets; or

''(ii) any intergovernmental organization remaining after the privatization.

''(E) Any transactions or other relationships between or among any successor entity, separated entity, INTELSAT, or Inmarsat shall be conducted on an arm's length basis.

''(6) REGULATORY TREATMENT.—Any successor entity or separated entity shall apply through the appropriate national licensing authorities for international frequency assignments and associated orbital registrations for all satellites.

''(7) COMPETITION POLICIES IN DOMICILIARY COUNTRY.—Any successor entity or separated entity shall be incorporated and headquartered in a nation or nations that—

''(A) have effective laws and regulations that secure competition in telecommunications services;

''(B) are signatories of the World Trade Organization Basic Telecommunications Services Agreement; and

''(C) have a schedule of commitments in such Agreement that includes non-discriminatory market access to their satellite markets.

''(8) RETURN OF UNUSED ORBITAL LOCATIONS.—INTELSAT, Inmarsat, and any successor entities and separated entities shall not be permitted to warehouse any orbital location that—

''(A) as of March 25, 1998, did not contain a satellite that was providing commercial services, or, subsequent to such date, ceased to contain a satellite providing commercial services; or

''(B) as of March 25, 1998, was not designated in INTELSAT or Inmarsat operational plans for satellites for which construction contracts had been executed.

Any such orbital location of INTELSAT or Inmarsat and of any successor entities and separated entities shall be returned to the International Telecommunication Union for reallocation.

''(9) APPRAISAL OF ASSETS.—Before any transfer of assets by INTELSAT or Inmarsat to any successor entity or separated entity, such assets shall be independently audited for purposes of appraisal, at both book and fair market value.

''(10) LIMITATION ON INVESTMENT.—Notwithstanding the provisions of this title, COMSAT shall not be authorized by the Commission to invest in a satellite known as K–TV, unless Congress authorizes such investment.

''SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.

''In securing the privatizations required by section 621, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

''(1) NUMBER OF COMPETITORS.—The number of competitors in the markets served by INTELSAT, including the number of competitors created out of INTELSAT, shall be sufficient to create a fully competitive market.

''(2) PREVENTION OF EXPANSION DURING TRANSITION.—

''(A) IN GENERAL.—Pending privatization in accordance with the criteria in this title, INTELSAT shall not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional satellites except as permitted by subparagraph (B), and the United States shall oppose such expansion—

''(i) in INTELSAT, including at the Assembly of Parties;

''(ii) in the International Telecommunication Union;

''(iii) through United States instructions to COMSAT;

''(iv) in the Commission, through declining to facilitate the registration of additional orbital locations or the provision of additional services (including additional applications of existing services) or additional areas of business; and

''(v) in other appropriate fora.

''(B) EXCEPTION FOR CERTAIN REPLACEMENT SATELLITES.—The limitations in subparagraph (A) shall not apply to any replacement satellites if—

''(i) such replacement satellite is used solely to provide public-switched network voice telephony or occasional-use television services, or both;

''(ii) such replacement satellite is procured pursuant to a construction contract that was executed on or before March 25, 1998; and

''(iii) construction of such replacement satellite commences on or before the final date for INTELSAT privatization set forth in section 621(1)(A).

''(3) TECHNICAL COORDINATION AMONG SIGNATORIES.—Technical coordination shall not be used to impair competition or competitors, and coordination under Article XIV(d) of the INTELSAT Agreement shall be eliminated.

''SEC. 623. SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES.

''In securing the privatizations required by section 621, the following additional criteria with respect to any INTELSAT separated entity shall be applied as licensing criteria for purposes of subtitle A:

''(1) DATE FOR PUBLIC OFFERING.—Within one year after any decision to create any separated entity, a public offering of the securities of such entity shall be conducted.

''(2) PRIVILEGES AND IMMUNITIES.—The privileges and immunities of INTELSAT and its signatories shall be waived with respect to any transactions with any separated entity, and any limitations on private causes of action that would otherwise generally be permitted against any separated entity shall be eliminated.

''(3) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of any separated entity shall be individuals who are officers, directors, or employees of INTELSAT.

''(4) SPECTRUM ASSIGNMENTS.—After the initial transfer which may accompany the creation of a separated entity, the portions of the electromagnetic spectrum assigned as of the date of enactment of this title to INTELSAT shall not be transferred between INTELSAT and any separated entity.

''(5) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between a privatized INTELSAT or any successor entity and any separated entity shall be prohibited until 15 years after the completion of INTELSAT privatization under this title.

''SEC. 624. SPECIFIC CRITERIA FOR INMARSAT.

''In securing the privatizations required by section 621, the following additional criteria with respect to Inmarsat privatization shall be applied as licensing criteria for purposes of subtitle A:

''(1) MULTIPLE SIGNATORIES AND DIRECT ACCESS.—Multiple signatories and direct access to Inmarsat shall be permitted.

''(2) PREVENTION OF EXPANSION DURING TRANSITION.—Pending privatization in accordance with the criteria in this title, Inmarsat should not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional satellites, except for specified replacement satellites for which construction contracts have been executed as of March 25, 1998, and the United States shall oppose such expansion—

''(A) in Inmarsat, including at the Council and Assembly of Parties;

''(B) in the International Telecommunication Union;

''(C) through United States instructions to COMSAT;

''(D) in the Commission, through declining to facilitate the registration of additional orbital locations or the provision of additional services (including additional applications of existing services) or additional areas of business; and

''(E) in other appropriate fora.

This paragraph shall not be construed as limiting the maintenance, assistance or improvement of the GMDSS.

''(3) NUMBER OF COMPETITORS.—The number of competitors in the markets served by Inmarsat, including the number of competitors created out of Inmarsat, shall be sufficient to create a fully competitive market.

''(4) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between Inmarsat or any successor entity or separated entity and ICO shall be prohibited until 15 years after the completion of Inmarsat privatization under this title.

''(5) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of Inmarsat or any successor entity or separated entity shall be individuals who are officers, directors, or employees of ICO.

''(6) SPECTRUM ASSIGNMENTS.—The portions of the electromagnetic spectrum assigned as of the date of enactment of this title to Inmarsat—

''(A) shall, after January 1, 2006, or the date on which the life of the current generation of Inmarsat satellites ends, whichever is later, be made available for assignment to all systems (including the privatized Inmarsat) on a nondiscriminatory basis and in a manner in which continued availability of the GMDSS is provided; and

''(B) shall not be transferred between Inmarsat and ICO.

''(7) PRESERVATION OF THE GMDSS.—The United States shall seek to preserve space segment capacity of the GMDSS.

''SEC. 625. ENCOURAGING MARKET ACCESS AND PRIVATIZATION.

''(a) NTIA DETERMINATION.—

''(1) DETERMINATION REQUIRED.—Within 180 days after the date of enactment of this section, the Secretary of Commerce shall, through the Assistant Secretary for Communications and Information, transmit to the Commission—

''(A) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that impose barriers to market access for private satellite systems; and

''(B) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that are not supporting pro-competitive privatization of INTELSAT and Inmarsat.

''(2) CONSULTATION.—The Secretary's determinations under paragraph (1) shall be made in consultation with the Federal Communications Commission, the Secretary of State, and the United States Trade Representative, and shall take into account the totality of a country's actions in all relevant fora, including the Assemblies of Parties of INTELSAT and Inmarsat.

''(b) IMPOSITION OF COST-BASED SETTLEMENT RATE.—Notwithstanding—

''(1) any higher settlement rate that an overseas carrier charges any United States carrier to originate or terminate international message telephone services; and

''(2) any transition period that would otherwise apply,

the Commission may by rule prohibit United States carriers from paying an amount in excess of a cost-based settlement rate to overseas carriers in countries listed by the Commission pursuant to subsection (a).

''(c) SETTLEMENTS POLICY.—The Commission shall, in exercising its authority to establish settlements rates for United States international common carriers, seek to advance United States policy in favor of cost-based settlements in all relevant fora on international telecommunications policy, including in meetings with parties and signatories of INTELSAT and Inmarsat.

''Subtitle C—Deregulation and Other Statutory Changes

''SEC. 641. ACCESS TO INTELSAT.

''(a) ACCESS PERMITTED.—Beginning on the date of enactment of this title, users or providers of telecommunications services shall be permitted to obtain direct access to INTELSAT telecommunications services and space segment capacity through purchases of such capacity or services from, or through investment in, INTELSAT.

''(b) RULEMAKING.—Within 180 days after the date of enactment of this title, the Commission shall complete a rulemaking, with notice and opportunity for submission of comment by interested persons, to determine if users or providers of telecommunications services have sufficient opportunity to access INTELSAT space segment capacity directly from INTELSAT to meet their service or capacity requirements. If the Commission determines that such opportunity to access does not exist, the Commission shall take appropriate action to facilitate such direct access pursuant to its authority under this Act and the Communications Act of 1934.

The Commission shall take such steps as may be necessary to prevent the circumvention of the intent of this section.

''(c) CONTRACT PRESERVATION.—Nothing in this section shall be construed to permit the abrogation or modification of any contract.

''SEC. 642. SIGNATORY ROLE.

''(a) LIMITATIONS ON SIGNATORIES.—

''(1) NATIONAL SECURITY LIMITATIONS.—The Federal Communications Commission, after a public interest determination, in consultation with the executive branch, may restrict foreign ownership of a United States signatory if the Commission determines that not to do so would constitute a threat to national security.

''(2) NO SIGNATORIES REQUIRED.—The United States Government shall not require signatories to represent the United States in INTELSAT or Inmarsat or in any successor entities after a pro-competitive privatization is achieved consistent with sections 621, 622, and 624.

''(b) CLARIFICATION OF PRIVILEGES AND IMMUNITIES OF COMSAT.—

''(1) GENERALLY NOT IMMUNIZED.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or Inmarsat.

''(2) LIMITED IMMUNITY.—COMSAT and any other company functioning as United States signatory to INTELSAT or Inmarsat shall not be liable for action taken by it in carrying out the specific, written instruction of the United States issued in connection with its relationships and activities with foreign governments, international entities, and the intergovernmental satellite organizations.

''(3) PROVISIONS PROSPECTIVE.—Paragraph (1) shall not apply with respect to liability for any action taken by COMSAT before the date of enactment of the Communications Satellite Competition and Privatization Act of 1999.

''(c) PARITY OF TREATMENT.—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on the United States signatory which it imposes on other entities providing similar services.

''SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.

''Nothing in this title or the Communications Act of 1934 shall be construed to authorize or require any preference, in Federal Government procurement of telecommunications services, for the satellite space segment provided by INTELSAT, Inmarsat, or any successor entity or separated entity.

''SEC. 644. USE OF ITU TECHNICAL COORDINATION.

''The Commission and United States satellite companies shall utilize the International Telecommunication Union procedures for technical coordination with INTELSAT and its successor entities and separated entities, rather than INTELSAT procedures.

''SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE ACT OF 1962 PROVISIONS.

''Effective on the dates specified, the following provisions of this Act shall cease to be effective:

''(1) Date of enactment of this title: Sections 101 and 102; paragraphs (1), (5) and (6) of section 201(a); section 301; section 303; section 502; and paragraphs (2) and (4) of section 504(a).

''(2) On the effective date of the Commission's order that establishes direct access to INTELSAT space segment: Paragraphs (1), (3) through (5), and (8) through (10) of section 201(c); and section 304.

''(3) On the effective date of the Commission's order that establishes direct access to Inmarsat space segment: Subsections (a) through (d) of section 503.

''(4) On the effective date of a Commission order determining under section 601(b)(2) that Inmarsat privatization is consistent with criteria in sections 621 and 624: Section 504(b).

''(5) On the effective date of a Commission order determining under section 601(b)(2) that INTELSAT privatization is consistent with criteria in sections 621 and 622: Paragraphs (2) and (4) of section 201(a); section 201(c)(2); subsection (a) of section 403; and section 404.

''SEC. 646. REPORTS TO CONGRESS.

''(a) ANNUAL REPORTS.—The President and the Commission shall report to the Committees on Commerce and International Relations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate within 90 calendar days of the enactment of this title, and not less than annually thereafter, on the progress made to achieve the objectives and carry out the purposes and provisions of this title. Such reports shall be made available immediately to the public.

''(b) CONTENTS OF REPORTS.—The reports submitted pursuant to subsection (a) shall include the following:

''(1) Progress with respect to each objective since the most recent preceding report.

''(2) Views of the Parties with respect to privatization.

''(3) Views of industry and consumers on privatization.

''(4) Impact privatization has had on United States industry, United States jobs, and United States industry's access to the global marketplace.

''SEC. 647. CONSULTATION WITH CONGRESS.

''The President's designees and the Commission shall consult with the Committees on Commerce and International Relations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate prior to each meeting of the INTELSAT or Inmarsat Assembly of Parties, the INTELSAT Board of Governors, the Inmarsat Council, or appropriate working group meetings.

''SEC. 648. SATELLITE AUCTIONS.

''Notwithstanding any other provision of law, the Commission shall not have the authority to assign by competitive bidding orbital locations or spectrum used for the provision of international or global satellite communications services. The President shall oppose in the International Telecommunication Union and in other bilateral and multilateral fora any assignment by competitive bidding of orbital locations or spectrum used for the provision of such services.

''SEC. 649. EXCLUSIVITY ARRANGEMENTS.

''(a) IN GENERAL.—No satellite operator shall acquire or enjoy the exclusive right of handling telecommunications to or from the United States, its territories or possessions, and any other country or territory by reason of any concession, contract, understanding, or working arrangement to which the satellite operator or any persons or companies controlling or controlled by the operator are parties.

''(b) EXCEPTION.—In enforcing the provisions of this section, the Commission—

''(1) shall not require the termination of existing satellite telecommunications services under contract with, or tariff commitment to, such satellite operator; but

''(2) may require the termination of new services only to the country that has provided the exclusive right to handle telecommunications, if the Commission determines the public interest, convenience, and necessity so requires.

''Subtitle D—Negotiations To Pursue Privatization

''SEC. 661. METHODS TO PURSUE PRIVATIZATION.

''The President shall secure the pro-competitive privatizations required by this title in a manner that meets the criteria in subtitle B.

''Subtitle E—Definitions

''SEC. 681. DEFINITIONS.

''(a) IN GENERAL.—As used in this title:

''(1) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

''(2) INMARSAT.—The term 'Inmarsat' means the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Organization.

''(3) SIGNATORIES.—The term 'signatories'—

''(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means a Party, or the telecommunications entity designated by a Party, that has signed the Operating Agreement and for which such Agreement has entered into force or to which such Agreement has been provisionally applied; and

''(B) in the case of Inmarsat, or Inmarsat successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

''(4) PARTY.—The term 'Party'—

''(A) in the case of INTELSAT, means a nation for which the INTELSAT agreement has entered into force or been provisionally applied; and

''(B) in the case of Inmarsat, means a nation for which the Inmarsat convention has entered into force.

''(5) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

''(6) INTERNATIONAL TELECOMMUNICATION UNION.—The term 'International Telecommunication Union' means the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary satellite orbit.

''(7) SUCCESSOR ENTITY.—The term 'successor entity'—

''(A) means any privatized entity created from the privatization of INTELSAT or Inmarsat or from the assets of INTELSAT or Inmarsat; but

''(B) does not include any entity that is a separated entity.

''(8) SEPARATED ENTITY.—The term 'separated entity' means a privatized entity to whom a portion of the assets owned by INTELSAT or Inmarsat are transferred prior to full privatization of INTELSAT or Inmarsat, including in particular the entity whose structure was under discussion by INTELSAT as of March 25, 1998, but excluding ICO.

''(9) ORBITAL LOCATION.—The term 'orbital location' means the location for placement of a satellite on the geostationary orbital arc as defined in the International Telecommunication Union Radio Regulations.

''(10) SPACE SEGMENT.—The term 'space segment' means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

''(11) NON-CORE SERVICES.—The term 'non-core services' means, with respect to INTELSAT provision, services other than public-switched network voice telephony and occasional-use television, and with respect to Inmarsat provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

''(12) ADDITIONAL SERVICES.—The term 'additional services' means Internet services, high-speed data, interactive services, non-maritime or non-aeronautical mobile services, Direct to Home (DTH) or Direct Broadcast Satellite (DBS) video services, or Ka-band services.

''(13) INTELSAT AGREEMENT.—The term 'INTELSAT Agreement' means the Agreement Relating to the International Telecommunications Satellite Organization ('INTELSAT'), including all its annexes (TIAS 7532, 23 UST 3813).

''(14) HEADQUARTERS AGREEMENT.—The term 'Headquarters Agreement' means the International Telecommunication Satellite Organization Headquarters Agreement (November 24, 1976) (TIAS 8542, 28 UST 2248).

''(15) OPERATING AGREEMENT.—The term 'Operating Agreement' means—

''(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by Governments or telecommunications entities designated by Governments in accordance with the provisions of the Agreement; and

''(B) in the case of Inmarsat, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.

''(16) INMARSAT CONVENTION.—The term 'Inmarsat Convention' means the Convention on the International Maritime Satellite Organization (Inmarsat) (TIAS 9605, 31 UST 1).

''(17) NATIONAL CORPORATION.—The term 'national corporation' means a corporation the ownership of which is held through publicly traded securities, and that is incorporated under, and subject to, the laws of a national, state, or territorial government.

''(18) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.)

''(19) ICO.—The term 'ICO' means the company known, as of the date of enactment of this title, as ICO Global Communications, Inc.

''(20) REPLACEMENT SATELLITE.—The term 'replacement satellite' means a satellite that replaces a satellite that fails prior to the end of the duration of contracts for services provided over such satellite and that takes the place of a satellite designated for the provision of public-switched network and occasional-use television services under contracts executed prior to March 25, 1998 (but not including K–TV or similar satellites). A satellite is only considered a replacement satellite to the extent such contracts are equal to or less than the design life of the satellite.

''(21) GLOBAL MARITIME DISTRESS AND SAFETY SERVICES OR GMDSS.—The term 'global maritime distress and safety services' or 'GMDSS' means the automated ship-to-shore distress alerting system which uses satellite and advanced terrestrial systems for international distress communications and promoting maritime safety in general. The GMDSS permits the worldwide alerting of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

''(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title that are defined in section 3 of the Communications Act of 1934 have the meanings provided in such section.''.

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

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

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3261, the Communications Satellite Competition and Privatization Act of 1999. In 1962, Congress passed the Communications Satellite Act. It was well intended and indeed may have fit the times. But the world has changed in the almost 40 years since then, particularly in telecommunications and space technology. It is high time the law caught up with reality.

As many of my colleagues know, I have been working on this issue with the gentleman from Virginia (Mr. BLILEY) for a number of years now. The gentleman from Virginia has led the effort to author and to pass in the last Congress, indeed, this bill through the House and on to the Senate. This year, along with the gentleman from Massachusetts, the gentleman from Virginia introduced H.R. 1872. That bill was passed by 403–16. This year, we have gotten together again, made modifications to the bill, and I think we have a stronger consensus around the bill than we even had last year. I am pleased indeed to join the gentleman from Virginia (Mr. BLILEY) along with the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Ohio (Mr. OXLEY) and a number of others who have joined him as cosponsors of the original bill.

The bill now incorporates in identical form, with minor changes regarding dates, all of last year's provisions with respect to privatization and reform that were reported out of the committee and passed by the House last year. However, the bill is different with respect to two issues. It enhances the direct access section and eliminates the section known as ''fresh look.'' Thus, we have acted on the basis of the hard work of the committee and the House of last year but in the process of building consensus, we have changed some important provisions.

The international satellite communications market is dominated now by the intergovernmental organization known as INTELSAT as well as by Inmarsat, which has done a limited form of privatization. These organizations use their market power to expand into services that the private sector is frankly chomping at the bit to provide. INTELSAT is run by a combination of the world's governments and is owned by a consortium of national telecommunications monopolies and dominant players, by government monopolies, for government monopolies, of government monopolies. Its supporters call it a ''cooperative.'' The gentleman from Virginia would call it indeed a ''cartel.''

Thus, it is critical not only that INTELSAT and Inmarsat be privatized but also that real competition be unleashed in this sector. A privatized cartel, Mr. Speaker, is still a cartel, the gentleman from Virginia will tell you. Today, the owners of these organizations are often the same folks that control licensing decisions and foreign market access. Thus, they have the ability and the incentive to make it hard for U.S. satellite companies to enter and to compete in their national telecom markets.

The only effective way to foster procompetitive privatization in an intergovernmental organization is to indeed use access to the U.S. market as part of the leverage. INTELSAT is treaty-based. You cannot sue them, tax them or regulate them as you would a private company. So this legislation eliminates the diplomatic privileges and unfair immunities that would give INTELSAT and COMSAT a leg up on their private sector competitors in a private sector marketplace of competition. No one in that market should be above the law.

Finally, the legislation ends the monopoly over access to INTELSAT from the U.S. held by COMSAT. The bill permits free competition, known as direct access. According to the FCC, COMSAT'S average margin in reselling INTELSAT services is still an amazing 68 percent. It is not bad if you can get it, but consumers could do, I suspect, a lot better.

Consumers and taxpayers will benefit from the lower prices that this legislation will bring. Businesses and their employees will benefit as new markets will open. And the American people will benefit by bringing satellite policy into the 21st century.

Mr. Speaker, I want to thank and commend the gentleman from Massachusetts who has been a stalwart with the gentleman from Virginia in bringing this issue through the Committee on Commerce and to the floor.

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

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

I begin by praising the chairman of the full committee the gentleman from Virginia (Mr. BLILEY) for his excellent work on this bill and for the excellent work of the subcommittee chairman for bringing this new version of the legislation out to the floor at this time. As the gentleman from Louisiana pointed out, I worked over the last several years with the gentleman from Virginia to fashion legislation in this area. While we were able to pass it through the House of Representatives last year with more than 400 votes, we were unsuccessful in reaching final resolution with the Senate. This is an effort, working with the gentleman from Louisiana now, with his refinements, to move the bill ultimately to the President's desk. I think that what we are doing here tonight is going to make it much more likely that we are going to see that end result. Working in tandem with the gentleman from Michigan (Mr. DINGELL) and with all the other members of the Committee on Commerce, I think we have got that goal line now in our sight.

Back in 1962 when COMSAT was created, the telecommunications sector around the globe was dominated by monopolies. In the United States, we only had one company, AT&T. It had 1.2 million employees. As a result, the construct of COMSAT and INTELSAT reflected the nature of the telecommunications industry at that point in time back in 1962. It is not surprising that the act reflected that period in time. It was immediately post-Sputnik. There was a paranoia that gripped the free world. There was a sense that we were slipping behind. There was a real understanding that the only way in which we could catch up is if the government, not only the government of our country but the governments of all of the free nations of the world banded together to launch these satellites that would make it possible for us to catch up and surpass the Soviet Union and their allies in the space race. Back then, it took national efforts to build, to launch and to maintain satellites in orbit.

But much has changed in the last 35 years, since President Kennedy signed the original COMSAT bill into law, since INTELSAT and subsequently Inmarsat were made a part of the international telecommunications infrastructure. Today, we have private individuals with their own money willing to build and to launch satellites into space. America leads in these cutting edge technologies, and the satellite market alone is a multibillion-dollar market sector and employs tens of thousands of workers throughout the country.

In my opinion in the post-GATT, post-NAFTA world, these are the areas that America must win. These are the areas that we should be the primary beneficiaries of as a people. These are the areas where our citizens, our workers should garner a disproportionate share of the jobs since it was the very same workers as taxpayers that footed the bill to stand down the Soviet Union by making the investment in these satellite technologies, by cobbling together these international alliances which made the inevitable defeat of the Soviet Union, reflecting the internal contradictions of their system all the more obvious as we surrounded them with democratic institutions.

Today, largely because of the Federal Government, largely because of the antitrust actions taken by the Reagan administration's breaking up AT&T back in 1982, we now have robust, competitive communications markets all across our country. Ironically, it is now a Federal district judge appointed by Ronald Reagan who is now calling for the dissolution of the monopoly control which Microsoft has over the computer marketplace. So this has been a bipartisan effort over the years, moving from this original period of monopoly to this new era of competition across all lines. It has been done, thank God, on a bipartisan basis, liberal and conservative; right wing, left wing; Louisiana and Massachusetts, working together.

Mr. Speaker, that 1962 model is no longer sustainable. In fact, it is counterproductive to American interests today. It is time to update the INTELSAT and Inmarsat law, two international governmental organizations who are not going to compete against U.S. satellite companies on even ground, or even space, to put it more accurately, simply because we ask them to do so politely. They will not give it up politely. No monopoly gives up anything politely. Sometimes it takes an antitrust case brought by the Reagan administration against AT&T or a Reagan judge against Microsoft. Sometimes it takes legislation. That is what we are doing here this evening, the legislative route.

And, Mr. Speaker, while the U.S. State Department has failed repeatedly to secure effective pro-competitive commitments in international meetings, all we ever are left with are weak commitments, vague promises or worse.

As part of our previous policy discussions over the years, other U.S. companies were repeatedly told that we could not have private sector companies in America have direct access to the INTELSAT system. In other words, no other American company could bypass the exclusive resale role that policymakers bequeathed to COMSAT 37 years ago. We were told to ignore the fact that almost half of the world had already liberalized such access to INTELSAT in their home countries. Finally, earlier this year, the FCC took an initial step in making access to INTELSAT more competitive by permitting a minimum level of direct access, so-called Level 3 direct access.

Now we are being told that private sector companies in the United States should be prohibited from going to Level 4 direct access. That is, allowing other U.S. companies in addition to COMSAT to make private investments in INTELSAT. What kind of free market do we have when private companies are prevented from risking their own money in investments? Are we to ignore the United Kingdom, Argentina and about two dozen other countries that have already demonopolized and deregulated their market and fully liberalized investment opportunities in this fashion? It is time for us to fully embrace the free market in international satellite communications, and this bill will help us to do just that.

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Level three access only partially achieves the objectives of full and fair competition. Level three access would give others the ability to obtain INTELSAT capacity at the wholesale level, but would leave COMSAT free to subsidize its rate with the 18 percent return it receives on its investment in the INTELSAT system as one of the shareholders in the consortium and the exclusive U.S. shareholder. Level four access, on the other hand, would eliminate the incentive for COMSAT to cross-subsidize by enabling COMSAT's competitors the opportunity to secure the same 18 percent return.

Now, level four access is already available in the United Kingdom and Argentina and Chile and France and New Zealand and Sweden and Denmark, in Ireland and Singapore and China, Ecuador, Jordan, Sri Lanka, Kazakhstan, and over a dozen other countries now modeling their telecommunications systems increasingly on us, and here we have this last bastion of monopoly. It is essential that the United States, having led the way, now join these other countries.

Mr. Speaker, our goal for COMSAT, the U.S. signatory, is that it evolve into a commercial company like any other American commercial company, without any special status or advantages, but also without any special obligations. In a new competitive environment, we have high hopes that COMSAT will succeed and that its corporate future is bright.

We believe that the additional changes made by the gentleman from

Louisiana (Mr. TAUZIN) to the legislation moves us very close to a final resolution. I think his suggestions were wise and they are now incorporated in this legislation.

I look forward to meeting with the Senate so that we can have additional discussions on this historic legislation and so that we can move forward along with our local satellite bill, our E-signature legislation in making the kinds of historic changes that make it possible for the private sector to be innovative, for the private sector to create the jobs, to be able to create the wealth which will be, ultimately, the real peace dividend for Americans and ultimately exporting these concepts across the globe.

I thank the gentleman for all of his great work. I stand, as usual, in admiration for his usual leadership.

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

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume just briefly, and then I have requests for time that I will honor.

Let me first thank my friend from Massachusetts for those very eloquent and kind words. It occurred to me as he was addressing the topic that the United States decision to create these international bodies along with countries around the world led, in fact, to the launching of communications satellites that are now serving the entire globe.

To a large measure, it was those satellites beaming real information, the truth, across a wall in Berlin to citizens who were locked inside of a totalitarian system that could survive only by continuing to lie to them about how bad things were in the West and how bad democracies were and how awful free market systems were. It was those satellites that looked across that wall into grocery stores full of food in Houston, Texas and Massachusetts and Louisiana and gave a lie to all of those old messages that the Soviet Union had unfortunately piled upon their own citizens to convince them that their system was somehow better. When they turned around and went to grocery stores in Moscow and could not buy cabbage, could not buy potatoes, it suddenly dawned on them that the lie would not hold anymore, and the wall, indeed, had to come down.

The irony is that the satellite system that our governments helped construct, ending up creating freedom, of breaking down walls like the Berlin Wall all over the world, and democracies and free markets now are beginning to flourish across the globe as the old systems have crumbled, the old systems of totalitarianism, communism and, in fact, controlled markets that simply did not work.

So satellites gave and are giving the world freedom. And now, we in the House of Representatives are making another historic decision, that now it is time to free up the satellite system, to make it free and competitive, just like it has helped to free up the competitive juices of the economies of the world and to give people freedom across the world.

It is a kind of an ironic twist that now, the good work of these satellites and of our government decisions are now leading us to a place in time when we can free up satellites now to be just as competitive as the forces they themselves helped to unleash across the globe. That is indeed an irony. It is also an irony that we meet today on this satellite freedom bill right after we passed SHVA, the Satellite Home Viewers Act, which was also a bill designed to free up competition and the delivery of telephone services here in America.

Mr. Speaker, I want to say a special word to the gentleman from Massachusetts (Mr. MARKEY) before I yield to the gentleman from Florida (Mr. STEARNS). We took on this battle together years and years ago, long before we joined hands on the floor of the House in 1992 in that historic battle to create direct access to programming for the satellites that created direct access to television for millions of Americans and that may, indeed, be the first real competition to monopoly cable across America. Again today we are joining hands in an effort, along with the gentleman from Virginia (Mr. BLILEY) and others, to free up satellite communications to competition across the world.

It has been an extraordinary pleasure for me, coming from the Bayou country of Louisiana, to know and to work with the likes of the gentleman from Massachusetts (Mr. MARKEY) and to share with him his intelligence, his wisdom, his wit and his leadership. I thank the gentleman so much for that privilege, and it is indeed an honor to join the gentleman tonight in another great historic effort.

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

Mr. STEARNS. Mr. Speaker, I want to commend the distinguished chairman of the Subcommittee on Telecommunications and the distinguished ranking member for bringing this important legislation to the House floor today. Obviously, I think all of us agree it is a very good first step for more competition and more openness in the global satellite telecommunications market. I just want to bring some concern to the Members, my colleagues, that I am hoping will be worked out in the conference report with the Senate.

This bill imposes I think a condition on lifting the outdated ownership cap of COMSAT. One of the key elements to reforming and normalizing the operation of COMSAT is allowing its acquisition by Lockheed Martin. The satellite reform bill contains language that appears to allow the Lockheed Martin-COMSAT acquisition to be complete, but it attaches some conditions of implementing an FCC order on direct access to lifting these caps. There is some concern of mine that it is not clear whether the September 15, 1999 direct access order must be implemented or another future FCC direct access action must be taken. Either way, this is somewhat of a concern of mine.

I think it is some type of restriction on the ability of Lockheed Martin and COMSAT to complete their merger, and of course this merger has already been approved by the Department of Justice. I think these two American companies have waited for over a year for the Federal Government to provide the needed regulatory and legislative approval for their transaction, but I wanted to express this concern.

Mr. Speaker, the bill is excellent. This is just a concern I am voicing, of course. I want to thank the chairman and the ranking member for their efforts on this bill, and I hope that when it moves to the Senate, that the restrictions on the Lockheed Martin-COMSAT merger will be effective.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume to, in conclusion, thank everyone who has worked on this legislation. We have reached a point where it is time to introduce COMSAT fully to the private marketplace. We have worked long and hard to reach this point, much of the original investment being made by the Federal Government. In fact, the Star Wars program itself was a program of putting 100 to 200 satellites in the sky and contracting with aerospace companies, AT&T, to communicate so that we could shoot down 2,000 or 3,000 Soviet missiles within 2 to 3 minutes, and it required tremendous telecommunications capacity, point to multi-point communications.

Ultimately, that system will probably never be deployed, but the peace dividend that has flown from it is that companies like Hughes that were defense contractors moved over and took the same concepts over and created Direct TV, the satellite dish company. The same thing is true in company after company. The government investment that was initially made in order to thwart the ambitions of the Soviet Union were ultimately turned into things which benefited the American people in its peaceful application. This is another benefit which the American people should get and all of the other companies that have been created subsequent to the construction of INTELSAT and COMSAT.

Mr. Speaker, my hope is that the bill passes this evening, goes to a conference quickly with the Senate, and that we can resolve the differences and produce another great marketplace

victory for the American people as a post-Cold War dividend.

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

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 3261.

First, I want to commend Chairman BLILEY for removing a particularly controversial provision that was included in the satellite privatization bill he authored last year. The so-called ''fresh look'' provision would have resulted in privately negotiated contracts being abrogated arbitrarily by order of the U.S. Government. The removal of this provision is a good first step toward enacting sensible satellite privatization legislation this Congress.

Although I support passage today so we can move the process forward to Conference with the Senate, I still have serious concerns with a number of provisions contained in the Bliley bill. The privatization criteria mandated are so rigorous they cannot possibly be achieved, let alone in the limited time frame set forth. The penalties for non-compliance are so severe that they will, at best, significantly disrupt the provision of Intelsat's services to many users in this country. At worst, these penalties will cause the ultimate expulsion of Intelsat from the U.S. market. Either result would be detrimental to the interests of U.S. consumers, and is diametrically opposed to the stated purposes of this bill—that is, to create more competition for satellite services, not less.

There is no disagreement between me and Chairman BLILEY that Intelsat should be privatized as quickly as possible. Unfortunately, the U.S. cannot, by legislative fiat, simply impose its will on 143 foreign countries who are signatories to the Intelsat treaty. I believe the Bliley bill, as currently constructed, would actually undermine American diplomatic efforts currently underway to secure an Intelsat privatization.

Mr. Speaker, I am hopeful that through negotiations with the Senate, which already has unanimously approved a more reasonable bill to achieve privatization of Intelsat, we ultimately will enact a truly pro-competitive, pro-consumer solution.

Mr. ENGEL. Mr. Speaker, I rise today in support of H.R. 3261, the Communications Satellite Competition and Privatization Act. This legislation is designed to promote the privatization of Intelsat and open foreign markets to U.S. companies. Once enacted, this bill will bring to American consumers the benefits of lower rates and more services. Its passage is long overdue.

After almost 40 years, it is time to overhaul the 1960s' era U.S. international satellite communications policy from one that is dominated by intergovernmental organizations such as Intelsat and Inmarsat to one that lets private companies compete in an unfettered market.

This bill benefits both U.S. companies and U.S. consumers. I commend Chairman BLILEY, Mr. TAUZIN and Mr. MARKEY and their staffs for their efforts to produce a bipartisan, compromise bill, of which I am a proud cosponsor. In particular, the removal of the so-called 'Fresh Look' provision improves the bill greatly and adds to the reasons it should pass in the House of Representatives.

Mr. Speaker, the bill eliminates the privileges and immunities of Intelsat and ends Comsat's monopoly access to Intelsat. Comsat has enjoyed for years a monopoly over Intelsat access, which, according to the Federal Communications Commission, has permitted Comsat to mark-up Intelsat's charges by an average of 68%. It is time to permit the same level of comprehensive direct assess to U.S. companies that is available to many other countries.

To better understand the critical direct access provisions in H.R. 3261, we need to remember that although Comsat is a private corporation, it did not arise from normal marketplace forces. Instead, it was created by the Congress in the Communications Satellite Act of 1962 for a specific purpose: to assist in the development of a global satellite system. As part of this role and to ensure that no provider would dominate the market, Comsat became a ''middleman'', investing in the global system and reselling satellite services to entities providing tele-communications services to end users.

While Comsat's ''middleman'' role may have served an important purpose when the global satellite system was in its infancy, the rationale for this role—that one entity should control access to Intelsat—no longer exists. Today, we can no longer justify a government-endorsed subsidy to Comsat or any other private successor company when fair competition is the only force to control costs and protect consumers.

I urge that members support H.R. 3261. As a member of the Commerce Committee and its Subcommittee on Telecommunications which considered this legislation, I firmly believe that the bill will increase competition, open foreign markets, and create new business opportunities for U.S. companies.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 3261, the Communications Satellite Competition and Privatization Act. This legislation will reform international satellite policies that are nearly 40 years old.

The world of telecommunications has changed dramatically since 1962, when it was believed that only governments could finance and manage a global satellite system. Back then, Americans had rotary phones they leased from the one and only telephone company in the United States. Today, a rapidly growing number of Americans carry cellular phones wherever they go. They wear pagers and send e-mails across the world. And yet, we still have the same structure for international satellite communications that was designed before Neil Armstrong walked on the moon.

The result is a distorted marketplace, stifled competition and innovation, and increased prices for consumers.

H.R. 3261 will put an end to the last remaining telecommunications monopoly in the United States. The bill promotes competition and opens foreign markets for U.S. companies by privatizing the intergovernmental satellite organizations—called Intelsat and Inmarsat—that dominate international commercial satellite communications. These organizations operate as a cartel-like structure comprised of the national telephone monopolies and dominant companies of its member organizations.

Today, private companies such as PanAmSat, GE Americom, Teledesic and Motorola have the ability to offer high-quality international satellite communications services. But these companies cannot compete with Intelsat because of the advantages bestowed upon this organization.

Mr. Speaker, I want to thank Chairman TOM BLILEY of the Commerce Committee for his leadership in bringing this important bill to the floor. I also would like to thank Congressmen BILLY TAUZIN and EDWARD MARKEY for their work in crafting this pro-trade, pro-consumer legislation.

The promotion of a competitive satellite communications marketplace is a goal we should all support and I urge my colleagues to support this bill.

Mr. TAUZIN. 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 Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3261.

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.

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of the Senate bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, 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 Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 376

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 ''Open-market Reorganization for the Betterment of International Telecommunications Act''.

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive domestic and international market for satellite communications services for the benefit of consumers and providers of satellite services by fully encouraging the privatization of the intergovernmental satellite organizations, INTELSAT and Inmarsat, and reforming the regulatory framework of the COMSAT Corporation.

SEC. 3. FINDINGS.

The Congress finds that:

(1) International satellite communications services constitute a critical component of global voice, video and data services, play a vital role in the integration of all nations into the global economy and contribute toward the ability of developing countries to achieve sustainable development.

(2) The United States played a pivotal role in stimulating the development of international satellite communications services

by enactment of the Communications Satellite Act of 1962 (47 U.S.C. 701–744), and by its critical contributions, through its signatory, the COMSAT Corporation, in the establishment of INTELSAT, which has successfully established global satellite networks to provide member countries with worldwide access to telecommunications services, including critical lifeline services to the developing world.

(3) The United States played a pivotal role in stimulating the development of international satellite communications services by enactment of the International Maritime Satellite Telecommunications Act (47 U.S.C. 751–757), and by its critical contributions, through its signatory, COMSAT, in the establishment of Inmarsat, which enabled member countries to provide mobile satellite services such as international maritime and global maritime distress and safety services to include other satellite services, such as land mobile and aeronautical communications services.

(4) By statute, COMSAT, a publicly traded corporation, is the sole United States signatory to INTELSAT and, as such, is responsible for carrying out United States commitments under the INTELSAT Agreement and the INTELSAT Operating Agreement. Pursuant to a binding Headquarters Agreement, the United States, as a party to INTELSAT, has satisfied many of its obligations under the INTELSAT Agreement.

(5) In the 37 years since enactment of the Communications Satellite Act of 1962, satellite technology has advanced dramatically, large-scale financing options have improved immensely and international telecommunications policies have shifted from those of natural monopolies to those based on market forces, resulting in multiple private commercial companies around the world providing, or preparing to provide, the domestic, regional, and global satellite telecommunications services that only INTELSAT and Inmarsat had previously had the capabilities to offer.

(6) Private commercial satellite communications systems now offer the latest telecommunications services to more and more countries of the world with declining costs, making satellite communications an attractive complement as well as an alternative to terrestrial communications systems, particularly in lesser developed countries.

(7) To enable consumers to realize optimum benefits from international satellite communications services, and to enable these systems to be competitive with other international telecommunication systems, such as fiber optic cable, the global trade and regulatory environment must support vigorous and robust competition.

(8) In particular, all satellite systems should have unimpeded access to the markets that they are capable of serving, and the ability to compete in a fair and meaningful way within those markets.

(9) Transforming INTELSAT and Inmarsat from intergovernmental organizations into conventional satellite services companies is a key element in bringing about the emergence of a fully competitive global environment for satellite services.

(10) The issue of privatization of any State-owned firm is extremely complex and multifaceted. For that reason, the sale of a firm at arm's length does not automatically, and in all cases, extinguish any prior subsidies or government conferred advantages.

(11) It is in the interest of the United States to negotiate the removal of its reservation in the Fourth Protocol to the General Agreement on Trade in Services regarding INTELSAT's and Inmarsat's access to the United States market through COMSAT as soon as possible, but such reservation cannot be removed without adequate assurance that the United States market for satellite services will not be disrupted by such INTELSAT or Inmarsat access.

(12) The Communications Satellite Act of 1962, and other applicable United States laws, need to be updated to encourage and complete the pro-competitive privatization of INTELSAT and Inmarsat, to update the domestic United States regulatory regime governing COMSAT, and to ensure a competitively neutral United States framework for the provision of domestic and international telecommunications services via satellite systems.

SEC. 4. ESTABLISHMENT OF SATELLITE SERVICES COMPETITION; PRIVATIZATION.

The Communications Satellite Act of 1962 (47 U.S.C. 701) is amended by adding at the end the following:

"TITLE VI—SATELLITE SERVICES COMPETITION AND PRIVATIZATION

"SUBTITLE A—TRANSITION TO A PRIVATIZED INTELSAT

"SEC. 601. POLICY OF THE UNITED STATES.

"It is the policy of the United States to—

"(1) encourage INTELSAT to privatize in a pro-competitive manner as soon as possible, but not later than January 1, 2002, recognizing the need for a reasonable transition and process to achieve a full, pro-competitive restructuring; and

"(2) work constructively with its international partners in INTELSAT, and with INTELSAT itself, to bring about a prompt restructuring that will ensure fair competition, both in the United States as well as in the global markets served by the INTELSAT system; and

"(3) encourage Inmarsat's full implementation of the terms and conditions of its privatization agreement.

"SEC. 602. ROLE OF COMSAT.

"(a) ADVOCACY.—As the United States signatory to INTELSAT, COMSAT shall act as an aggressive advocate of pro-competitive privatization of INTELSAT. With respect to the consideration within INTELSAT of any matter related to its privatization, COMSAT shall fully consult with the United States Government prior to exercising its voting rights and shall exercise its voting rights in a manner fully consistent with any instructions issued. In the event that the United States signatory to INTELSAT is acquired after enactment of this section, the President and the Commission shall assure that the instructional process safeguards against conflicts of interest.

"(b) ANNUAL REPORTS.—The President and the Commission shall report annually to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, respectively, on the progress being made by INTELSAT and Inmarsat to privatize and complete privatization in a pro-competitive manner.

"SEC. 603. RESTRICTIONS PENDING PRIVATIZATION.

"(a) INTELSAT shall be prohibited from entering the United States market directly to provide any satellite communications services or space segment capacity to carriers (other than the United States signatory) or end users in the United States until July 1, 2001 or until INTELSAT achieves a pro-competitive privatization pursuant to section 613 (a) if privatization occurs earlier.

"(b) Notwithstanding subsection (a), INTELSAT shall be prohibited from entering the United States market directly to provide any satellite communications services or space segment capacity to any foreign signatory, or affiliate thereof, and no carrier, other than the United States signatory, nor any end user, shall be permitted to invest directly in INTELSAT.

"(c) Pending INTELSAT's privatization, the Commission shall ensure that the United States signatory is compensated by direct access users for the costs it incurs in fulfilling its obligations under this Act.

"(d) The provisions of subsections (b) and (c) shall remain in effect only until INTELSAT achieves a pro-competitive privatization pursuant to section 613 (a).

"SUBTITLE B—ACTIONS TO ENSURE PRO-COMPETITIVE SATELLITE SERVICES

"SEC. 611. PRIVATIZATION.

"(a) IN GENERAL.—The President shall seek a pro-competitive privatization of INTELSAT as soon as practicable, but no later than January 1, 2002. Such privatization shall be confirmed by a final decision of the INTELSAT Assembly of Parties and shall be followed by a timely initial public offering taking into account relative market conditions.

"(b) ENSURE CONTINUATION OF PRIVATIZATION.—The President and the Commission shall seek to ensure that the privatization of Inmarsat continues in a pro-competitive manner.

"SEC. 612. PROVISION OF SERVICES IN THE UNITED STATES BY PRIVATIZED AFFILIATES OF INTERGOVERNMENTAL SATELLITE ORGANIZATIONS.

"(a) IN GENERAL.—With respect to any application for a satellite earth station or space station under title III of the Communications Act of 1934 (47 U.S.C 301 et seq.) or any application under section 214 of that Act (47 U.S.C. 214), or any letter of intent to provide service in the United States via non-United States licensed space segment, submitted by a privatized IGO affiliate or successor, the Commission—

"(1) shall apply a presumption in favor of entry to an IGO affiliate or successor licensed by a WTO Member for services covered by United States commitments under the WTO Basic Telecom Agreement;

"(2) may attach conditions to any grant of authority to an IGO affiliate or successor that raises the potential for competitive harm; or

"(3) shall in the exceptional case in which an application by an IGO affiliate or successor would pose a very high risk to competition in the United States satellite market, deny the application.

"(b) DETERMINATION FACTORS.—In determining whether an application to serve the United States market by an IGO affiliate raises the potential for competitive harm or risk under subsection (a)(2), the Commission shall determine whether any potential anti-competitive or market distorting consequences of continued relationships or connections exist between an IGO and its affiliates including—

"(1) whether the IGO affiliate is structured to prevent anti-competitive practices such as collusive behavior or cross-subsidization;

"(2) the degree of affiliation between the IGO and its affiliate;

"(3) whether the IGO affiliate can directly or indirectly benefit from IGO privileges and immunities;

"(4) the ownership structure of the affiliate and the effect of IGO and other Signatory

ownership and whether the affiliate is independent of IGO signatories or former signatories who control telecommunications market access in their home territories;

''(5) the existence of clearly defined arm's-length conditions governing the affiliate-IGO relationship including separate officers, directors, employees, and accounting systems;

''(6) the existence of fair market valuing for permissible business transactions between an IGO and its affiliate that is verifiable by an independent audit and consistent with normal commercial practice and generally accepted accounting principles;

''(7) the existence of common marketing;

''(8) the availability of recourse to IGO assets for credit or capital;

''(9) whether an IGO registers or coordinates spectrum or orbital locations on behalf of its affiliate; and

''(10) whether the IGO affiliate has corporate charter provisions prohibiting reaffiliation with the IGO after privatization.

''(c) SUNSET.—The provisions of subsection (b) shall cease to have effect upon approval of the application pursuant to section 613.

''(d) PUBLIC INTEREST DETERMINATION.—Nothing in this Act affects the Commission's ability to make a public interest determination concerning any application pertaining to entry into the United States market.

''SEC. 613. PRESIDENTIAL NEGOTIATING OBJECTIVES AND FCC CRITERIA FOR PRIVATIZED IGOs.

''(a) IN GENERAL.—Upon a final decision of the INTELSAT Assembly of Parties creating the legal structure and characteristics of the privatized INTELSAT and recognizing that Inmarsat transitioned into a private company on April 15, 1999, the President shall within 30 days report to the Congress on the extent to which such privatization framework meets each of the criteria in subsection (c), and whether taking into consideration all other relevant competitive factors, entry of a privatized INTELSAT or Inmarsat into the United States market will not be likely to distort competition.

''(b) PURPOSE OF PRIVATIZATION CRITERIA.—The criteria provided in subsection (c) shall be used as—

''(1) the negotiation objectives for achieving the privatization of INTELSAT no later than January 1, 2002, and also for Inmarsat;

''(2) the standard for measuring, pursuant to subsection (a), whether negotiations have resulted in an acceptable framework for achieving the pro-competitive privatization of INTELSAT and Inmarsat; and

''(3) licensing criteria by the Commission in making its independent determination of whether the certified framework for achieving the pro-competitive privatization of INTELSAT and Inmarsat has been properly implemented by the privatized INTELSAT and Inmarsat.

''(c) PRIVATIZATION CRITERIA.—A pro-competitively privatized INTELSAT or Inmarsat—

''(1) has no privileges or immunities limiting legal accountability, commercial transparency, or taxation and does not unfairly benefit from ownership by former signatories who control telecommunications market access to their home territories;

''(2) has submitted to the jurisdiction of competition and independent regulatory authorities of a nation that is a signatory to the World Trade Organization Agreement on Basic Telecommunications and that has implemented or accepted the agreement's reference paper on regulatory principles;

''(3) can offer assurance of an arm's-length relationship in all respects between itself and any IGO affiliate;

''(4) has given due consideration to the international connectivity requirements of thin route countries;

''(5) can demonstrate that the valuation of assets to be transferred post-privatization is in accordance with generally accepted accounting principles;

''(6) has access to orbital locations and associated spectrum post-privatization in accordance with the same regulatory processes and fees applicable to other commercial satellite systems;

''(7) conducts technical coordinations post-privatization under normal, established ITU procedures;

''(8) has an ownership structure in the form of a stock corporation or other similar and accepted commercial mechanism, and a commitment to a timely initial public offering has been established for the sale or purchase of company shares;

''(9) shall not acquire, or enjoy any agreements or arrangements which secure, exclusive access to any national telecommunications market; and

''(10) will have accomplished a privatization consistent with the criteria listed in this subsection at the earliest possible date, but not later than January 1, 2002, for INTELSAT and Inmarsat.

''(d) FCC INDEPENDENT DETERMINATION ON IMPLEMENTATION.—After the President has made a report to Congress pursuant to subsection (a), with respect to any application for a satellite earth station or space station under title III of the Communications Act of 1934 (47 U.S.C. 301) or any application under section 214 of the Communications Act of 1934 (47 U.S.C. 214), or any letter of intent to provide service in the United States via a non-United States licensed space segment, submitted by a privatized affiliate prior to the privatized IGO, or by a privatized IGO, the Commission shall determine whether the enumerated objectives for a pro-competitive privatization of INTELSAT and Inmarsat under this section have been implemented with respect to the privatized IGO, but in making that consideration, may neither contract or expand the privatization criteria in subsection (c).

''(e) AUTHORITY TO DENY AN APPLICATION.—Nothing in this section affects the Commission's authority to condition or deny an application on the basis of the public interest.

''SEC. 614. FAILURE TO PRIVATIZE IN A TIMELY MANNER.

''(a) REPORT.—In the event that INTELSAT fails to fully privatize as provided in section 611 by January 1, 2002, the President shall—

''(1) instruct all instrumentalities of the United States Government to grant a preference for procurement of satellite services from commercial private sector providers of satellite space segment rather than IGO providers;

''(2) immediately commence deliberations to determine what additional measures should be implemented to ensure the rapid privatization of INTELSAT;

''(3) no later than March 31, 2002, issue a report delineating such other measures to the Committee on Commerce of the House of Representatives, and Committee on Commerce, Science, and Transportation of the Senate; and

''(4) withdraw as a party from INTELSAT.

''(b) RESERVATION CLAUSE.—The President may determine, after consulting with Congress, that in consideration of privatization being imminent, it is in the national interest of the United States to provide a reasonable extension of time for completion of privatization.

''SUBTITLE C—COMSAT GOVERNANCE AND OPERATION

''SEC. 621. ELIMINATION OF PRIVILEGES AND IMMUNITIES.

''(a) COMSAT.—COMSAT shall not have any privilege or immunity on the basis of its status as a signatory or a representative of the United States to INTELSAT and Inmarsat, except that COMSAT retains its privileges and immunities—

''(1) for those actions taken in its role as the United States signatory to INTELSAT or Inmarsat upon instruction of the United States Government; and

''(2) for actions taken when acting as the United States signatory in fulfilling signatory obligations under the INTELSAT Operating Agreement.

''(b) NO JOINT OR SEVERAL LIABILITY.—If COMSAT is found liable for any action taken in its status as a signatory or a representative of the party to INTELSAT, any such liability shall be limited to the portion of the judgment that corresponds to COMSAT's percentage of the responsibility, as determined by the trier of fact.

''(c) PROSPECTIVE EFFECT OF ELIMINATION.—The elimination of privileges and immunities contained in this section shall apply only to actions or decisions taken by COMSAT after the date of enactment of the Open-market Reorganization for the Betterment of International Telecommunications Act.

''SEC 622. ABROGATION OF CONTRACTS PROHIBITED.

''Nothing in this Act or the Communications Act of 1934 (47 U.S.C. 151 et seq.) shall be construed to modify or invalidate any contract or agreement involving COMSAT, INTELSAT, or any terms or conditions of such agreement in force on the date of enactment of the Open-market Reorganization for the Betterment of International Telecommunications Act, or to give the Commission authority, by rule-making or any other means, to invalidate any such contract or agreement, or any terms and conditions of such contract or agreement.

''SEC. 623. PERMITTED COMSAT INVESTMENT.

''Nothing in this Act shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT, or from providing services through reselling capacity over the facilities of satellite systems independent from INTELSAT. This section shall not be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT over the independent satellites or facilities described in this subsection.

''SUBTITLE D—GENERAL PROVISIONS

''SEC. 631. PROMOTION OF EFFICIENT USE OF ORBITAL SLOTS AND SPECTRUM.

''All satellite system operators authorized to access the United States market should make efficient and timely use of orbital and spectrum resources in order to ensure that these resources are not warehoused to the detriment of other new or existing satellite system operators. Where these assurances cannot be provided, satellite system operators shall arbitrate their rights to these resources according to ITU procedures.

''SEC. 632. PROHIBITION ON PROCUREMENT PREFERENCES.

''Except pursuant to section 615 of this Act, nothing in this title or the Communications Act of 1934 (47 U.S.C. 151 et seq.) shall be construed to authorize or require any preference in Federal Government procurement of telecommunications services, for the

satellite space segment provided by INTELSAT or Inmarsat, nor shall anything in this title or that Act be construed to result in a bias against the use of INTELSAT or Inmarsat through existing or future contract awards.

"SEC. 633. SATELLITE AUCTIONS.

''Notwithstanding any other provision of law, the Commission shall not assign by competitive bidding orbital locations or spectrum used for the provision of international or global satellite communications services. The President shall oppose in the International Telecommunications Union and in other bilateral and multilateral negotiations any assignment by competitive bidding of orbital locations, licenses, or spectrum used for the provision of such services.

"SEC. 634. RELATIONSHIP TO OTHER LAWS.

''Whenever the application of the provisions of this Act is inconsistent with the provisions of the Communications Act of 1934, the provisions of this Act shall govern.

"SEC. 635. EXCLUSIVITY ARRANGEMENTS.

''(a) IN GENERAL.—No satellite operator shall acquire or enjoy the exclusive right of handling traffic to or from the United States, its territories or possessions, and any other country or territory by reason of any concession, contract, understanding, or working arrangement to which the satellite operator or any persons or companies controlling or controlled by the operator are parties.

''(b) EXCEPTION.—In enforcing the provisions of this subsection, the Commission—

''(1) shall not require the termination of existing satellite telecommunications services under contract with, or tariff commitment to, such satellite operator; but

''(2) may require the termination of new services only to the country that has provided the exclusive right to handle traffic, if the Commission determines the public interest, convenience, and necessity so requires.

''SUBTITLE E—DEFINITIONS

"SEC. 641. DEFINITIONS.

''(a) IN GENERAL.—In this title:

''(1) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization.

''(2) INMARSAT.—The term 'Inmarsat' means the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Satellite Organization and may also refer to INMARSAT Limited when appropriate.

''(3) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title III of this Act and its successors and assigns.

''(4) SIGNATORY.—The term 'signatory' means the telecommunications entity designated by a party that has signed the Operating Agreement and for which such Agreement has entered into force.

''(5) PARTY.—The term 'party' means, in the case of INTELSAT, a nation for which the INTELSAT agreement has entered into force or been provisionally applied, and in the case of INMARSAT, a nation for which the Inmarsat convention entered into force.

''(6) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

''(7) INTERNATIONAL TELECOMMUNICATION UNION; ITU.—The terms 'International Telecommunication Union' and 'ITU' mean the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary orbital arc.

''(8) PRIVATIZED INTELSAT.—The term 'privatized INTELSAT' means any entity created from the privatization of INTELSAT from the assets of INTELSAT.

''(9) PRIVATIZED INMARSAT.—The term 'privatized Inmarsat' means any entity created from the privatization of Inmarsat from the assets of Inmarsat, namely INMARSAT, Ltd.

''(10) ORBITAL LOCATION.—The term 'orbital location' means the location for placement of a satellite in geostationary orbits as defined in the International Telecommunication Union Radio Regulations.

''(11) SPECTRUM.—The term 'spectrum' means the range of frequencies used to provide radio communication services.

''(12) SPACE SEGMENT.—The term 'space segment' means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT and Inmarsat or an IGO successor or affiliate.

''(13) INTELSAT AGREEMENT.—The term 'INTELSAT agreement' means the agreement relating to the International Telecommunications Satellite Organization, including all of its annexes (TIAS 7532, 23 UST 3813).

''(14) OPERATING AGREEMENT.—The term 'operating agreement' means—

''(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by governments or telecommunications entities designated by governments in accordance with the provisions of The Agreement; and

''(B) in the case of Inmarsat, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.

''(15) HEADQUARTERS AGREEMENT.—The term 'headquarters agreement' means the binding international agreement, dated November 24, 1976, between the United States and INTELSAT covering privileges, exemptions, and immunities with respect to the location of INTELSAT's headquarters in Washington, D.C.

''(16) DIRECT-TO-HOME SATELLITE SERVICES.—The term 'direct-to-home satellite services' means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.

''(17) IGO.—The term 'IGO' means the Intergovernmental Satellite organizations, INTELSAT and Inmarsat.

''(18) IGO AFFILIATE.—The term 'IGO affiliate' means any entity in which an IGO owns or has owned an equity interest of 10 percent or more.

''(19) IGO SUCCESSOR.—The term 'IGO Successor' means an entity which holds substantially all the assets of a pre-existing IGO.

''(20) GLOBAL MARITIME DISTRESS AND SAFETY SERVICES.—The term 'global maritime distress and safety services' means the automated ship-to-shore distress alerting system which uses satellite and advanced terrestrial systems for international distress communications and promoting maritime safety in general, permitting the worldwide alerting of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

''(b) COMMON TERMS.—Except as otherwise provided in subsection (a), terms used in this title that are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153) have the meaning provided in that section.''.

SEC. 5. CONFORMING CHANGES.

(a) REPEAL OF FEDERAL COORDINATION AND PLANNING PROVISIONS.—Section 201 of the Communications Satellite Act of 1962 (47 U.S.C. 721) is amended to read as follows:

"SEC. 201. IMPLEMENTATION OF POLICY.

''The Federal Communications Commission, in its administration of the Communications Act of 1934, shall make rules and regulations to carry out the provisions of this Act.''.

(b) REPEAL OF GOVERNMENT-ESTABLISHED CORPORATION PROVISIONS.—

(1) IN GENERAL.—Section 301 of the Communications Satellite Act of 1962 (47 U.S.C. 731) is amended to read as follows:

"SEC. 301. CORPORATION.

''The corporation organized under the provisions of this title, as this title existed before the enactment of the Open-market Reorganization for the Betterment of International Telecommunications Act, known as COMSAT, and its successors and assigns, are subject to the provisions of this Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.''.

(2) CONFORMING CHANGES.—Title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.) is amended—

(A) by striking ''**CREATION OF A COMMUNICATIONS SATELLITE**'' in the caption of title III;

(B) by striking sections 302, 303, and 304;

(C) by redesignating section 305 as section 302; and

(D) by striking subsection (c) of section 302, as redesignated.

(c) REPEAL OF CERTAIN MISCELLANEOUS PROVISIONS.—Title IV of the Communications Satellite Act of 1962 (47 U.S.C. 741 et seq.) is amended—

(1) by striking section 402;

(2) by striking subsection (a) of section 403 and redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) by striking section 404.

SEC. 6. INTERNATIONAL MARITIME SATELLITE TELECOMMUNICATIONS ACT AMENDMENTS.

(a) REPEAL OF SUPERSEDED AUTHORITY.—Title V of the Communications Satellite Act of 1962 (47 U.S.C. 751 et seq.) is amended—

(1) by striking sections 502, 503, 504, and 505; and

(2) by inserting after section 501 the following:

"SEC. 502. GLOBAL SATELLITE SAFETY SERVICES AFTER PRIVATIZATION OF BUSINESS OPERATIONS OF INMARSAT.

''In order to ensure the continued provision of global maritime distress and safety satellite telecommunications services after privatization of the business operations of Inmarsat, the President may maintain membership in the International Mobile Satellite Organization on behalf of the United States.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date on which the International Mobile Satellite Organization ceases to operate directly a global mobile satellite system.

MOTION OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TAUZIN moves that the House strike all after the enacting clause of a Senate bill, S. 376, and insert the text of the bill, H.R. 3261, as passed by 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.R. 3261) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the House insist on its amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana? The Chair hears none and, without objection, appoints the following conferees: Messrs. BLILEY, TAUZIN, OXLEY, DINGELL, and MARKEY.

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that when the House adjourn today that it adjourn to meet at 2 p.m. tomorrow.

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

There was no objection.

□ 1900

CONTINUATION OF NATIONAL EMERGENCY WITH REGARD TO WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–158)

The SPEAKER pro tempore (Mr. BARRETT of Nebraska) 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 International Relations and ordered to be printed:

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons (''weapons of mass destruction''—WMD) and of the means of delivering such weapons, I issued Executive Order 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration unless, within the 90-day period prior to each anniversary date, I publish in the *Federal Register* and transmit to the Congress a notice stating that such emergency is to continue in effect. The proliferation of weapons of mass destruction and their means of delivery continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I am, therefore, advising the Congress that the national emergency declared on November 14, 1994, and extended on November 14, 1995, November 12, 1996, November 13, 1997, and November 12, 1998, must continue in effect beyond November 14, 1999. Accordingly, I have extended the national emergency declared in Executive Order 12938, as amended.

The following report is made pursuant to section 204(a) of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the most recent annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), also known as the ''Nonproliferation Report,'' and the most recent annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182), also known as the ''CBW Report.''

On July 28, 1998, in Executive Order 13094, I amended section 4 of Executive Order 12938 so that the United States Government could more effectively respond to the worldwide threat of weapons of mass destruction proliferation activities. The amendment of section 4 strengthens Executive Order 12938 in several significant ways. The amendment broadens the type of proliferation activity that can subject entities to potential penalties under the Executive order. The original Executive order provided for penalties for contributions to the efforts of any foreign country, project or entity to use, acquire, design, produce, or stockpile chemical or biological weapons; the amended Executive order also covers contributions to foreign programs for nuclear weapons and for missiles capable of delivering weapons of mass destruction. Moreover, the amendment expands the original Executive order to include attempts to contribute to foreign proliferation activities, as well as actual contributions, and broadens the range of potential penalties to expressly include the prohibition of U.S. Government assistance to foreign persons, and the prohibition of imports into the United States and U.S. Government procurement. In sum, the amendment gives the United States Government greater flexibility and discretion in deciding how and to what extent to impose measures against foreign persons that assist proliferation programs.

NUCLEAR WEAPONS

In May 1998, India and Pakistan each conducted a series of nuclear tests. World reaction included nearly universal condemnation across a broad range of international fora and multilateral support for a broad range of sanctions, including new restrictions on lending by international financial institutions unrelated to basic human needs and on aid from the G–8 and other countries.

Since the mandatory imposition of U.S. statutory sanctions, we have worked unilaterally, with other P–5 and G–8 members, and through the United Nations, to dissuade India and Pakistan from taking further steps toward developing nuclear weapons. We have urged them to join multilateral arms control efforts and to conform to the standards of nonproliferation regimes, to prevent a regional arms race and build confidence by practicing restraint, and to resume efforts to resolve their differences through dialogue. The P–5, G–8, and U.N. Security Council have called on India and Pakistan to take a broad range of concrete actions. The United States has focused most intensely on several objectives that can be met over the short and medium term: an end to nuclear testing and prompt, unconditional ratification of the Comprehensive Nuclear Test-Ban Treaty (CTBT); engagement in productive negotiations on a fissile material cut-off treaty (FMCT) and, pending their conclusion, a moratorium on production of fissile material for nuclear weapons and other nuclear explosive devices; restraint in development and deployment of nuclear-capable missiles and aircraft; and adoption of controls meeting international standards on exports of sensitive materials and technology.

Against this backdrop of international pressure on India and Pakistan, high-level U.S. dialogues with Indian and Pakistani officials have yielded little progress. In September 1998, Indian and Pakistani leaders had expressed a willingness to sign the CTBT. Both governments, having already declared testing moratoria, had indicated they were prepared to sign the CTBT by September 1999 under certain conditions. These declarations were made prior to the collapse of Prime Minister Vajpayee's Indian government in April 1999, a development that has delayed consideration of CTBT signature in India. The Indian election, the Kargil conflict, and the October political coup in Pakistan have further complicated the issue, although neither country has renounced its commitment. Pakistan has said that it will not sign the Treaty until India does. Additionally, Pakistan's Foreign Minister stated publicly on September 12, 1999, that Pakistan

would not consider signing the CTBT until sanctions are removed.

India and Pakistan both withdrew their opposition to negotiations on an FMCT in Geneva at the end of the 1998 Conference on Disarmament sessions. However, these negotiations were unable to resume in 1999 and we have no indications that India or Pakistan played helpful ''behind the scenes'' roles. They also pledged to institute strict controls that meet internationally accepted standards on sensitive exports, and have begun expert discussions with the United States and others on this subject. In addition, India and Pakistan resumed their bilateral dialogue on outstanding disputes, including Kashmir, at the Foreign Secretary level. The Kargil conflict this summer complicated efforts to continue this bilateral dialogue, although both sides have expressed interest in resuming the discussions at some future point. We will continue discussions with both governments at the senior and expert levels, and our diplomatic efforts in concert with the P–5, G–8, and in international fora. Efforts may be further complicated by India's release in August 1999 of a draft of its nuclear doctrine, which, although its timing may have been politically motivated, suggests that India intends to make nuclear weapons an integral part of the national defense.

The Democratic People's Republic of Korea (DPRK or North Korea) continues to maintain a freeze on its nuclear facilities consistent with the 1994 U.S.–DPRK Agreed Framework, which calls for the immediate freezing and eventual dismantling of the DPRK's graphite-moderated reactors and reprocessing plant at Yongbyon and Taechon. The United States has raised its concerns with the DPRK about a suspect underground site under construction, possibly intended to support nuclear activities contrary to the Agreed Framework. In March 1999, the United States reached agreement with the DPRK for visits by a team of U.S. experts to the facility. In May 1999, a Department of State team visited the underground facility at Kumchang-ni. The team was permitted to conduct all activities previously agreed to help remove suspicions about the site. Based on the data gathered by the U.S. delegation and the subsequent technical review, the United States has concluded that, at present, the underground site does not violate the 1994 U.S.–DPRK Agreed Framework.

The Agreed Framework requires the DPRK to come into full compliance with its NPT and IAEA obligations as a part of a process that also includes the supply of two light water reactors to North Korea. United States experts remain on-site in North Korea working to complete clean-up operations after largely finishing the canning of spent fuel from the North's 5-megawatt nuclear reactor.

The Nuclear Non-Proliferation Treaty (NPT) is the cornerstone on the global nuclear nonproliferation regime. In May 1999, NPT Parties met in New York to complete preparations for the 2000 NPT Review Conference. The United States is working with others to ensure that the 2000 NPT Review Conference is a success that reaffirms the NPT as a strong and viable part of the global security system.

The United States signed the Comprehensive Nuclear-Test Ban Treaty on September 24, 1996. So far, 154 countries have signed and 51 have ratified the CTBT. During 1999, CTBT signatories conducted numerous meetings of the Preparatory Commission (PrepCom) in Vienna, seeking to promote rapid completion of the International Monitoring System (IMS) established by the Treaty. In October 1999, a conference was held pursuant to Article XIV of the CTBT, to discuss ways to accelerate the entry into force of the Treaty. The United States attended that conference as an observer.

On September 22, 1997, I transmitted the CTBT to the Senate, requesting prompt advice and consent to ratification. I deeply regret the Senate's decision on October 13, 1999, to refuse its consent to ratify the CTBT. The CTBT will serve several U.S. national security interests by prohibiting all nuclear explosions. It will constrain the development and qualitative improvement of nuclear weapons; end the development of advanced new types of weapons; contribute to the prevention of nuclear proliferation and the process of nuclear disarmament; and strengthen international peace and security. The CTBT marks a historic milestone in our drive to reduce the nuclear threat and to build a safer world. For these reasons, we hope that at an appropriate time, the Senate will reconsider this treaty in a manner that will ensure a fair and thorough hearing process and will allow for more thoughtful debate.

With 35 member states, the Nuclear Suppliers Group (NSG) is a widely accepted, mature, and effective export-control arrangement. At its May 1999 Plenary and related meetings in Florence, Italy, the NSG considered new members (although none were accepted at that meeting), reviewed efforts to enhance transparency, and pursued efforts to streamline procedures and update control lists. The NSG created an Implementation Working Group, chaired by the UK, to consider changes to the guidelines, membership issues, the relationship with the NPT Exporters (Zangger) Committee, and controls on brokering. The Transparency Working Group was tasked with preparing a report on NSG activities for presentation at the 2000 NPT Review Conference by the Italian chair. The French will host the Plenary and assume the NSG Chair in 2000 and the United States will host and chair in 2001.

The NSG is currently considering membership requests from Turkey and Belarus. Turkey's membership is pending only agreement by Russia to join the intercessional consensus of all other NSG members. The United States believes it would be appropriate to confirm intercessional consensus in support of Turkey's membership before considering other candidates. Belarus has been in consultation with the NSG Chair and other members including Russia and the United States regarding its interest in membership and the status of its implementation of export controls to meet NSG Guideline standards. The United States will not block intercessional consensus of NSG members in support of NSG membership for Belarus, provided that consensus for Turkey's membership precedes it. Cyprus and Kazakhstan have also expressed interest in membership and are in consultation with the NSG Chair and other members regarding the status of their export control systems. China is the only major nuclear supplier that is not a member of the NSG, primarily because it has not accepted the NSG policy of requiring full-scope safeguards as a condition for supply of nuclear trigger list items to non-nuclear weapon states. However, China has taken major steps toward harmonization of its export control system with the NSG Guidelines by the implementation of controls over nuclear-related dual-use equipment and technology.

During the last 6-months, we reviewed intelligence and other reports of trade in nuclear-related material and technology that might be relevant to nuclear-related sanctions provisions in the Iran-Iraq Arms Non-Proliferation Act of 1992, as amended; the Export-Import Bank Act of 1945, as amended; and the Nuclear Proliferation Prevention Act of 1994. No statutory sanctions determinations were reached during this reporting period. The administrative measures impose against ten Russian entities for their nuclear-and/or missile-related cooperation with Iran remain in effect.

CHEMICAL AND BIOLOGICAL WEAPONS

The export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) remain fully in force and continue to be applied by the Department of Commerce, in consultation with other agencies, in order to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

Chemical weapons (CW) continue to pose a very serious threat to our security and that of our allies. On April 29, 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the

Chemical Weapons Convention or CWC) entered into force with 87 of the CWS's 165 States Signatories as original States Parties. The United States was among their number, having ratified the CWC on April 25, 1997. Russia ratified the CWC on November 5, 1997, and became a State Party on December 8, 1997. To date, 126 countries (including China, Iran, India, Pakistan, and Ukraine) have become States Parties.

The implementing body for the CWC—the Organization for the Prohibition of Chemical Weapons (OPCW)—was established at entry-into-force (EIF) of the Convention on April 29, 1997. The OPCW, located in The Hague, has primary responsibility (along with States Parties) for implementing the CWC. It consists of the Conference of the States Parties, the Executive Council (EC), and the Technical Secretariat (TS). The TS carries out the verification provisions of the CWC, and presently has a staff of approximately 500, including about 200 inspectors trained and equipped to inspect military and industrial facilities throughout the world. To date, the OPCW has conducted over 500 routine inspections in some 29 countries. No challenge inspections have yet taken place. To date, nearly 170 inspections have been conducted at military facilities in the United States. The OPCW maintains a permanent inspector presence at operational U.S. CW destruction facilities in Utah and Johnston Island.

The United States is determined to seek full implementation of the concrete measures in the CWC designed to raise the costs and risks for any state or terrorist attempting to engage in chemical weapons-related activities. The CWC's declaration requirements improve our knowledge of possible chemical weapons activities. Its inspection provisions provide for access to declared and undeclared facilities and locations, thus making clandestine chemical weapons production and stockpiling more difficult, more risky, and more expensive.

The Chemical Weapons Convention Implementation Act of 1998 was enacted into U.S. law in October 1998, as part of the Omnibus Consolidated and Emergency Supplemental Appropriation Act for Fiscal Year 1999 (Public Law 105–277). My Administration published an Executive order on June 25, 1999, to facilitate implementation of the Act and is working to publish regulations regarding industrial declarations and inspections of industrial facilities. Submission of these declarations to the OPCW, and subsequent inspections, will enable the United States to be fully compliant with the CWC. United States noncompliance to date has, among other things, undermined U.S. leadership in the organization as well as our ability to encourage other States Parties to make complete, accurate, and timely declarations.

Countries that refuse to join the CWC will be politically isolated and prohibited by the CWC from trading with States Parties in certain key chemicals. The relevant treaty provisions are specifically designed to penalize countries that refuse to join the rest of the world in eliminating the threat of chemical weapons.

The United States also continues to play a leading role in the international effort to reduce the threat from biological weapons (BW). We participate actively in the Ad Hoc Group (AHG) of States Parties striving to complete a legally binding protocol to strengthen and enhance compliance with the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the Biological Weapons Convention or BWC). This Ad Hoc Group was mandated by the September 1994 BWC Special Conference. The Fourth BWC Review Conference, held in November/December 1996, urged the AHG to complete the protocol as soon as possible but not later than the next Review Conference to be held in 2001. Work is progressing on a draft rolling text through insertion of national views and clarification of existing text. Five AHG negotiating sessions were scheduled for 1999. The United States is working toward completion of the substance of a strong Protocol next year.

On January 27, 1998, during the State of the Union address, I announced that the United States would take a leading role in the effort to erect stronger international barriers against the proliferation and use of BW by strengthening the BWC with a new international system to detect and deter cheating. The United States is working closely with U.S. industry representatives to obtain technical input relevant to the development of U.S. negotiating positions and then to reach international agreement on data declarations and on-site investigations.

The United States continues to be a leading participant in the 30-member Australia Group (AG) chemical and biological weapons nonproliferation regime. The United States attended the most recent annual AG Plenary Session from October 4–8, 1999, during which the Group reaffirmed the members' continued collective belief in the Group's viability, importance, and compatibility with the CWC and BWC. Members continue to agree that full adherence to the CWC and BWC by all governments will be the only way to achieve a permanent global ban on chemical and biological weapons, and that all states adhering to these Conventions must take steps to ensure that their national activities support these goals. At the 1999 Plenary, the Group continued to focus on strengthening AG export controls and sharing information to address the threat of CBW terrorism. The AG also reaffirmed its commitment to continue its active outreach program of briefings for non-AG countries, and to promote regional consultations on export controls and non-proliferation to further awareness and understanding of national policies in these areas. The AG discussed ways to be more proactive in stemming attacks on the AG in the CWC and BWC contexts.

During the last 6 months, we continued to examine closely intelligence and other reports of trade in CBW-related material and technology that might be relevant to sanctions provisions under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. No new sanctions determinations were reached during this reporting period. The United States also continues to cooperate with its AG partners and other countries in stopping shipments of proliferation concern.

MISSILES FOR DELIVERY OF WEAPONS OF MASS DESTRUCTION

The United States continues carefully to control exports that could contribute to unmanned delivery systems for weapons of mass destruction, and closely to monitor activities of potential missile proliferation concern. We also continued to implement U.S. missile sanctions laws. In March 1999, we imposed missile sanctions against three Middle Eastern entities for transfers involving Category II Missile Technology Control Regime (MTCR) Annex items. Category I missile sanctions imposed in April 1998 against North Korean and Pakistani entities for the transfer from North Korea to Pakistan of equipment and technology related to the Ghauri missile remain in effect.

During this reporting period, MTCR Partners continued to share information about proliferation problems with each other and with other potential supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems. This cooperation has resulted in the interdiction of missile-related materials intended for use in missile programs of concern.

In June the United States participated in the MTCR's Reinforced Point of Contact Meeting (RPOC). At the RPOC, MTCR Partners held in-depth discussions of regional missile proliferation concerns, focusing in particular on Iran, North Korea, and South Asia. They also discussed steps Partners can take to further increase outreach to nonmembers. The Partners agreed to continue their discussion of this important topic at the October 1999 Noordwijk MTCR Plenary.

Also in June, the United States participated in a German-hosted MTCR workshop at which Partners and non-Partners discussed ways to address the proliferation potential inherent in intangible technology transfers. The

seminar helped participants to develop a greater understanding of the intangible technology issue (i.e., how proliferators misuse the internet, scientific conferences, plant visits, student exchange programs, and higher education to acquire sensitive technology), and to begin to identify steps governments can take to address this problem.

In July 1999, the Partners completed a reformatting of the MTCR Annex. The newly reformatted Annex is intended to improve clarity and uniformity of implementation of MTCR controls while maintaining the coverage of the previous version of the MTCR Annex.

The MTCR held its Fourteenth Plenary Meeting in Noordwijk, The Netherlands, on October 11–15. At the Plenary, the Partners shared information about activities of missile proliferation concern worldwide. They focused in particular on the threat to international security and stability posed by missile proliferation in key regions and considered what practical steps they could take, individually and collectively, to address ongoing missile-related activities of concern. During their discussions, Partners gave special attention to DPRK missile activities and also discussed the threat posed by missile-related activities in South and North East Asia and the Middle East.

During this reporting period, the United States continued to work unilaterally and in coordination with its MTCR Partners to combat missile proliferation and to encourage nonmembers to export responsibly and to adhere to the MTCR Guidelines. To encourage international focus on missile proliferation issues, the USG also placed the issue on the agenda for the G8 Cologne Summit, resulting in an undertaking to examine further individual and collective means of addressing this problem and reaffirming commitment to the objectives of the MTCR. Since my last report, we continued our missile nonproliferation dialogues with China (interrupted after the accidental bombing of China's Belgrade Embassy), India, the Republic of Korea (ROK), North Korea (DPRK), and Pakistan. In the course of normal diplomatic relations we also have pursued such discussions with other countries in Central Europe, South Asia, and the Middle East.

In March 1999, the United States and the DPRK held a fourth round of missile talks to underscore our strong opposition to North Korea's destabilizing missile development and export activities and press for tight constraints on DPRK missile development, testing, and exports. We also affirmed that the United States viewed further launches of long-range missiles and transfers of long-range missiles or technology for such missiles as direct threats of U.S. allies and ultimately to the United States itself. We subsequently have reiterated that message at every available opportunity. In particular, we have reminded the DPRK of the consequences of another rocket launch and encouraged it not to take such action. We also have urged the DPRK to take steps towards building a constructive bilateral relationship with the United States.

These efforts have resulted in an important first step. Since September 1999, it has been our understanding that the DPRK will refrain from testing long-range missiles of any kind during our discussions to improve relations. In recognition of this DPRK step, the United States has announced the easing of certain sanctions related to the import and export of many consumer goods.

In response to reports of continuing Iranian efforts to acquire sensitive items from Russian entities for use in Iran's missile and nuclear development programs, the United States continued its high-level dialogue with Russia aimed at finding ways the United States and Russia can work together to cut off the flow of sensitive goods to Iran's ballistic missile development program. During this reporting period, Russia's government created institutional foundations to implement a newly enacted nonproliferation policy and passed laws to punish wrongdoers. It also passed new export control legislation to tighten government control over sensitive technologies and began working with the United States to strengthen export control practices at Russian aerospace firms. However, despite the Russian government's nonproliferation and export control efforts, some Russian entities continued to cooperate with Iran's ballistic missile program and to engage in nuclear cooperation with Iran beyond the Bushehr reactor project. The administrative measures imposed on ten Russian entities for their missile- and nuclear-related cooperation with Iran remain in effect.

VALUE OF NONPROLIFERATION EXPORT CONTROLS

United States national export controls—both those implemented pursuant to multilateral nonproliferation regimes and those implemented unilaterally—play an important part in impeding the proliferation of WMD and missiles. (As used here, ''export controls'' refer to requirements for case-by-case review of certain exports, or limitations on exports of particular items of proliferation concern to certain destinations, rather than broad embargoes or economic sanctions that also affect trade.) As noted in this report, however, export controls are only one of a number of tools the United States uses to achieve its nonproliferation objectives. Global nonproliferation norms, informal multilateral nonproliferation regimes, interdicting shipments of proliferation concern, sanctions, export control assistance, redirection and elimination efforts, and robust U.S. military, intelligence, and diplomatic capabilities all work in conjunction with export controls as part of our overall nonproliferation.

Export controls are a critical part of nonproliferation because every proliferant WMD/missile program seeks equipment and technology from other countries. Proliferators look overseas because needed items are unavailable elsewhere, because indigenously produced items are of insufficient quality or quantity, and/or because imported items can be obtained more quickly and cheaply than producing them at home. It is important to note that proliferators seek for their programs both items on multilateral lists (like gyroscopes controlled on the MTCR Annex and nerve gas ingredients on the Australia Group list) and unlisted items (like lower-level machine tools and very basic chemicals). In addition, many of the items of interest to proliferators are inherently dual-use. For example, key ingredients and technologies used in the production of fertilizers and pesticides also can be used to make chemical weapons; vaccine production technology (albeit not the vaccines themselves) can assist in the production of biological weapons.

The most obvious value of export controls is in impeding or even denying proliferators access to key pieces of equipment or technology for use in their WMD/missile programs. In large part, U.S. national export controls—and similar controls of our partners in the Australia Group, Missile Technology Control Regime, and Nuclear Suppliers Group—have denied proliferators access to the largest sources of the best equipment and technology. Proliferators have mostly been forced to seek less capable items and nonregime suppliers. Moreover, in many instances, U.S. and regime controls and associated efforts have forced proliferators to engage in complex clandestine procurements even from nonmember suppliers, taking time and money from proliferant programs.

United States national export controls and those of our regime partners also have played an important leadership role, increasing over time the critical mass of countries applying nonproliferation export controls. For example, none of the following progress would have been possible without the leadership shown by U.S. willingness to be the first to apply controls: the seven-member MTCR of 1987 has grown to 32 member countries; several nonmember countries have been persuaded to apply export controls consistent with one or more of the regimes unilaterally; and most of the members of the nonproliferation regimes have applied national ''catch-all'' controls similar to those under the U.S. Enhanced Proliferation Initiative. (Export controls

normally are tied to a specific list of items, such as the MTCR Annex. ''Catch-all'' controls provide a legal basis to control exports of items not on a list, when those items are destined for WMD/missile programs.)

United States export controls, especially ''catch-all'' controls, also make important political and moral contributions to the nonproliferation effort. They uphold the broad legal obligations the United States has undertaken in the Nuclear Nonproliferation Treaty (Article I), Biological Weapons Convention (Article III), and Chemical Weapons Convention (Article I) not to assist anyone in proscribed WMD activities. They endeavor to assure there are no U.S. ''fingerprints'' on WMD and missiles that threaten U.S. citizens and territory and our friends and interests overseas. They place the United States squarely and unambiguously against WMD/missile proliferation, even against the prospect of inadvertent proliferation from the United States itself.

Finally, export controls play an important role in enabling and enhancing legitimate trade. They provide a means to permit dual-use export to proceed under circumstances where, without export control scrutiny, the only prudent course would be to prohibit them. They help build confidence between countries applying similar controls that, in turn, results in increased trade. Each of the WMD nonproliferation regimes, for example, has a ''no undercut'' policy committing each member not to make an export that another has denied for nonproliferation reasons and notified to the rest—unless it first consults with the original denying country. Not only does this policy make it more difficult for proliferators to get items from regime members, it establishes a ''level playing field'' for exporters.

THREAT REDUCTION

The potential for proliferation of WMD and delivery system expertise has increased in part as a consequence of the economic crisis in Russia and other Newly Independent States, causing concern. My Administration gives high priority to controlling the human dimension of proliferation through programs that support the transition of former Soviet weapons scientists to civilian research and technology development activities. I have proposed an additional $4.5 billion for programs embodied in the Expanded Threat Reduction Initiative that would support activities in four areas: nuclear security; nonnuclear WMD; science and technology nonproliferation; and military relocation, stabilization and other security cooperation programs. Congressional support for this initiative would enable the engagement of a broad range of programs under the Departments of State, Energy, and Defense.

EXPENSES

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641 (c)), I report that there were no specific expense directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order 12938, as amended, during the period from May 15, 1999, through November 10, 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 10, 1999*.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). 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.

TRIBUTE TO OUR NATION'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I rise today to pay tribute to the American men and women who have served in the Armed Forces. This Veterans Day we recognize the tremendous personal sacrifice made by those persons who answered the call of duty in order to defend and safeguard the democratic principles that we define in our Nation.

We acknowledge today American veterans, and express our appreciation for the many personal contributions made by them as the defenders of America's freedom and protectors of democracy around the world. From their ranks come noble persons of virtually every ethnic and religious background, hailing from every State in the Union, all having at one point committed themselves to defending the freedoms we Americans hold dear.

Millions of Americans have done their duty. They have done it quietly without fanfare, and never with enough recognition. They have kept our country free, and it is right that we remind ourselves of this every November 11.

For the State of New Mexico, this day of observance is of special significance because even before achieving statehood, New Mexicans answered the call of duty by marching off to serve in distant and often hostile places.

During the Civil War, New Mexicans bore arms to preserve a union they were not yet part of, engaging in battles in places like Valverde and Glorietta. Among the ranks of present-day veterans are New Mexicans who served in the first world war, who fought bravely in the trenches of Europe, and the many proud New Mexico veterans of World War II whose strength, in the words of Mr. Tennyson, ''once moved Earth and heaven,'' still share with us the character that led them to a crucial victory.

Among them are the airmen, the soldiers and sailors and Marines that fought courageously across Europe, Africa, and the Pacific. They marched the long road to Bataan, stormed the beaches of Normandy, and eventually rolled on to victory in Europe and the Pacific, the entire time exemplifying uncommon valor and the unwavering commitment to their fellow man and the preservation of democracy. We honor them today and tomorrow, and we should honor them every day.

I would especially like to talk about several New Mexico veterans that have made very many significant contributions. We still have 95 living veterans from the Bataan Death March. We have the Navajo code talkers, who played a major role in our victory in World War II. We have many more New Mexicans who have served our country valiantly.

We honor them by passing legislation which honors what they have done for us and what they have given to us, our freedom.

This year the VA-HUD conference report provides for a $1.7 billion increase in funding for VA medical care. This is a 10 percent increase over last year's funding.

We have also passed several other important pieces of legislation:

H.R. 2116, the Veterans Millenium Health Care Act of 1999. This bill establishes a program of extended care services for veterans, and makes other improvements in health care programs of the Department of Veterans Affairs.

H.R. 2180, the Veterans Benefits Improvement Act of 1999, this bill provides a cost of living adjustment for disability compensation and pensions, restores eligibility for CHAMPVA medical care, education, and housing loans to surviving spouses who lost eligibility for these benefits as a result of remarriage; and finally, H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999. This bill provides technical financial and procurement assistance to veteran-owned small businesses.

Several of these bills came out of the committees I serve on, which I am proud to serve on, the Committee on Veterans' Affairs, the Committee on Small Business, which many times wants to work and help those businesses that have been started by veterans.

So I am honored to serve on those two committees. I am honored that we have, in New Mexico, such fine veterans, and I just wanted to rise today and pay tribute to them.

THE COMING REVOLUTION IN AMERICA WITH HIGHSPEED BROAD BAND INTERNET SERVICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 60

minutes as the designee of the majority leader.

Mr. TAUZIN. Mr. Speaker, I rise tonight in special order to begin what will become in the next year, the year 2000, one of the most serious debates that I think this House will ever engage in. As we meet here in this Chamber, an historic revolution is occurring, as silently as the day, perhaps, when the United States produced more plastic than it did steel.

As we speak today, a revolution in our economy, in our communications, in our whole international social structure, is happening all around us. It is a revolution called the Internet, and it is about to explode upon the world in a new and faster form called broad band Internet.

Just recently one of the groups here in Washington, Legg-Mason, did a study to indicate how fast would this new broad band high-speed Internet be deployed in our great country, how soon would citizens have access to this amazing new system by which we will not only conduct our business, but entertain one another and learn from one another, and eventually even deliver medical services to one another?

Legg-Mason indicated that 3 years from now they anticipate that approximately half of Americans will have access to high-speed broad band Internet services. At the same time, they indicate that half of America will have access through two, three, or even four or more different providers.

Then they look at the other half of America. The other half of America they looked at 3 years from now they estimate will only have access to a single provider, in some cases, and for a full fourth of Americans, there will be no provider of Internet high-speed broad band services.

What does that mean in a real sense? It means that for one-fourth of America there will be no chance to access high-speed digital broad band Internet services. It means that for that one-fourth of America, they will be left out of this high-speed electronic commerce revolution. It means for that one-fourth of America, that children will grow up in an educationally and informationally deprived society.

It means that new high-speed electronic commerce services will not be available to those businesses. It means that citizens will not have access to all of the long-distance learning and telemedicine that the high-speed broad band services will bring.

In short, it means that as this incredible fast train of broad band services is leaving the station, that some Americans are going to be left in its dust, and will have no access to the incredible opportunities the new millenium will bring in the digital age.

Who are those one-quarter of Americans who will have no access? Members probably can guess who they are. They are going to be the citizens in the most poverty-ridden sectors of our country, the minority centers of our country, the poor rural minority and poor rural sectors of America, the poorest and most sparsely populated parts of the West, and some parts of the South.

A good way to see that one-quarter of America is to look at a map that shows where the high-speed hubs are, where the backbones for these new systems are currently deployed.

We will see, for example, that California has 177 of these high-speed hubs, and in Louisiana we have two. We have one in Baton Rouge and one in New Orleans. California has more of these high-speed hubs, in fact, than does 31 other States combined. Most of the States of the West and the rural parts of our country have no such high-speed hubs. That is where we will find that part of America that is going to get left behind in this incredible information revolution.

Look to the inner cities, look to the poverty, the minority centers of our country, and we will again see a lack of high-speed deployment of broad band services. We will see again a sector of our country that will be left out.

For a full quarter of America who will have at least one Internet broad band provider, we will see a part of America that unfortunately will have to deal with a monopoly, a single provider of these immense services. So for one-half of our country 3 years from now, Americans will either have none of these services or, unfortunately, have a service that is provided by a single monopoly player.

Yesterday this House took dramatic action to provide a new form of law to give to the satellite television companies new rights to compete against the monopoly cable companies in our communities. That is pretty important. A monopoly cable company can charge what it wants, can lump as much programming into a package as they want, and we have to take it or leave it.

When the satellite company can offer a full component of packaged products that includes local signals as well as cable broadcast programming, all of a sudden consumers have a choice. All of a sudden television services become much better for consumers. As choice and competition comes to the marketplace, better prices, better terms, better conditions.

The gentleman from Massachusetts (Mr. MARKEY) and I just talked about another bill to free up international satellite communications in order to create competition, lower prices, choice for consumers, not only here in America but across the world.

What I am speaking of tonight is a situation that is about to develop in this incredible world of Internet services where television, telephones, data will all combine in a digital stream that will arrive at our homes or not arrive in our homes, depending upon whether or not we are connected to broad band and to broad band networks.

Let me just give an idea of about how important this is. In just 5 years, since the first introduction of the World Wide Web, the Internet economy, which is now $301 billion, already rivals old economy sectors like energy, at $223 billion, and autos, at $350 billion, and Telecom at $270 billion. It is already, in 5 years, as big as some of these century-old economy sectors that took hundreds of years, literally, to get as big as they are.

The Internet spread to 25 percent of our population in just 7 years. By contrast, electricity reached 25 percent of Americans in 46 years. Telephone took 35 years.

□ 1915

Television took 26 years. The Internet took 7 years to reach a quarter of America. Commercial activity on the Internet is expected to be $100 billion by the end of 1999, and double that in the year 2000. By 2002, on-line business-to-business transactions will total a whopping $842 billion. MCI/WorldCom, for example, said that net income nearly tripled to $1 billion for the third quarter in 1999, and 40 percent of their company revenues are now in Internet and data services.

What I am saying is that the Internet has arrived. It created 1.2 million jobs in the U.S. in 1998. Ten percent of the United States adults, 19.7 million persons, are now telecommuters. They work from home and they save employers $10,000 per employee because they telecommute, reducing absenteeism, lowering job retention costs. I could go on and on, I think my colleagues get my drift.

Mr. Speaker, the Internet is upon us, but if my colleagues think this old slow Internet has made a difference in this economy and is currently making a huge difference in the success of the American economy and freeing up economies across the world, they ain't seen nothing yet. Wait until they see high-speed broadband.

People have asked what is the difference? Internet has to be turned on. One has to dial it up, have to wait for it to warm up and heat up and compete with more and more traffic on the slow system. Sometimes the traffic gets so heavy as new customers come on line that it is difficult to get service.

High speed Internet is like that refrigerator. It is always on, always chilled, always ready to go and it is hot and it is fast and it is full of information. It will contain real-time video. High-speed broadband digital services means on television direct telephone calls where we can see one another. It means on television all the Internet commerce services which are growing and growing in the economic sectors of

America. Business-to-consumer commerce totaled $8 billion. That is huge. Business-to-business commerce totaled $43 billion last year, and we are told by 2003 it will become $1.3 trillion.

Mr. Speaker, all of that business happening on high speed networks, but some people will be left out. In this coming year, we will begin debating whether or not it is time in America for this House, this Congress, to declare broadband Internet policy. To make sure, as we have tried to do with cable, as we have tried to do with satellites, as we have tried to do with so many of our economic sectors, that no longer will some people be left out, caught on the wrong side of the wire, caught in this great digital divide, left out as this fast, high-speed train leaves the station. Deprived and depressed and left behind in a faster and faster world, or whether we will have a policy in America that says to broadband Internet providers, ''Here is your chance to serve every American.'' And every American is entitled to a choice of different providers, so that every American has a chance to be on that system.

I recently had a high-tech conference in Baton Rouge, Louisiana, where we explored that whole set of issues in my home State of Louisiana. We were recently ranked in Louisiana as 47th in the Nation in terms of Internet connection. That is not good. That is awful. We need to be way up there.

Why? Because Louisiana has a huge problem of adult illiteracy and an education system that cannot seem to cure it. We have one of the highest uninsured populations in America per capita. We need some help. High-speed, broadband Internet can solve so many of those problems.

We learned at that conference that there are children in my home State who start first grade with a 50-word vocabulary. Who go to school in the first grade knowing what a tomato looks like, but not knowing the word ''tomato.'' Who know what a wagon does, but ''wagon'' is not in their vocabulary. Imagine those children connected to the Internet at home and all the sudden exposed to a worldwide view of information and learning. Connected to their teachers's web site at night to get help with homework and enlarge that vocabulary and give themselves a chance in the world.

Imagine if we do connect and we get high-speed services to a State like Louisiana what a difference it can make for the people of our State. And yet, those children today start with a 50-word vocabulary. Most children in America start with at least a 500-word vocabulary. Now, imagine if my State, or many parts of it, are left out of this high-speed digital revolution. Imagine if our children still start with that 50-word vocabulary and other kids in America connected to the broadband start instead with a 5,000-word vocabulary or 10,000-word vocabulary. Imagine how much further behind those kids become.

Imagine a small business in a rural town that is told because they do not have high-speed broadband Internet connectivity to the rest of the economy that their customers will not do business with them anymore. They are out of business unless they move to a high-speed Internet center somewhere. Imagine what it does to rural America, to poverty America, to minority centers in this country when they are told businesses cannot operate here because they are not connected and Washington never created a policy to ensure that they would be connected.

Imagine our company, our town, our school, our city, our hospital connected to a single monopoly provider unregulated by government. Imagine those conditions. We are not much better off than the one who is not connected at all. That is the world Legg Mason predicted for America in 3 years if we do not soon declare a new broadband policy for this country.

Mr. Speaker, when we come back to session early next year, I will be joined by the gentleman from Michigan (Mr. DINGELL), former chairman of the Committee on Commerce and now ranking minority member. I will be joined by the gentleman from Virginia (Mr. GOODLATTE), and the gentleman from Virginia (Mr. BOUCHER). The gentleman from Virginia (Mr. BOUCHER) who serves on both the Committee on the Judiciary and the Committee on Commerce and the gentleman from Virginia (Mr. GOODLATTE) who is an esteemed and honorable member of the Committee on the Judiciary.

We will be joined on the floor by many other Members who will begin talking about this issue and begin trying to elicit the help of Americans in create an interest here in Congress toward building a broadband Internet policy for this country that says no child will be left out, no one will be caught outside the digital divide, no one will be left behind as the high speed train leaves the station.

Recently, a book was published by a fellow named Tom Friedman called ''The Lexus and the Olive Tree.'' In it he says in this new millennium there will not be a First World and Third World anymore. There will not be First World economies and Third World economies anymore. There will either be a fast world, part of this incredible high speed electronic commerce world where we all are connected and we all can reach each other and communicate and teach and learn and commerce with one another, or the slow world, left out, left behind.

Mr. Speaker, I am trying to say tonight, and we will try to say next year in special order after special order, that America could not and should not let that happen to any citizen of our country. We cannot have half of America left behind. We cannot have a fourth of America totally locked out of this digital revolution. We cannot say that this is the land of opportunity for some but not for others.

Mr. Speaker, I will be back on the floor with my colleagues when we come back in January and we will burden you night after night because we will be on this floor talking about this digital divide, talking about the necessity to have real competition and real delivery of services to every citizen of this country in broadband Internet digital commerce, teaching, learning, medicine, and all the wonderful opportunities that those systems will bring.

THE PROBLEM OF ILLEGAL DRUG USE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I come to the floor again tonight to talk about a subject that I have talked about many times on the floor of the House of Representatives, even last night until almost midnight, back here again tonight. But it is a topic of great personal concern to me and also one of my obligations as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the House of Representatives. That is the problem of illegal narcotics and drug trafficking in the United States.

I left off last night talking a bit about the problem that we are facing with illegal narcotics. If I may tonight continue a bit of that discussion, and then for my colleagues I would also like to spend about half of the time that is devoted to me tonight to talking about another project that I have been involved in and that is the United States Capitol Visitors' Center, a little bit different topic.

But first I would like to complete some of the information that I dealt with last night. That is again a continuation of my report on the status of both our efforts to curtail drugs coming into the United States and eradicate drugs at their source.

I have cited many times the scope of the problem that we face. It is monumental indeed for the Congress. The cost is a quarter of a trillion dollars a year to our economy. We have 1.8 million Americans behind bars and 70 percent of them are there because of drug-related offenses.

What is sad about the situation that we have, not only the tragedy and deaths, and I have reported the most recent statistics are that 15,973 deaths were reported from drug-induced causes in 1997, and that is compared to 11,703 in 1992. We have seen a dramatic

increase in deaths due to illegal narcotics in our country. And, unfortunately, a lot of those statistics, the death statistics are disproportionate among our young people.

In my area in central Florida, we have a wonderful area, very prosperous. I represent the area from Orlando to Daytona Beach in central Florida. In Orlando, we have now had some 60 heroin overdose deaths in a little more than a year. Many of those, again, among young people. Taking the best of our young citizens and destroying their lives. It is a very tragic situation.

Headlines in our local newspaper recently blurted out that heroin overdose and drug deaths now exceed homicides in central Florida, a very sad commentary, and one unfortunately that is being repeated across the United States.

One of those, and I will cite the impact of illegal narcotics, but actually one of the groups in our society that suffers most are minorities. They bear an incredible brunt of terror that is rained by drug abuse on them. And I have some recent statistics that just came out from the National Household Survey on Drug Abuse. Drug use increased 5.8 percent in 1993 to 8.2 percent in 1998 among young African-Americans. So if we want to talk about the impact of illegal narcotics, the death and destruction I will describe, it starts, unfortunately, among some of those who can least afford that impact. And here with the African-American youth, drug abuse use has dramatically increased.

The 1998 National Household Survey on Drug Abuse also indicated drug use increased from 4.4 percent in 1993 to 6.1 percent in 1998 among young Hispanics. I also read some recent statistics about the dropout rates and those who drop out the highest from our schools, the recent information we have received show, of course, minorities, particularly black and Hispanics.

□ 1930

Then if we look at their history of drug use, whether it is marijuana, cocaine, or other drugs, they have unusually high percentages of drug use. So we see double tragedy.

What is also interesting is, not only the use, but also the arrests of traffickers. I have a recent report just out last week, and this is in the Dallas Morning News. It says, arrests of traffickers under age 18 are expected to climb to 512 this year, up 58 percent since 1997, according to the United States Customs Service.

So, not only do we have increased use, not only do we have increased deaths, but our traffickers now under the age of 18, this is a shocking statistic, are up 58 percent in 1 year, according to the United States Customs.

Now, one of the things that I have tried to do in helping to coordinate our national drug policy is to look at where illegal narcotics are coming from and then to see if we can stop those illegal narcotics from coming into the United States.

I have cited before that the war on drugs basically closed down in 1993 with the taking of office of President Clinton. He focused most of his efforts and resources on treatment, treatment expenditure, and dollars increased almost 40 percent from 1993 to current levels. Even in the new majority, we have increased treatment during the past several years of our majority.

But what happened again in 1993 is the Drug Czar's office was slashed from 120 to some 20 individuals working there. We now have that back up. It is probably in the 150 range.

I might say, one of the better things the President has done and probably the major accomplishment that he has achieved, and I will give him credit for that, is the appointment of General Barry McCaffrey, who has done an excellent job in restarting our war on drugs.

But basically, when one cuts interdiction, use of the military, use of the Coast Guard by some 50 percent in just a few years, which the Democrat majority did, when one cuts the source country programs that effectively stop the production and growth of drugs in their source, one has a serious problem when one sends the wrong message by appointing a national health officer like Joycelyn Elders, and one can almost trace the increase in drug use among our youth from those appointments and from those bad decisions.

Last night, I went through the history of some of the problems that we have had. I have done that before. I have also used this chart before. This chart shows, again, if one just wants to look at it, where illegal narcotics are coming from. They start in Colombia. Some 60 to 70 percent of the heroin and cocaine is now produced in Colombia. If one looked at 1992, 1993, most of the cocaine was produced in Peru and Bolivia. It is now coming from Colombia. It is actually being produced there.

In fact, the programs that have been initiated and the new majority has undertaken in Peru and Bolivia show about 60 percent decrease in coca production, cocaine production in Peru, and about 50 percent in Bolivia, and both of them making great strides to eradicate.

But the problem we have had is the policy of stopping information flowing to Colombia, stopping arms and assistance to the national police, who have undertaken the war on drugs there, stopping all U.S. aid for a period of time has left the production fields wide open.

Now since 1993, the country of Colombia has the distinction of, not only being the largest cocaine producer, and it was not on the charts some 6 or 7 years ago, hardly any opium was grown there, poppies grown there or opium produced, and now is producing some 65 to 70 percent of the heroin coming into the United States. We know that for a fact because we can trace it just almost as accurately as DNA practically to the fields where it is grown.

So this is the traffic pattern. Heroin and cocaine are being produced now in Colombia, coming through Mexico. In fact, the cartels, many cartels, not the same cartels, Medellin and others that we had in the past, are now operating with Mexican officials.

I will talk a little bit about the high level contact group that we had this morning, a meeting in Washington with officials, high officials of Mexico. I think this was the seventh meeting. We had the Attorney General of Mexico and the foreign minister of Mexico and other high ranking officials of Mexico meet with Members of Congress. I will get into that.

But this is basically our trafficking pattern. So we know that the two biggest sources of hard illegal narcotics, and I have talked about heroin and cocaine, are Colombia, Mexico.

Mexico also has the distinction of giving us another gift which is an incredible amount of methamphetamine. We have conducted hearings, and I cited this this morning to the visiting ministers that, indeed, showed that methamphetamine is coming from Mexico and entering our heartland.

We have had sheriffs and local law enforcement officials from Minnesota, Iowa, California, other areas that they could trace the methamphetamine which is now epidemic in some of those areas right back to Mexican dealers. But this is the traffic pattern. This is what we have to deal with.

First, let me talk a little bit, and I have touched briefly on this yesterday, about Colombia. I want to make certain that people know exactly what has gone on with Colombia.

I cited some general figures last night that were the result of a closed door meeting, the second one we have held in 2 weeks with officials of the United States Department of State, the Office of International Narcotics and Law Enforcement Matters, and also with the Department of Defense, both charged with executing the policy that the Congress has adopted and dealing with the appropriations and programs that we have authorized to deal with both Colombia and the trafficking situation of these hard narcotics coming into the United States.

Well, yesterday, I spoke in general terms, and we have now been able to look specifically at the money that has already been appropriated, both in the fiscal year from 1998, October 1, through September of this year, 1999. For that year, Colombia was appropriated $321 million.

Many Members of Congress and the media have all cited Colombia as being

now one of the top, after I think Israel and Egypt, maybe the third highest recipient of United States foreign assistance. That is the total figure that is bantered about. But, actually, it is $321 million.

Part of our subcommittee's responsibility and Members of Congress' responsibility is to see if that money has been properly expended, if the money is expended, or obligated, and where the money was utilized.

My particular role as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources is to review the progress that has been made. Now, there are some myths about the $321 million.

First of all, $30 million was in a regular appropriations for that year. The Congress knew that there were problems cropping up. This is, in fact, nothing new.

If I may, let me bring to the floor here just a sampling of some of the hearings that we have conducted. When I say we, the new majority which took over in 1995 on the international narcotics problems. We have conducted some 16 hearings. These are some of the transcripts of the hearings.

We knew there was a problem in Colombia. We knew the administration had a policy and a program that really would create difficulty for the United States, and we pay for those policy mistakes in the end. Four of these hearings specifically have dealt, since 1996, with Colombia. So we have carefully monitored this situation. We provided some $321 million for Colombia to try to stop the disaster we saw looming there.

I might say that, when I came into office in 1993, from 1993 to 1995, there was one hearing done on national drug policy, one hearing in the first 2 years of the Clinton administration when the other side controlled the House, the Senate, and the Presidency, exactly one hearing. That was only conducted after I circulated a letter and I believe we had 130 Members of the House, Republicans and Democrats, requesting that we review the drug policy.

The drug policy at that time, as I said, was a disaster as adopted by the Congress again controlled by the other side, and was a disaster as far as the execution by the administration which cut off assistance, resources going to Colombia, which has now turned into our major big problem.

But I do not want the American people or the Congress to think the new majority has not had their hand on the ball or been working on the issue. Here is part of the evidence.

In addition to hearings, we did put our money where our mouth is. I said this $321 million. Thirty million dollars was a regular appropriation that we would have given in that regular fiscal year. Additionally, there was a supplemental of $232 million. I want these figures that we have reached, for the RECORD, stated properly, $232 million in a supplemental appropriation.

We knew the problem was coming. We were trying to stop it and cut it off at the pass. We also knew that aid had been kept by the administration from Colombia, and the problem was festering.

Of the $232 million, in our closed door hearings, we found that we have, in fact, expended some $40 million of those dollars, $42 million to be exact, to Peru and Bolivia. If one subtracts $42 million from $232 million, we are down to $190 million.

Now, again, this is from a $321 million appropriation. Of the $190 million that was to go to Colombia, our closed door meeting with the State Department and Department of Defense revealed that less than half of the money has actually gotten equipment or resources to Columbia. So we are down to $190 million. We may be somewhere in the range of $90 million to $95 million in equipment that actually got to Colombia.

Now, for years, we have known that Colombia was becoming a producer of heroin, a producer of cocaine. They were actually growing it. It was not just a transit country where this stuff was produced somewhere else.

□ 1945

And we know that the most effective way to get the coca, which grows in higher altitudes, and poppies, was with helicopters and to spray that or to go after the narcotraffickers who circle and protect in Colombia the growth of these illegal crops.

It is unbelievable, but to date we still do not have in Colombia but three of the Blackhawk helicopters of the six that Congress authorized. And the funding for those helicopters, and these helicopters are about $16 million apiece, assumed most of the $90-some million, the three of six that were delivered. Now, this is unbelievable, but they confirmed to us yesterday that the three helicopters, the Blackhawks that have been delivered, basically cannot be used. They are not equipped with armor, and they do not have ammunition.

Of course, part of the $90 million, and we are down from $300 million that was supposed to get to Colombia, part of that was for ammunition. Helicopters are needed to fight and to eradicate; and these helicopters, of course, need ammunition. We have been begging, we have pleaded, we have sent letters, we have tried to get ammunition to the Colombian National Police who are engaged in fighting the narcotraffickers and going after these illegal narcotics producers. It is absolutely unbelievable to report to the House of Representatives and the Congress and the American people that the ammunition and the many guns that we requested years ago, I am told, were delivered November 1. Today is November 10. Yesterday morning no one could confirm either from the State Department or the Department of Defense if the ammunition had arrived.

So we have, again, less than half of this smaller amount being made available to Colombia. In addition, we have other obligations, where we have requested helping in the rebuilding of narco bases, narcotrafficker bases, where we launch operations from, or the Colombians, rather, launch operations from. We still do not have contracts complete for construction of some of these bases, money that has been appropriated now for well over a year, money in the budget.

In fact, from 1998, we went back to see if equipment which had been promised to the Colombians out of our surplus accounts had been delivered. In 1998, about 90 percent has gotten to Colombia, 10 percent had not. In 1999, the President made a commitment to provide what is called Section 506, I believe it is, which is surplus equipment to Colombia. And we found that, with great fanfare, the administration was giving millions in surplus goods to Colombia to fight the war on drugs; yet to date, nothing has been delivered. And that is as of the end of the fiscal year which ended the end of September. We are now into the fiscal year 1999–2000.

This is a remarkable record of nonaccomplishment. I know now why the administration has not formally brought a $1.5 billion, somewhere between a $1 billion and $2 billion package to the Congress. First, I am sure they did not want to be embarrassed with this information being made public; that indeed they have missed the opportunity to get this situation under control with the resources that have already been allocated. So we have millions of dollars that have not been expended, and we have money that has been expended down there with equipment that is not capable of being utilized.

It is a very sad situation, a sad commentary on the ability of bureaucracy to move. I do not think it is purposeful at this point. I know it was purposeful in the past to block equipment and resources to Colombia, but the results are incredible. Over a million people have been displaced, 300,000 have been displaced, more than in Kosovo and more than in Bosnia. Three hundred thousand in one year, a million there, over 30,000 dead, over 4,000 Colombian police, members of congress, members of their supreme court, and officials that have been slaughtered in the meantime. And the equipment still is not there. It is a very sad commentary.

The money that Congress appropriated and the House asked for these programs, again without direct involvement of U.S. military other than

training, we have not provided what we said we were going to provide. And the situation continues to mushroom out of control, with this entire region being destabilized now, with incursions up into Panama. And, as I said before, this region of South America produces approximately 20 percent of our daily oil supplies.

When the administration wants to get our military equipment somewhere and they make their minds up to do it, it does not take them long. According to the Department of Defense, it took the Clinton administration 45 days to move 24 helicopters to Albania for an undeclared war. According to the Department of Defense, also, it has taken the Clinton administration over 3 years to get three Blackhawk helicopters to Colombia in a war we have all declared on drugs. And what is incredible is those three helicopters, which consumed most of the money that we have given to Colombia, those three helicopters are basically inoperable. They do not have protective armor, and they do not have the ammunition to engage in any type of counternarcotics activity, and they cannot confirm when that ammunition will arrive.

The Blackhawk helicopters were promised to the Colombian National Police in 1996, and they finally arrived in Colombia November of 1999. It is sort of a sad commentary, and this has had a dramatic impact on our society. Remember the 15,700 deaths in 1 year which are drug related, and there are thousands of others, tens of thousands of others, but those are the hard deaths we can attribute. From 1992 to 1999 we have lost between 80 and 100,000 Americans in an undeclared war on our people with narcotics coming from this region.

So that is a little bit of an update on the Colombian situation. There is a brighter figure just released yesterday, and I must applaud President Pastrana, because even though he has had a very difficult time in the peace process and also trying to bring this situation which he inherited last year as the new president of Colombia under control, he is trying to put words into action. I understand that their Senate voted just yesterday, or this week, to extradite one Jaime Orlando Lara, who is a major drug kingpin figure. He will be extradited to the United States, and I understand there may be another one to follow. So Colombia, even though it is under siege, is taking initiatives. And it is unfortunate that they have almost lost their country; but, indeed, they are taking continued action to bring this situation under control.

Some of my colleagues may have read that as many as 10 million Colombians took to the streets in the last few weeks to express their outrage about this war and the havoc that has reigned upon Colombia, and it is in our national interest, both because of the impact of the illegal narcotics, the death and destruction to our society, and also as an ally in this hemisphere to help. It is unfortunate, though, and it is almost unbelievable that the actions that Congress has taken in a positive fashion to assist this country are really stymied by bureaucracy, by inaction, by lack of will on the part of this administration.

So I guess it is fitting in this budget ending here, as we try to provide funding for all of our programs, that the administration sort of hides in a corner and does not bring this issue forth. I can see why. I can see it being very embarrassing for them to come in and ask for a billion dollars of taxpayer money and not have been a good steward of the $321 million that was appropriated to get this situation under control. So it is sad indeed that we face this situation. Hopefully, through the hearing process, through Members on both sides of the aisle trying to prod the administration, we can get resources to turn this situation around.

I mentioned yesterday that this morning I would be attending a high-level working group of United States and Mexican officials. And as I said, this is about the seventh of these meetings. I took our subcommittee down to Mexico City; and we met, I believe it was in January or February, after taking the position of chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and we met with some of these same officials in Mexico. I said at that meeting with the Mexican officials in Mexico City that I was very disappointed with the actions that they had taken to date, and speaking about the previous year, 1998, and a decrease in the seizures of heroin, a decrease in the seizures of cocaine, a lack of action on the signing of a maritime agreement, a lack of action on extraditing Mexican drug kingpins, a lack of action in allowing our DEA agents, a limited number, in protecting themselves in their country, and a lack of action in enforcing some of the laws that had been passed by the Mexican officials.

We had a rather testy meeting, and I must say that I asked them how they could sit idly by and watch their country be lost to drug traffickers and not do anything. I did not use exactly those words but, fortunately, that session was also behind closed doors. But I let them know our concern about the lack of action on those issues. And at the request of the Congress, we had passed resolutions asking for their assistance specifically on all of those items.

I must report again that this morning I did have a little bit more complimentary attitude toward Mexican officials. They have begun the process of getting some of their act together, going after drug traffickers, cooperating more with U.S. officials. It is not a level of cooperation that I would like to see, but the seizures are up this year, and we must give credit where credit is due. They are good neighbors, have been good neighbors, and we have, I think, through our trade policy, extended incredible generosity with NAFTA, which has taken jobs out of the American market and provided jobs and opportunity to Mexico and Mexican citizens. When Mexico was in incredible financial shape we also helped Mexico, backing them up with loans, their country; and we backed them in international finance organizations.

So some progress has been made. I expressed concern in two areas this morning in our meetings. Several of those areas are as follows:

□ 2000

First of all, the latest information I have from our Drug Enforcement Agency is that heroin production, and we have had a problem of course with production in Colombia, the other country that we have had a problem with production, very limited production back into the 1980s, black tar heroin coming out of Mexico, which several years ago was at 14 percent of all the heroin seized in the United States we know came from Mexico. We know because of this signature heroin program we can do an analysis of the heroin and tell us almost to the field in the country where it came from.

So we know that several years ago we had 14 percent, up from a single digit to double digit, of heroin produced in America. What is scary is that within 1 year it has jumped from 14 percent to 17 percent, the latest information that I received this week. That is a 20 percent increase in production.

So I ask their cooperation and will reiterate requesting their cooperation in going after the production of heroin.

The other thing that we see of course is methamphetamine, methamphetamines that are in our country. And we have done that through our hearings and investigations right to Mexico. Mexico is now the leading producer of methamphetamines coming into the United States. We need their cooperation.

The other area in addition to those two big problem areas is the corruption of officials and cracking down on money laundering. If you can trace the money in illegal narcotics, you can find out who is involved.

Unfortunately, some of the information we have received is absolutely startling and I have cited on the House floor and we had in our subcommittee testimony from one former Customs agent that one Mexican general was attempting to invest in the United States 1.1 billion American dollars. And we know that is from drug profits.

We know that corruption has really destroyed families, officials in Mexico. Former President Salinas and his

brother Raoul Salinas were heavily involved, hundreds of millions of dollars transferred to banks. We know that money came from their complicity with and cooperation with drug lords.

If Mexico would cooperate with us rather than give us a hard time, as we had in operation Casa Blanca, which was a major Customs operation, the largest probably in the history of the U.S. Customs, hundreds of millions of dollars of money laundered with dozens of banks and bankers involved. And when we uncovered it and we had told Mexican officials, some that we could trust, about it, Mexican officials a year ago threatened to arrest our U.S. Customs officials and did not cooperate.

Some of that has changed. But until Mexico makes up its mind that it is going to get this situation under control, enforces laws that their national legislature has passed, they passed some good laws, but not enforced them, and then go after corruption.

I heard Senator SESSIONS from Alabama speak this morning. He was a former prosecutor and he said, ''I put in jail local officials and judges and others in the United States who dealt in illegal narcotics and profiting from them,'' and he asked Mexican leaders to do the same. And until they get that corruption under control, we will continue to have that problem.

And still Mexico is the source of 50 to 60 percent of the cocaine coming into the United States, almost 300 metric tons of cocaine consumed in the United States. Fifty to 60 percent of that, as we know, comes from Mexico. We know now that Mexico is the source of 17 percent of the heroin seized last year by law enforcement. We know that Mexico is the leading smuggler of methamphetamine and also the base ingredient of methamphetamine, as well as marijuana.

Unfortunately, as I said, in 1988 heroin seizures were down some 56 percent, cocaine seizures were down 35 percent. But the latest statistics we have, the information is that those seizures are up due to cooperation with the United States officials.

So we still have lacking a maritime agreement, no progress on a maritime agreement, although some more cooperation with our maritime officials. But Mexico continues to be the source of so much of the illegal narcotics coming into the United States and the center of corruption.

The former DEA administrator came before our subcommittee and also had testified and stated publicly something that I think bears repeating tonight, and that is Tom Constantine. He has since left that office and been replaced just recently by Donny Marshall, a very capable assistant in the DEA office and I think a very good appointment who will do a good job in trying to follow in the footsteps of Tom Constantine.

But Tom Constantine, speaking about Mexico, said this, and let me quote the former DEA administrator. ''In my lifetime, I've never witnessed any group of criminals that has had such a terrible impact on so many individuals and communities in our nation.''

He said that, despite promises by Mexico to wage ''total war'' on drug smugglers, no major drug traffickers had been indicted, drug seizures had dropped significantly, and the total number of arrests declined.

He cited part of the problems. To date, Mexico still has not extradited one major Mexican national drug kingpin. He cited what Colombia has done in the last few hours leading the way. Mexico needs to follow and show their drug traffickers what they fear the most, and that is extradition to face justice in the United States.

One of the issues that has come up in the high-level working group and concerns me is the question of replacing the United States certification process as provided by law.

Having been involved with Senator Hawkins and others in the development of this law back in the mid 1980s, and I have a copy of it here, the law is a simple law. It basically says that each year the President and the Department of State must certify what countries are doing to assist the United States in stopping in their own country and stopping the production and also the trafficking of illegal narcotics.

A certification must be made to the Congress that those actions are taking place, those cooperative actions. That is done to make those countries eligible for benefits of the United States.

It started out as foreign aid. If a country was in the cooperating, they were not to get foreign aid. And it seems natural to get a benefit if the United States foreign assistance, cash, that there should be some level of cooperation, especially when the inaction or lack of action or an ally's part or country's part results in death, destruction, devastation in the United States. A simple law, not very complicated.

We even provided a waiver such as in countries like Colombia where the administration had concerns about human rights, about other activities to grant a waiver.

Unfortunately, the administration has not properly applied this law. They should have decertified Mexico last year when they had a decrease in seizures, when they had a lack of cooperation, when they threatened to arrest our Customs officials. And they certified Mexico. They should have been decertified and granted a waiver in national interest.

In addition to foreign aid, these countries also get financial assistance, backing in international organizations. The law is quite clear that it says, under this law, if they are decertified, the executive director of each multilateral development bank will vote after March 1 of each year against any loan or utilization of funds.

Now, Mexico does not receive any foreign aid per se, but they receive tremendous trade and financial benefits by the United States. And it is unfortunate that now there is a move to destroy the certification process. And I was concerned and still am concerned that even officials from this administration would like to transfer that certification for being eligible for benefits of the United States to some third party or international group.

I will fight that with every breath here. I did not think anyone should have the ability to determine eligibility for United States benefits other than representatives of the sovereign United States, that being the Congress, the President, executive branch.

This concerns me about attempts to thwart the intent of the certification law. Let me tell my colleagues, they have never seen action in their life by any of these countries until they are faced with threat of decertification for not cooperating. Even in Mexico we saw incredible action just before the question of certification came before the administration and then before the Congress and we suddenly saw all this cooperation. And it has also been a good handle for the country to have on soliciting the support of these countries that are the producers of this deadly illegal narcotic substance.

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Again, a little update on that issue, and we will continue to follow it; I will continue to oppose that.

Just in closing on the Mexico issue, I have a November 6 Reuters report about what death and destruction Mexico has experienced with this horrible situation that they have allowed to really get out of control. It said, this past week a lawyer for Mexico's most notorious drug cartel was shot to death by two gunmen who riddled his body with at least 43 bullets in the northwestern border town of Tijuana. This particular article says that Baez, I believe is his name, Mr. Baez became murder victim number 552 in Tijuana this year and that authorities believe that 65 percent of the killings have been drug related. This particular individual, Mr. Baez, became the third member of his family to be executed in the past 2 years following his sister, Yolanda Baez, and his nephew, Efren Baez.

If Mexico does not get this situation under control in addition to losing the Baja Peninsula, the Yucatan Peninsula, they will lose their country and their sovereignty. Just ask anyone in Colombia who has seen the death, devastation, destruction, and displacement of people in that country, and

now the situation with the United States and others trying to bail them out of their situation.

Mr. Speaker, from the subject of illegal narcotics which does not often put a smile on my face to the final 10 minutes, I wanted to first just pay a moment of tribute to veterans. I will not be in the District in time for veterans celebration, but every American should pay particular attention and honor tomorrow, Veterans' Day. Veterans Day started out, I believe, at the end of World War I, on the 11th hour, the 11th day; and in my home communities from Daytona Beach to Orlando, we will have a series of wonderful ceremonies to honor veterans, at Woodlawn Cemetery in Orlando. David Christianson, the most decorated Vietnam hero, will be the featured speaker.

In Port Orange, one of the young high school groups there will be having a flag retiring ceremony. In De Land, a beautiful community, tomorrow afternoon at 3, they will be having a parade through the community to honor our veterans and so on throughout central Florida.

I would like to spend a moment to pay tribute to our veterans to whom we owe so much. I spent Monday on my way back to Washington visiting the Bill Chappell clinic in Daytona Beach and went around and talked to each of the veterans that was there on an unannounced visit to see how their care was and how they were being taken care of as far as patients in the veterans facility. I am pleased that almost all of them were very satisfied with the care.

I pay also particular tribute to those who do care for our veterans in our hospitals and clinics across the country. The most important responsibility under this Constitution is indeed our national security. The reason for which this country came together was for national security. We must pay honor and tribute and respect to those veterans who are among us and also who are not with us who we remember on Memorial Day, but tomorrow we remember those who again have served this Nation. So we salute all of our veterans, not only in Florida's Seventh Congressional District from Orlando to Daytona Beach, but across this great land. That is one little tribute that I wanted to pay.

The other item that I wanted to conclude with is some good news for the House of Representatives and the American people. Finally, after more than a decade, we have completed the first step in making a reality a visitors center for the American people when they visit our great Capitol. The Capitol has a rich history. It goes back to being located here in 1790 by an act of Congress. Congress was sort of vagabond before that, met in Philadelphia, New York, Annapolis, Harrisburg and a dozen different locations. Finally, in 1790, they decided to come here.

They decided to begin construction in 1793 of the Capitol and it was to be two wings, the Senate wing here, actually sort of turned out like most government projects, it was running behind schedule and overbudget; and they decided just to build this one wing which is the north wing towards Union Station. To get that done and to get the Congress here by 1800, which will be 200 years, they worked feverishly and abandoned plans for the House wing. And then in 1800, in December, the House located here. In 1807, they built the second wing. They were connected actually in between by a trellis for a number of years. And then in 1827 they built the center rotunda and the Capitol looked a bit like this.

This is a pretty good picture. One of the oldest pictures, that first Capitol was designed first of all by Dr. Thornton who actually did not even get in the competition that the Congress had advertised for, came in late, but Thomas Jefferson and George Washington liked the design so much that they took his design even if it came in after the bids all closed. In 1827 we completed the Bullfinch Dome and the Capitol had these two wings and the rotunda in between.

Today, we have the Capitol with the dome which was added in 1863 and the wings, the House wing in 1857, the Senate wing, the north wing, in 1859. You can see the original first building, and then the House building, the connection, the changing of the center and the addition of this beautiful dome designed by Thomas Walters and the statue of freedom up on top, which was taken down recently, refurbished and put back, that was put up there in 1863.

The other addition to the Capitol is the east front was redone. It was crumbling in the late 1950s, 1958 to I think 1962, that was taken off and redone. So they extended the east front of the Capitol.

Not since that point have we enlarged the Capitol, and never to my knowledge have we really done anything specifically for the American people to accommodate them when they come to visit here. We have millions and millions of visitors who crowd the Capitol building.

I am very pleased that we have completed work and approval; I served as a member of the Capitol Preservation Commission, on a Capitol visitors center. This was not my idea. It was started in the 1980s, late 1980s. I believe Vic Fazio, a Congressman from California, initiated some of the proposals that got into a partisan conflict; and it was derailed, although a study was done in 1991 to create a visitors center.

This past week, the visitors center authorizing body, which is the Capitol Preservation Commission, 18 Members of the House and Senate authorized moving forward in the next phase the approval of some $12 million for the center and reconfirmed that the visitors center will be in the east front, towards the Supreme Court and the Library of Congress.

Everything will be located underground. It will not change the view. There will be three stories underground, if I can get this up here quickly. Two stories will be exhibition space, solely for visitors. There will be three auditoriums, one 550-seat, two 250-seat. Right now we really do not even have a place to bring folks in. In fact, folks stand out in line in rain, snow, sleet, whatever, subject to the elements.

Two top stories will accommodate visitors, rest rooms, first aid facilities. Again, everything underground. It will not change any of the view of the Capitol building. The bottom level will be a service floor, goods and services will come in through a tunnel. The tunnel was planned sometime ago, and part of it exists now. Rather than having the trash and garbage and other service deliveries through the front door of the Capitol, that will all be done underground. Accommodations for our visitors trying to bring to life the Capitol, and also to make their visit more pleasant.

We are just about at capacity. Plus we do not have assistance for those who are disabled, handicapped and others to get around the Capitol. This is one of the most exciting improvements ever to our Nation's Capitol, the symbol of freedom for the entire world and, of course, our Nation. It will make visits for students, for adults, for elderly, for infirm so much more pleasant.

I am so pleased to have had the leadership of the House and Senate in this effort. I commend all those involved. It is an exciting project not only for the Congress but for the American people and the country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DEGETTE (at the request of Mr. GEPHARDT) for today after 3:30 p.m. on account of official business in the District.

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. MARKEY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

(The following Members (at the request of Mr. TAUZIN) to revise and extend their remarks and include extraneous material:)

Mr. EHLERS, for 5 minutes, today.
Mr. SAXTON, for 5 minutes, today.
Mr. RAMSTAD, for 5 minutes, today.
Mr. GOSS, for 5 minutes, today.
Mr. FOLEY, for 5 minutes, today.
Mr. NETHERCUTT, for 5 minutes, November 11.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 348. An act to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs.

H.R. 915. An act to authorize a cost of living adjustment in the pay of administrative law judges.

H.R. 3061. An act 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.

H.J. Res 76. Joint resolution waiving certain enrollment requirements for the remainder of the first session of the One Hundred Sixth Congress with respect to any bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2000.

H.J. Res. 78 Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

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.

H.R. 915. To authorize a cost of living adjustment in the pay of administrative law judges.

H.R. 348. To authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs.

H.J. Res. 76. Waiving certain enrollment requirements for the remainder of the first session of the One Hundred Sixth Congress with respect to any bill or joint resolution making general appropriations for fiscal year 2000.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 11, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5285. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Coordinated Acquisition Procedures Update [DFARS Case 99–D022] received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5286. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Weighted Guidelines and Performance-Based Payments [DFARS Case 99–D001] received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5287. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Administration and Audit Services [DFARS Cases 98–D003, 99–D004, and 99–D010] received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5288. A letter from the Director, Office of Legislative Affairs, 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 November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5289. A letter from the Secretary of Education, transmitting Final Regulations—Student Assistance General Provisions (Cohort Default Rates), pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5290. A letter from the Secretary of Education, transmitting Final Regulations—Student Assistance General Provisions, Federal Family Education Loan Program, the William D. Ford Federal Direct Loan (Direct Loan) Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5291. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions, Federal Family Education Loan Program, the William D. Ford Federal Direct Loan (Direct Loan) Program (RIN: 1845–AA02) received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5292. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Resinous and Polymeric Coatings [Docket No. 91F–0431] received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5293. A letter from the Secretary, Commission of Fine Arts, transmitting the Commercial Activities Inventory Statement of 1999; to the Committee on Government Reform.

5294. A letter from the Staff Director, Commission on Civil Rights, transmitting the Commercial Activities Inventory Report; to the Committee on Government Reform.

5295. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Agency's FY 1999 Commercial Activities Inventory; to the Committee on Government Reform.

5296. A letter from the Inspector General, Federal Communications Commission, transmitting a copy of the commercial inventory submission of the Inspector General of the Federal Communications Commission; to the Committee on Government Reform.

5297. A letter from the Director, Office of Resource Management, Federal Housing Finance Board, transmitting the Commercial Activities Inventory; to the Committee on Government Reform.

5298. A letter from the Executive Director, Holocaust Memorial Museum, transmitting the initial inventory and classification of commercial activities; to the Committee on Government Reform.

5299. A letter from the Director, Office of Administration, International Trade Commission, transmitting inventory of commercial activities for FY 1999; to the Committee on Government Reform.

5300. A letter from the Chairman, International Trade Commission, transmitting the Semiannual Report of the Inspector General of the U.S. International Trade Commission for the period April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5301. A letter from the Administrator, National Aeronautics and Space Administration, transmitting NASA's 1999 Commercial Activities Inventory of NASA's civil service positions; to the Committee on Government Reform.

5302. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's Commercial Activities Inventory for FY 1999; to the Committee on Government Reform.

5303. A letter from the Director, Office of Personnel Management, transmitting the Commercial Activities Inventory as of June 30, 1999; to the Committee on Government Reform.

5304. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 1999, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform.

5305. A letter from the Senior Liaison Officer, Office of Government Liaison, The John F. Kennedy Center for the Performing Arts, transmitting the commercial activity inventory; to the Committee on Government Reform.

5306. A letter from the Budget and Fiscal Officer, The Woodrow Wilson Center, transmitting the inventory for the ''Federal Activities Inventory Reform Act of 1998''; to the Committee on Government Reform.

5307. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the ''Status of Fisheries of the United States''; to the Committee on Resources.

5308. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 16B [Docket No. 990625173–

9274–02; I.D. 033199C] (RIN: 0648–AL57) received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5309. A letter from the Chairman, United States Commission on Civil Rights, transmitting the Commission's report entitled ''Equal Educational Opportunity and Nondiscrimination for Minority Students: Federal Enforcement of Title VI in Ability Grouping Practices,'' pursuant to 42 U.S.C. 1975a(c); jointly to the Committees on the Judiciary and Education and the Workforce.

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. DREIER: Committee on Rules. House Resolution 374. Resolution providing for consideration of motions to suspend the rules (Rept. 106–465). Referred to the House Calendar.

Mr. DIAZ–BALART: Committee on Rules. House Resolution 375. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–466). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1838. Referral to the Committee on Armed Services extended for a period ending not later than November 12, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISAKSON:

H.R. 3290. A bill to provide that, during the nonresponse followup phase of a decennial census, authorized personnel shall be permitted to deposit a copy of the census questionnaire in the letter box of a household, free of postage; to the Committee on Government Reform.

By Mr. HANSEN:

H.R. 3291. A bill to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah, and for other purposes; to the Committee on Resources.

By Mr. BAKER:

H.R. 3292. A bill to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; to the Committee on Resources.

By Mr. GALLEGLY (for himself, Mr. GIBBONS, Mr. EVANS, Mr. GILCHREST, Mr. FILNER, Mr. MCKEON, Mr. RAHALL, Mr. STEARNS, Ms. CARSON, Mr. HANSEN, Mr. PETERSON of Minnesota, Mr. DUNCAN, Mr. REYES, Mr. BILIRAKIS, Mr. SNYDER, Mr. HILL of Montana, Mr. DOYLE, Mr. KUYKENDALL, Mr. SHOWS, Mr. HAYWORTH, Mr. BATEMAN, Mr. MALONEY of Connecticut, Mr. LEWIS of Kentucky, Mr. DIXON, Mr. BISHOP, Mr. SPRATT, Mrs. MEEK of Florida, Mr. MCHUGH, Mr. BAIRD, Mr. HEFLEY, Mr. BOUCHER, Mr. SCHAFFER, Mr. LATOURETTE, Mr. MANZULLO, Mr. MARKEY, Mr. FROST, Mr. HINCHEY, Mr. MOORE, Mr. HUTCHINSON, Mr. GOODE, Mr. LANTOS, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. SANDLIN, Mr. PETERSON of Pennsylvania, Mr. MORAN of Virginia, Mr. PALLONE, Mr. SANDERS, Mr. WISE, Mr. BLILEY, Mr. CASTLE, Mr. LEACH, Mr. STRICKLAND, Mr. STUPAK, Mr. JACKSON of Illinois, Mr. SCOTT, Mrs. MALONEY of New York, Mr. UNDERWOOD, Mrs. JONES of Ohio, Mr. THOMPSON of Mississippi, Mr. KILDEE, Mr. CUNNINGHAM, Mrs. MYRICK, Mr. TAUZIN, Ms. LOFGREN, Mr. GARY MILLER of California, Mr. BAKER, Mr. HORN, Mr. OWENS, Mr. FOLEY, Mr. MCINTYRE, Mr. MEEHAN, Mr. HILLIARD, Mr. MCCOLLUM, Mrs. NAPOLITANO, Mr. LUCAS of Kentucky, Mr. HASTINGS of Washington, Mr. BOSWELL, Mr. HASTINGS of Florida, Mr. GUTKNECHT, Ms. BERKLEY, Mr. GUTIERREZ, Mr. ABERCROMBIE, Mr. CANNON, Mr. CROWLEY, Mr. DEFAZIO, Mr. DOOLITTLE, Mr. TRAFICANT, Mr. KIND, Mr. GEORGE MILLER of California, Mr. SAXTON, Mr. ROMERO-BARCELO, Mr. SHERWOOD, Mr. TANCREDO, Mr. WALDEN of Oregon, Mr. FRELINGHUYSEN, Mr. CALVERT, Mrs. CUBIN, Mr. JONES of North Carolina, Mr. BRADY of Texas, Mr. THOMAS, Mr. BALLENGER, Mrs. MORELLA, Mr. SHERMAN, and Mr. HERGER):

H.R. 3293. A bill to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; to the Committee on Resources.

By Mr. BACHUS (for himself, Mr. TURNER, Mr. ADERHOLT, Mr. SAM JOHNSON of Texas, Mr. PAUL, Mr. BRADY of Texas, and Mr. SMITH of Texas):

H.R. 3294. A bill to amend the Federal Water Pollution Control Act to exclude from stormwater regulation certain areas and activities, and to improve the regulation and limit the liability of local governments concerning co-permitting and the implementation of control measures; to the Committee on Transportation and Infrastructure.

By Mr. FARR of California (for himself, Mr. GEKAS, Mr. FORBES, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. SHAYS, Ms. SLAUGHTER, Mr. PAYNE, Mr. GILCHREST, Mr. KENNEDY of Rhode Island, Mr. RAHALL, Mr. GILMAN, Mrs. MEEK of Florida, Mr. THOMPSON of California, Ms. PELOSI, Mr. KING, Mr. WYNN, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, Mrs. MALONEY of New York, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Mr. JACKSON of Illinois, Mr. FALEOMAVAEGA, Mr. STARK, Ms. WATERS, Mr. TIERNEY, Mr. LEWIS of Georgia, Mr. ALLEN, Mr. SISISKY, and Mr. MCDERMOTT):

H.R. 3295. A bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT–43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others; to the Committee on the Judiciary.

By Mr. BAIRD:

H.R. 3296. A bill to amend the Lewis and Clark National Historic Trail to include the State of Washington as the endpoint of the trail; to the Committee on Resources.

By Ms. BALDWIN (for herself, Ms. CARSON, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. LARSON, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. OWENS, Ms. PELOSI, Ms. WATERS, and Mr. WU):

H.R. 3297. A bill to amend the Family and Medical Leave Act of 1993 to eliminate an hours of service requirement for benefits under that Act; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia (for himself and Mr. DEAL of Georgia):

H.R. 3298. A bill to amend the Clean Air Act to modify the application of certain provisions regarding the inclusion of entire metropolitan statistical areas within nonattainment areas, and for other purposes; to the Committee on Commerce.

By Mr. BARR of Georgia (for himself, Mr. BISHOP, Mr. CRAMER, Mr. CHAMBLISS, Mrs. MYRICK, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. DUNCAN, and Mr. WAMP):

H.R. 3299. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to insure that law enforcement officers are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself and Mr. FLETCHER):

H.R. 3300. A bill to provide for a Doctors' Bill of Rights under the Medicare Program; 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. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mrs. EMERSON, Mr. TOWNS, Mr. GREENWOOD, Mr. UPTON, Ms. DEGETTE, Mr. SMITH of New Jersey, Mr. WAXMAN, and Mr. WALSH):

H.R. 3301. A bill to amend the Public Health Service Act with respect to children's health; to the Committee on Commerce.

By Mr. BRADY of Texas (for himself, Mr. GOODE, Mrs. ROUKEMA, Mrs. MYRICK, Mr. HALL of Texas, Mr. ARMEY, Mr. TAYLOR of Mississippi, Mr. DELAY, Mr. BARCIA, Mr. COMBEST, Mr. SHOWS, Mr. SMITH of Texas, Mr. WATTS of Oklahoma, Mr. BLUNT, Mr. HUTCHINSON, Mr. SENSENBRENNER, Mr. GOODLATTE, Mr. SCHAFFER, Mr. MANZULLO, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. PACKARD, Mr. SUNUNU, Mr. SMITH of New Jersey, Mr. WELDON of Florida, Mr. COBURN, Mr. HOSTETTLER, Mr. GARY MILLER of California, Mr. LEWIS of Kentucky, Mr. PITTS, Mr. BARTON of Texas, Mr. LARGENT, Mr. ISTOOK, Mr. DEMINT, Mr. PAUL, Mr. BARR of Georgia, Mr. ENGLISH, Mr. STEARNS, and Mr. POMBO):

H.R. 3302. A bill to authorize States under Federal health care grant-in-aid programs to

require parental consent or notification for purpose of purchase of prescription drugs or devices for minors; to the Committee on Commerce.

By Mr. BURR of North Carolina:

H.R. 3303. A bill to provide for the establishment of the Natural Disaster Insurance Solvency Fund to ensure adequate private insurance reserves in the event of catastrophic natural disasters; to the Committee on Banking and Financial Services, and in addition to the Committees on Ways and Means, and the Budget, 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. BURTON of Indiana:

H.R. 3304. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements providing vitamins or minerals, and for other purposes; to the Committee on Agriculture.

H.R. 3305. A bill to require the Commissioner of Food and Drugs to issue revised regulations relating to dietary supplement labeling, to amend the Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper, and for other purposes; to the Committee on Commerce.

H.R. 3306. A bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for foods for special dietary use, dietary supplements, or medical foods shall be treated as medical expenses; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. COBURN, Mr. SKEEN, Mr. NETHERCUTT, Mr. FOLEY, Mr. PAUL, Mr. YOUNG of Alaska, Mr. TANCREDO, Mr. MCINTOSH, Mr. DOOLITTLE, Mr. COX, Mr. JONES of North Carolina, Mr. LARGENT, Mr. HERGER, Mr. DICKEY, Mrs. CUBIN, Mr. SAM JOHNSON of Texas, Mr. STEARNS, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, and Mr. BURTON of Indiana):

H.R. 3307. A bill to amend title 5 of the United States Code to require Federal agencies to conduct an assessment of the privacy implications resulting from a proposed rule; to the Committee on the Judiciary.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. JONES of North Carolina, Mr. ANDREWS, Mr. JENKINS, Mr. PICKERING, Mr. JOHN, Mr. TOWNS, Mr. WAMP, Mr. DICKEY, Mr. COBURN, Mr. LATOURETTE, Mr. NORWOOD, Mr. HILLEARY, Mr. ROTHMAN, Mr. GRAHAM, Mr. CANNON, Ms. ESHOO, Mr. CRAMER, Mr. GALLEGLY, Mr. PHELPS, Mr. SPENCE, and Mr. HERGER):

H.R. 3308. A bill to establish minimum standards of fair conduct in franchise sales and franchise business relationships, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 3309. A bill to amend the Internal Revenue Code of 1986 to modify the private activity bond rules to deter unwarranted hostile takeovers of water utilities; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3310. A bill to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEKAS:

H.R. 3311. A bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability and quality of Government; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 3312. A bill to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions and disputes in administrative programs; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. LAZIO, Mr. ACKERMAN, Mr. GEJDENSON, Mr. BOEHLERT, Mrs. LOWEY, Mr. SHAYS, Mr. LARSON, Mr. KING, Mr. MALONEY of Connecticut, Mr. WALSH, Ms. DELAURO, Mr. GILMAN, Mr. OWENS, Mrs. KELLY, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. TOWNS, Mr. MCHUGH, Mr. WEINER, Mr. SWEENEY, Mr. HINCHEY, Mr. CROWLEY, Mr. FORBES, Mr. SERRANO, Mr. NADLER, Mr. MCNULTY, Mr. ENGEL, Mrs. MALONEY of New York, Ms. SLAUGHTER, Mr. MEEKS of New York, Ms. VELÁZQUEZ, and Mr. RANGEL):

H.R. 3313. A bill to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JONES of North Carolina:

H.R. 3314. A bill to clarify certain boundaries on maps relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mrs. KELLY (for herself, Mrs. MORELLA, Mrs. MALONEY of New York, Mrs. JOHNSON of Connecticut, Mrs. BIGGERT, and Mrs. EMERSON):

H.R. 3315. A bill to limit the effects of witnessing or experiencing violence on children; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:

H.R. 3316. A bill to deauthorize a portion of the project for navigation, New Port Harbor, Rhode Island; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself and Mrs. MORELLA):

H.R. 3317. A bill to provide grants to strengthen State and local health care systems' response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 3318. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself, Mr. PALLONE, Mr. MORAN of Kansas, Mr. BARCIA, Mr. DEFAZIO, Mr. PAYNE, Mr. LAFALCE, Ms. MILLENDER-MCDONALD, Mr. INSLEE, Mr. MURTHA, Mr. KLINK, Mr. RUSH, Mr. ANDREWS, Mr. WYNN, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Mr. LOBIONDO, Mr. TRAFICANT, Mr. MCNULTY, Mr. FROST, Mrs. MORELLA, and Mr. HILLIARD):

H.R. 3319. A bill to assure equitable treatment in health care coverage of prescription drugs under group health plans, health insurance coverage, Medicare and Medicaid managed care arrangements, Medigap insurance coverage, and health plans under the Federal employees' health benefits program (FEHBP); to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. BARTON of Texas, Mr. DINGELL, Mr. CAMPBELL, Mr. LUTHER, Mr. WAXMAN, Mr. KUCINICH, Mr. HINCHEY, Ms. ESHOO, Ms. LEE, Ms. RIVERS, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. ROYBAL-ALLARD, Mr. LEWIS of Georgia, Mr. TIERNEY, Mr. KILDEE, Mr. OBEY, Mrs. MEEK of Florida, Mr. EVANS, Mr. JACKSON of Illinois, Ms. WOOLSEY, and Mr. BARRETT of Wisconsin):

H.R. 3320. A bill to amend the privacy provisions of the Gramm-Leach-Bliley Act; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself and Mr. LUTHER):

H.R. 3321. A bill to prevent unfair and deceptive practices in the collection and use of personal information, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Banking and Financial Services, Transportation and Infrastructure, and Agriculture, 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. MCKEON:

H.R. 3322. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Castaic Lake Water Agency, California; to the Committee on Resources.

By Mr. MEEKS of New York (for himself, Mr. WATTS of Oklahoma, Mr. ENGEL, Mr. RANGEL, Mr. DIXON, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. HINCHEY, Mr. FROST, Mr. JACKSON of Illinois, Mr. KING, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. WATT of North Carolina, Mr. OWENS, Mr. TRAFICANT, Mr. WEINER, Mr. CLAY, Mr. CAPUANO, Mr. MCHUGH,

Mrs. KELLY, Mr. THOMPSON of Mississippi, Mr. BEREUTER, Mr. TALENT, Mr. COYNE, Mrs. CHRISTENSEN, Mr. SOUDER, Mrs. LOWEY, Mr. FORBES, Mr. NADLER, Mrs. MALONEY of New York, Ms. VELÁZQUEZ, Mr. QUINN, Mr. CROWLEY, Mr. TOWNS, Mr. SERRANO, Mr. SWEENEY, Mr. FOSSELLA, Mrs. MCCARTHY of New York, Mr. GILMAN, Mr. WALSH, and Mr. REYNOLDS):

H.R. 3323. A bill to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the ''Floyd H. Flake Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. MINGE:

H.R. 3324. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control swine intended for slaughter; to the Committee on Agriculture.

By Mrs. MORELLA:

H.R. 3325. A bill to amend title XIX of the Social Security Act to permit a State waiver authority to provide medical assistance in cases of congenital heart defects; to the Committee on Commerce.

By Mr. NADLER (for himself, Mr. FORBES, Mr. PALLONE, Mr. CUMMINGS, Ms. DELAURO, Mr. SERRANO, Mr. OLVER, Ms. VELÁZQUEZ, Mr. WEINER, Mr. CROWLEY, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. ACKERMAN, Mr. MEEKS of New York, and Mr. KUCINICH):

H.R. 3326. A bill to amend the Clean Air Act to prohibit the making of grants for transportation projects to any person who purchases diesel-fueled buses for use in certain nonattainment areas, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 3327. A bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes; to the Committee on Resources.

By Ms. RIVERS:

H.R. 3328. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for hair prostheses for individuals with scalp hair loss as a result of alopecia areata; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN:

H.R. 3329. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon Joanne Chesimard and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States; to the Committee on International Relations.

H.R. 3330. A bill to provide that certain sanctions against Pakistan cannot be waived until the President certifies that Pakistan has a democratically elected government; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, 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. SAXTON:

H.R. 3331. A bill to conserve Atlantic highly migratory species of fish, and for other purposes; to the Committee on Resources.

By Mr. STRICKLAND (for himself and Ms. DEGETTE):

H.R. 3332. A bill to amend title XIX of the Social Security Act to clarify the exemption of certain children with special needs from State option to use managed care; to the Committee on Commerce.

By Mr. UDALL of New Mexico (for himself and Mr. GEORGE MILLER of California):

H.R. 3333. A bill to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes; to the Committee on Resources, and in addition to the Committee on 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. WEINER:

H.R. 3334. A bill to amend title 23, United States Code, to authorize the use of funds to construct or install certain pedestrian safety features; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON:

H.R. 3335. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

By Ms. HOOLEY of Oregon (for herself, Mr. GIBBONS, Mr. HOLT, Mr. EVANS, Mr. FILNER, Mr. DAVIS of Florida, Ms. BERKLEY, Mr. PETERSON of Minnesota, Mr. REYES, Mr. CLEMENT, Mr. HILL of Indiana, Mr. BOYD, Mr. KIND, Mr. BOSWELL, Mr. POMEROY, Mr. KLECZKA, Mr. BENTSEN, Mr. MOORE, Mr. GONZALEZ, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. FORBES, Mr. MALONEY of Connecticut, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. WEYGAND, Mr. KANJORSKI, Mr. ACKERMAN, Mr. SANDLIN, Mr. SHERMAN, Mrs. MALONEY of New York, Ms. CARSON, Mr. WALDEN of Oregon, and Mr. ABERCROMBIE):

H. Con. Res. 225. Concurrent resolution expressing the sense of the Congress that the United States has an obligation to serve its veterans' health needs, that future congressional budget resolutions should reflect the ongoing need of the Nation's veterans, and that the Committees on Appropriations should provide the financial resources needed by the Veterans Health Administration to meet future demands; to the Committee on Veterans' Affairs.

By Mr. ROTHMAN:

H. Con. Res. 226. Concurrent resolution expressing the sense of Congress concerning funding for health care services for veterans; to the Committee on Veterans' Affairs.

By Mr. SWEENEY:

H. Con. Res. 227. Concurrent resolution expressing the sense of the Congress that special recognition should be given to the observance of Veterans Day on November 11, 1999, the last Veterans Day of the 20th century, as an opportunity to promote greater appreciation, especially among children, of the sacrifices made by America's veterans; to the Committee on Veterans' Affairs.

By Mr. PETRI:

H. Res. 373. A resolution providing for the appointment of the Reverend James Ford as Chaplain emeritus of the House of Representatives; considered and agreed to.

By Ms. BERKLEY:

H. Res. 376. A resolution expressing the sense of the House of Representatives in support of ''National Children's Memorial Day''; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CARSON:

H.R. 3336. A bill for the relief of Adela T. and Darryl Bailor; to the Committee on the Judiciary.

By Mr. HAYWORTH:

H.R. 3337. A bill to provide for correction of an administrative error in the computation of the retired pay of Commander Carl D. Swanson, United States Coast Guard Reserve, retired; to the Committee on the Judiciary.

By Mr. HINCHEY:

H.R. 3338. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade vessel R'ADVENTURE II; to the Committee on Transportation and Infrastructure.

By Mr. OWENS:

H.R. 3339. A bill for the relief of Genia Adams; to the Committee on the Judiciary.

H.R. 3340. A bill for the relief of Marie Yolande Baptiste-Raymond; to the Committee on the Judiciary.

H.R. 3341. A bill for the relief of Marlene Chauvannes-Cabrerra; to the Committee on the Judiciary.

H.R. 3342. A bill for the relief of Marie S. Hilaire; to the Committee on the Judiciary.

H.R. 3343. A bill for the relief of Yanite Pierre; to the Committee on the Judiciary.

H.R. 3344. A bill for the relief of Dukens Baptiste-Raymond; to the Committee on the Judiciary.

H.R. 3345. A bill for the relief of Eric Phillip Charles; to the Committee on the Judiciary.

H.R. 3346. A bill for the relief of Leon A. Cousley; to the Committee on the Judiciary.

H.R. 3347. A bill for the relief of Pierre Paul Eloi; to the Committee on the Judiciary.

H.R. 3348. A bill for the relief of Gladstone Hamilton; to the Committee on the Judiciary.

H.R. 3349. A bill for the relief of Pierre Nital Louis; to the Committee on the Judiciary.

H.R. 3350. A bill for the relief of Joseph Frantz Mellon; to the Committee on the Judiciary.

H.R. 3351. A bill for the relief of Hugh Ricardo Williston; to the Committee on the Judiciary.

H.R. 3352. A bill for the relief of Gerald Cheese; to the Committee on the Judiciary.

H.R. 3353. A bill for the relief of Richard Pierre; to the Committee on the Judiciary.

H.R. 3354. A bill for the relief of Enrique Sedric Gabart Pierre; to the Committee on the Judiciary.

H.R. 3355. A bill for the relief of Reginald Prendergast; to the Committee on the Judiciary.

H.R. 3356. A bill for the relief of Fabien Oniel Prendergast; to the Committee on the Judiciary.

H.R. 3357. A bill for the relief of Unice Grace Prendergast; to the Committee on the Judiciary.

H.R. 3358. A bill for the relief of Judith Lorraine Prendergast; to the Committee on the Judiciary.

H.R. 3359. A bill for the relief of Regine Santil; to the Committee on the Judiciary.

H.R. 3360. A bill for the relief of Martine Jacques; to the Committee on the Judiciary.

H.R. 3361. A bill for the relief of Yves Rodney Jacques; to the Committee on the Judiciary.

H.R. 3362. A bill for the relief of Valerie Santil; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

H.R. 3363. A bill for the relief of Akal Security, Incorporated; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 3364. A bill for the relief of Web's Construction Company, Incorporated; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. HEFLEY.

H.R. 141: Mr. FORBES.

H.R. 175: Mr. BAKER and Mr. JACKSON of Illinois.

H.R. 303: Mr. SCHAFFER and Mr. HYDE.

H.R. 382: Mr. DEUTSCH and Mr. FALEOMAVAEGA.

H.R. 444: Mr. SANDLIN, Mr. OBERSTAR, Mr. MCHUGH, Mr. MINGE, and Mr. BARRETT of Wisconsin.

H.R. 531: Mr. STUPAK and Mr. FRELINGHUYSEN.

H.R. 664: Ms. VELAZQUEZ and Mrs. LOWEY.

H.R. 750: Mr. CAMPBELL and Mrs. MORELLA.

H.R. 827: Mr. POMEROY.

H.R. 979: Mr. CUMMINGS and Mr. CONDIT.

H.R. 1044: Mr. GANSKE, Mr. BONILLA, and Mr. BOYD.

H.R. 1095: Mrs. BONO, Mr. CASTLE, and Mr. HINOJOSA.

H.R. 1102: Mrs. EMERSON.

H.R. 1168: Mr. JACKSON of Illinois and Mr. ROGERS.

H.R. 1187: Mr. LANTOS, Mr. DOYLE, and Mr. LAHOOD.

H.R. 1193: Ms. BALDWIN.

H.R. 1244: Mr. GREENWOOD and Mr. BECERRA.

H.R. 1283: Mr. PICKERING.

H.R. 1310: Mr. BOEHLERT, Mr. HOEFFEL, Mr. WATKINS, Mr. PAYNE, Mr. SMITH of Washington, Ms. SANCHEZ, Mr. PACKARD, Mr. HUNTER, Mr. MCGOVERN, Mr. ROGAN, Mr. DEAL of Georgia, Mr. BARTLETT of Maryland, Mr. CUNNINGHAM, Mr. DOOLITTLE, and Ms. BROWN of Florida.

H.R. 1311: Mr. HOEFFEL, Mr. UDALL of Colorado, Mr. BILBRAY, and Ms. SANCHEZ.

H.R. 1367: Mr. BASS.

H.R. 1387: Mr. ROGERS.

H.R. 1388: Mr. LANTOS.

H.R. 1606: Mr. MEEHAN.

H.R. 1612: Mr. BROWN of Ohio.

H.R. 1621: Ms. PELOSI, Ms. HOOLEY of Oregon, Mr. CAPUANO, Mr. STUPAK, and Mr. METCALF.

H.R. 1695: Mr. YOUNG of Alaska, Mr. DUNCAN, Mr. DOOLITTLE, Mr. CANNON, Mrs. CUBIN, Mr. RADANOVICH, Mrs. CHENOWETH-HAGE, Mr. HANSEN, Mr. HAYES, Mr. SHERWOOD, Mr. POMBO, Mr. HEFLEY, Mr. SIMPSON, Mr. TAUZIN, Mr. THORNBERRY, Mr. PETERSON of Pennsylvania, Mr. GILCHREST, Mr. SAXTON, Mr. SCHAFFER, and Mr. WALDEN of Oregon.

H.R. 1814: Mr. BRYANT.

H.R. 1876: Mr. DEAL of Georgia, Mr. SAM JOHNSON of Texas, and Mr. CRAMER.

H.R. 1899: Mr. BEREUTER.

H.R. 1997: Ms. LEE, Mrs. THURMAN, Ms. NORTON, and Ms. VELÁZQUEZ.

H.R. 2053: Mr. PALLONE.

H.R. 2120: Ms. HOOLEY of Oregon.

H.R. 2244: Mr. SAM JOHNSON of Texas.

H.R. 2355: Ms. MCCARTHY of Missouri.

H.R. 2363: Mr. SESSIONS and Ms. CARSON.

H.R. 2409: Mr. TURNER.

H.R. 2419: Mr. KING and Mr. VITTER.

H.R. 2420: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KIND, Ms. KILPATRICK, and Mr. FROST.

H.R. 2442: Mr. ROGAN.

H.R. 2486: Mr. LANTOS, Ms. DEGETTE, and Mr. DIXON.

H.R. 2525: Mr. CONDIT and Mr. LEWIS of California.

H.R. 2538: Mr. ENGLISH, Mr. MCHUGH, Mr. PITTS, Mrs. LOWEY, Mr. SMITH of Texas, Mr. SMITH of Washington, Mr. DEAL of Georgia, Mr. SANDERS, Mr. KIND, Mr. VITTER, and Mr. BALDACCI.

H.R. 2544: Mr. SCHAFFER and Mr. SESSIONS.

H.R. 2545: Ms. MCKINNEY.

H.R. 2594: Mrs. ROUKEMA.

H.R. 2655: Mr. MCKEON.

H.R. 2697: Mr. THOMPSON of Mississippi, Mr. SANDERS, Mr. BURTON of Indiana, and Mr. LAHOOD.

H.R. 2720: Mr. FRANK of Massachusetts and Mr. NEAL of Massachusetts.

H.R. 2722: Mr. ROMERO-BARCELO and Mr. SANDERS.

H.R. 2733: Mr. PALLONE, Mr. GREENWOOD, and Mr. BACHUS.

H.R. 2736: Mr. UDALL of New Mexico, Mr. LUTHER, and Mr. GREEN of Texas.

H.R. 2774: Ms. ESHOO and Mr. PRICE of North Carolina.

H.R. 2782: Mr. OWENS.

H.R. 2789: Mr. OWENS, Mrs. LOWEY, and Mr. KUCINICH.

H.R. 2810: Mrs. BONO and Mr. HUTCHINSON.

H.R. 2827: Mr. SIMPSON.

H.R. 2832: Mr. STUPAK and Ms. WOOLSEY.

H.R. 2895: Mr. CLAY, Mr. FRANK of Massachusetts, and Mr. GOODE.

H.R. 2902: Ms. BALDWIN, Mr. HOLT, and Mr. UDALL of Colorado.

H.R. 2955: Mr. DEUTSCH and Mr. STUPAK.

H.R. 2960: Mr. SUNUNU.

H.R. 2966: Mr. CAPUANO, Mr. FARR of California, Mr. GIBBONS, Mr. HASTINGS of Washington, Ms. KAPTUR, Mr. MATSUI, Mr. MCCOLLUM, Mr. MORAN of Kansas, Mr. OXLEY, Mr. SCHAFFER, Mr. HILLEARY, Mr. OBERSTAR, and Mr. KLINK.

H.R. 2985: Mr. COBURN, Mr. METCALF, and Mr. BURR of North Carolina.

H.R. 3008: Mr. GEORGE MILLER of California, Mr. MCGOVERN, and Mr. STUPAK.

H.R. 3010: Mrs. MORELLA.

H.R. 3011: Mrs. NORTHUP.

H.R. 3058: Mr. WAXMAN, Mr. ROGAN, Mr. DOYLE, and Mr. THOMPSON of Mississippi.

H.R. 3071: Mr. WEINER, Ms. CARSON, and Mr. HINCHEY.

H.R. 3103: Mr. GONZALEZ.

H.R. 3121: Mr. PAUL.

H.R. 3139: Mr. OWENS and Mr. GEORGE MILLER of California.

H.R. 3144: Mr. CLAY, Mr. DINGELL, and Mr. EVANS.

H.R. 3151: Mr. LUCAS of Kentucky.

H.R. 3154: Ms. KILPATRICK.

H.R. 3156: Mr. BORSKI, Ms. MILLENDER-MCDONALD, and Mr. KUCINICH.

H.R. 3161: Mr. KUCINICH.

H.R. 3174: Mr. LARGENT, Mr. GILLMOR, Mr. FOLEY, Mr. LINDER, Mr. ISAKSON, Mr. SHADEGG, and Mr. SALMON.

H.R. 3193: Mr. LARSON.

H.R. 3218: Mr. FOSSELLA, Mr. QUINN, Mr. DOYLE, MR. SWEENEY, and Mr. HALL of Texas.

H.R. 3222: Mr. PETERSON of Pennsylvania, Mr. GEORGE MILLER of California, and Mr. WELDON of Pennsylvania.

H.R. 3242: Mr. CHAMBLISS and Mr. PAUL.

H.R. 3257: Mr. COOK and Ms. PRYCE of Ohio.

H.R. 3261: Mrs. WILSON, Mr. BRYANT, Mr. METCALF, Mr. COX, and Mr. FOLEY.

H. J. Res. 77: Mr. TAYLOR of North Carolina.

H. Con. Res. 62: Mr. LAHOOD.

H. Con. Res. 77: Mr. BRYANT, Mr. ANDREWS, and Mr. JOHN.

H. Con. Res. 100: Mr. HALL of Ohio.

H. Con. Res. 115: Mr. CAPUANO, Mr. MCNULTY, and Mr. KLINK.

H. Con. Res. 200: Mr. HOLT.

H. Con. Res. 218: Mr. DIAZ-BALART, Mrs. MORELLA, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. BENTSEN, and Mr. WEXLER.

H. Res. 163: Mr. KUCINICH, Mr. KENNEDY of Rhode Island, Ms. NORTON, Mrs. ROUKEMA, and Mrs. LOWEY.

H. Res. 238: Mr. PALLONE, Mr. STUPAK, Mr. GREENWOOD, and Mr. BACHUS.

H. Res. 320: Mr. MANZULLO.

H. Res. 357: Mr. CLAY, Mr. DEUTSCH, Ms. ESHOO, Mr. FORD, Mr. LEVIN, Ms. WOOLSEY, Mr. WU, and Mr. MCNULTY.

EXTENSIONS OF REMARKS

SPECIAL ORDER OF MR. SCHAFFER, OMITTED FROM THE CONGRESSIONAL RECORD OF TUESDAY, NOVEMBER 9, 1999

FINDING ONE CENT ON THE DOLLAR WORTH OF SAVINGS IN FEDERAL GOVERNMENT SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, tonight I want to spend this special order hour talking about two primary topics, one closely related to the second. That first topic is trying to eliminate waste, fraud, and abuse in the Federal Government and in Federal spending.

I want to start out, Mr. Speaker, by alerting Members to a brief history lesson on where congressional overspending has gone over the last 30 years. In fact, going back to 1970, Members can see the line below the baseline here is the amount of money that the Congress has spent, money that it did not have. This is deficit quantity spending.

Back in 1970, we began a dangerous habit and trend going down here in 1976. Here we were at almost $100 billion in deficits. We continued to drop and drop, spending more and more without regard to the cash that was on hand for the Federal government. We can see here in 1982 and 1986 the height of Democrat control of Congress was when we were on a virtually spending spree here in Washington.

Then when deficits got at about their worst, down in this area, that is about the point in time that the American people changed their mind. This is when the Republican revolution took place. Americans were fed up with a Congress that year after year after year, from 1970 right on up to the 1992–1993 fiscal years, had spent more money than it had on hand, in fact, borrowing from my children and the children of every other American in order to appease the spending appetite and habits of Washington.

That ended at about this point here. We can see the line beginning to go up when a new idea, a new party was put in charge with majority status in Congress. Members can see when we took over that the deficit spending began to ease, that we began to start moving toward a goal of spending the dollars that we actually had on hand to run the legitimate purposes of the Federal government.

Back there in 1994 when Republicans took over the Congress, they promised in a great Contract with America that we would balance the budget by the year 2002. Well, we underpromised and overdelivered, because right here in 1998 was the first year in 30 years that the expenditures came above the line here of our baseline spending. In other words, we began to start saving money.

This little purple section here represents a cash surplus that we began to accumulate here in Washington, D.C. It is this surplus that has allowed us to do a number of things. One, it has allowed us to stop borrowing the money. I would remind my colleagues, when we start borrowing money, spending more money than the Congress actually has to spend, we borrow it from somewhere, and the fund of preference for many, many years has been the social security system.

In fact, this Congress and the White House has raided the social security trust fund, the social security system, to the tune of about $638 billion over a little bit shorter of a time frame. This goes back to 1984.

Once again, we can take a look at where we were when we came here, and President Clinton continued, and this was the year of the tax increase, and the year that the Congress spent quite a lot of money, at the President's insistence.

Again, in 1998, this Congress got serious about stopping the raid on social security. Members can see the dramatic decrease. This is not the final column of the graph here, this is an actual decrease in the propensity of Congress to borrow from the social security system. This is an effort to stop the raid on social security. Members can see that that does end right here, this year, in 1999, the first year we stopped raiding the social security system in order to pay for government.

That is a trend we want to see continue. In fact, we want to see this line continue to go down further and build greater surpluses, including the social security fund. In order to accomplish that, we have to exercise some fiscal discipline right now, this year, in Congress. That is the debate that is taking place presently between the White House and the Congress.

Here is one of the suggestions we came up with as a Republican majority to avoid raiding social security, as the President has proposed to do. We have proposed that of the increase in spending that we have budgeted for this year, that we just tighten our belt a little bit. For every dollar in Federal spending, we are asking the Federal government to come up, the Federal bureaucrats and the Federal agencies, to come up with one cent in savings, in efficiency savings, in order to help rescue the social security fund and to stop borrowing from the social security system.

We want to stop that raid. We think that out of every dollar that is spent in Washington, we can find that one cent in savings and continue to run the legitimate programs and the legitimate services that are needed and necessary under our Federal system, and do it in a way that allows us to save social security at the same time. That is what that one penny on the dollar represents.

When we suggested this idea, folks over at the White House almost had a heart attack. They said, one penny on the dollar? We cannot possibly come up with one penny on the dollar in savings, because that would cripple the Federal government, finding this one cent in savings.

Therein, Mr. Speaker, lies the difference between the Republican majority in Washington and the liberal Democrat leadership that we find down at the White House. We believe that the government can do what every American family does every day, work a little harder to find that one cent savings, to just simply start realizing that we can be more efficient and more effective with a whole assortment of Federal programs to find that one cent.

Again, it was a little frustrating but not surprising here in Washington to hear the various Cabinet secretaries say, we cannot find that one penny on the dollar. All of the Federal departments are so efficient, so lean, so effective, so accountable with their dollars that we cannot possibly find the savings necessary to save social security.

So we, as Members of Congress, decided that we would take it upon ourselves to help. That is the point of today's special order. I appreciate Members going through that brief history with me about how it is we came to the position we are in. It is a very relevant and important position to consider, because at this very moment the impasse in passing a budget hinges on the difference of opinion between this Congress and that White House to find that one penny, and do it in a way that honors and respects not only the taxpayers of America but the children of America, who rely on a sound and credibly run government, and certainly the seniors, the current retirees who rely on social security.

There are a number of great examples. One of our colleagues who I have been told was planning on joining us here issued a report out of his committee, and that report lists, assuming I can put my fingers on it, lists just agency by agency the savings that can be found.

Here are some good examples. Here is the gentleman from California (Mr. HORN) who has arrived. In his report he suggested that we could find savings in the Department of Agriculture. He cited examples in the Department of Defense.

The Department of Defense spent nearly $40 billion on programs for 15 overseas telecommunications systems that cannot be fully used because the Department failed to obtain proper certifications and approvals from the host nations. That is according to a 1999 Inspector General report.

We found savings in the Department of Education, $3.3 in loan guarantees for defaulted student loans, according to one General Accounting Office audit. There is more. We will talk about more of that today. He found savings in the Energy Department, in the Health and Human Services Department administration, and so on and so forth.

It is not hard to find savings, to find that one penny, if you are devoted to rolling up your sleeves and doing the hard work of finding the money. It is an important proposition, I suggest, for this Congress and for the White House. Rather than fighting over the relative merit of saving one penny out of a dollar to save social security, we ought to be joining in partnership and rolling up our sleeves together and getting down in the trenches at the Department of Education, in the Department of Defense, over at the Department of Energy, over in health and human services, and working together cooperatively to find all the efficiencies and savings that we possibly can to build a credible government for the future security of our children and for our Nation.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN), who has led the House through this investigation of where these funds may be found and pointed not only me but other colleagues in the direction that we ought to look in order to find some of these savings.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding to me.

We have a lot of work to do, and a lot of work has been done by Appropriations subcommittees, authorization committees, and the group which I chair is the Subcommittee on Government Management, Information, and Technology, which has jurisdiction across the executive branch. That responsibility includes ''the overall economy, efficiency and management of government operations and activities, including Federal procurement.'' [Rule X, clause 1(g)(6).]

Let me provide some background on this, because a lot of people do not know it. Twenty years ago Congress established Inspectors General in every cabinet department and independent agency. In 1993, Republicans and Democrats worked on a bipartisan basis. All of these laws I am about to mention are bipartisan. Both parties worked together. Congress sought good management. Despite those attempts, the executive branch does not really have good management.

We had the Results and Performance Act in 1994 and we said, ''look, we have to start measuring these programs. We sought to find what kind of results were these agencies having? Are they accomplishing the goals Congress established when we authorized the program, not to mention the appropriations which Congress annually provides.''

We also had a look at not only how they do their programs, but also could they give us a balance sheet. And we said to the executive branch that they have five years before they have to give us that balance sheet. Well, the fifth year was up in 1998, and what we see here [shows chart] is the analysis we gave of the various balance sheets. In 1999, we thought the executive branch was a pretty sad situation. It is still pretty sad.

There were only two agencies of the 24 major agencies and departments that could give us a decent balance sheet. The first was NASA, the National Aeronautics and Space Administration. Dr. Daniel Goldin is an outstanding administrator and a great visionary. That is a rare combination. The President has cut his budget several times, but despite that he gets first-rate people and they met all the targets that we had put out there.

Next best was the National Science Foundation. Those were the two A's. Now we got to the B's, three B's: General Services Administration. That was recommended by the Hoover Commission under President Truman to consolidate all purchases of the executive branch to get various economies. Next, B-minus, was the Labor Department. They had two yeses on the three categories.

Let me say what the categories were. Was the financial information reliable? Yes or no? They either made it or they did not make it, and that was a judgment of auditors from the General Accounting Office [GAO]. The GAO is a major asset to Congress. Under the Harding administration, Congress recognized that there was a need to focus on management and accountability. In the Budget and Accounting Act of 1922, Congress put all the auditors accountants together in what is known as the General Accounting Office, That office is part of the legislative branch. It provide us with the tools to conduct oversight not just in accounting, but with the Reorganization Act of 1946, Congress also gave programmatic review authority.

However, as long as Speaker Rayburn was alive and Clarence Cannon was head of the House Committee on Appropriations, they refused to let the General Accounting Office do anything in terms of program measurement review. ''Just stick to accounting,'' they said. Reality is that we need both. Thus, when we looked at the balance sheets from the departments and agencies, we examined then by asking a few basic questions. The first question was: ''Did the agency have a qualified opinion or not?''

The second question was effective internal controls, ''Did the agency have them or not? Their Inspector Generals, which was the group I mentioned that started 20 years ago, do excellent work in noting what kind of things go wrong within a particular agency.

The third question was ''Are they in compliance with the laws and regulations''? That would mean the laws of Congress, the executive orders of the President, and the regulations issued by the agency head. The answer is either yes or no. As I say, only two agencies met the three ''yes'' tests: NASA and the NSF. We are now in the B-minuses, they had two yeses, and that was GSA, Labor and the Social Security Administration. In the 1960s when I was on the Senate staff, most of us would say that the Social Security Administration was the best run administration in Washington, regardless which party is in power in the presidency. In brief Social Security gets the work done with about 43 million checks a month here and 50 million there.

Now, the C's start with the Department of Energy. They had a qualified accounting opinion. They did not have effective internal controls and they did have some compliance with the laws.

Next is FEMA, the Federal Emergency Management Agency has been a very well run agency with James Lee Witt as Director. Most of the old timers here have said that Witt is the first person that ever knew what he was doing over there. Mr. Witt came from Arkansas with the current administration. I think most Members that have dealt with him know that he is right there on the spot and he and his staff want to be helpful.

But on this point, accounting, can they give us a balance sheet? FEMA had one yes, two noes with the three criteria I mentioned.

Next is the D-plus range. That includes Housing and Urban Development and the Nuclear Regulatory Commission. Health and Human Services, is also in the D-minus range. There is also a D-minus for the Treasury. The Agency for International Development and the Department of Veterans Affairs are next.

Mr. HOEKSTRA. Mr. Speaker, would the gentleman yield? Could the gentleman just repeat what the Treasury Department got?

Mr. HORN. The Treasury, I am just getting to it.

Mr. HOEKSTRA. The gentleman went by it rather quickly and it was just like this is the agency that is kind of the watchdog agency for how all the other agencies spend their money and they got a——

Mr. HORN. Mr. Speaker, the gentleman is right on that, and we can get into that because we have had numerous hearings on the Financial Management Service, a key agency that services other agency such as the Social Security Administration. But in terms of where Treasury was on this balance sheet, they received a qualified opinion. They did not meet any of our three criteria. Thus, the Treasury has a D-minus. So was the Veterans Administration.

And then we get to the F, the dunce cap category, which starts with the Agency for International Development, Agriculture, the Department of Defense, Justice, and the Office of Personnel Management

Now, their balance sheets probably came in later, but they did not meet the statutory limit that was set back in 1994. At that time I was on the Committee on Government Operations [now Government Reform]. We knew that there would be two agencies that would never make it. One was the Department of Defense and the other was the Internal Revenue Service.

Well, Mr. Speaker, we were surprised that the Internal Revenue Service did make it and they are an agency within Treasury. But Treasury has a lot of other problems. Hopefully, they are coming out of that now.

This chart provides an overview based on that particular law. Congress has passed the so-called Cohen-Clinger Act, which was designed to liberalize the purchasing of Federal goods and services. And we also have the statute requiring the chief financial officer. That officer is to report directly to the head of the agency.

We also required a chief information officer to be responsible for all computing and communications together under one person who would report directly to the Cabinet Secretary or the operating Deputy Secretary of the department.

We voted for these laws because we felt that they would result in better management. These actions are somewhat like the city manager movement that started in the 1920s. The cities were a mess in this country. A political mayor would get into office and he put all of his relatives on the city payrolls. In Cincinnati, Ohio, the city manager movement started. Non-political professionals were hired to do the job. As was said ''Garbage is not Republican or Democratic, we just have to get the garbage off the streets and out of people's backyards.''

This is the approach that we have taken. I run a very bipartisan subcommittee. The ranking Democrats since 1995 have been very cooperative and helpful in working on these management improvements. Congress can enact them, but the executive branch still limps along and does not face up to a lot of these management issues.

An example, this was a Hoover Commission recommendation during the Truman administration. It was a good one, every department should have an Assistant Secretary for Management. That person would be a professional. We agree with that. So when we passed two more laws that required agencies to establish a chief financial officer and, later, a chief information officer, guess what some of the agencies did. They just added the two to an already overloaded Assistant Secretary for Management. That is nonsense. That was not what Congress intended.

Mr. Speaker, in Washington, we need people who are willing to work in this town about 12 hour days and 6 to 7 days a week when they are an executive whether a political appointee or a senior civil servant. Those are the same hours we work on Capitol Hill. It takes that energy to get the job done, and the executive branch does not get the work done because the responsibility has been put under one person who cannot do one job well, let alone have two or three major jobs. That formula is made for failure. That is why the Treasury has had problems.

Mr. SCHAFFER. Mr. Speaker, will the gentleman yield? The gentleman mentioned earlier that one of the key components and one of the newer components is the performance audit mechanism that we have in place now. This is not just a matter of auditing funds for the financial management and cash flow management of these various funds. We are also now looking through the Inspector General at the actual performance of agencies. How these individuals measure up when compared to the expectations of the country and the directives that come down from the chief executive, the President in this case, and whether they comply by the law in order to execute the duties that are put to them.

This is an important provision as well, because it is Congress that establishes policy for the country, not the President. Congress passes the law. And these performance audits in my view seem to be a critical element not just in making sure that we manage the funds right, but that these programs are being run in a way that more closely approximates the objectives of this Congress and thereby the American people.

Mr. Speaker, I would yield to the gentleman on that performance component of these audits.

Mr. HORN. Mr. Speaker, the gentleman is absolutely correct. This is what I feel the most about, and I have had hearings on the Australian and New Zealand Governments. We have taken a team to look at what they have done. Those are two of the most reform governments in the world.

It is interesting. They copied Prime Minister Thatcher, a conservative who made changes in the United Kingdom's government. But these were both socialist governments in New Zealand and Australia. After their election, they looked around at the fiscal situation and said, ''Wait a minute, we do not know how good these programs are, and it looks as we project our expenditures down the line, we are going to be in deep deficits.'' That is exactly what we have been in in the United States.

Mr. Speaker, that was why in 1994, on a bipartisan basis, we put this performance and results law on the books. This is the tough one to do. Anybody can go out and develop a balance sheet if they have done their job right fiscally, but measurement creates a real problem. The only government in this country that has a decent measurement system is the State of Oregon. Minnesota is headed in that direction and so is South Carolina. We called them all in and said give us some advice on this.

As I said, we can use public opinion polls. We want to see that the clientele is getting satisfaction out of whatever program it is. One way would be polling. One way would be to also survey manpower retraining, to go out and find did these people really get a job? Are they still in a job 6 months later? How about 1 year later? Maybe we are not doing the job, even though we think we have some great programs and the people running it are well-meaning.

Mr. SCHAFFER. Mr. Speaker, if I could ask one more question, and that is let us take this down to the bottom line and that is from a partisan perspective this is frankly one of the criticisms Republicans get. That we bring charts and graphs to the floor of the House that deal with the accounting mechanisms and the detailed minutia of the finances of government and we talk about applying a business sense to government and these are important things and people believe that we care about this. But to the person on the street, they just want to know that these agencies are being run well.

This can be for some people kind of boring, and also for our own colleagues. They do not want to spend the time going through the detail and the monotony and the numbers of governing. But the reason we are so dedicated and committed to these kinds of audits and the professional management of a huge $1.6 trillion Federal Government is that this matters for real people.

Mr. Speaker, I am wondering if the gentleman could turn this to a discussion of why this matters. Who should

care about the efficiency and effectiveness of our financial management, as well as the performance of all of these people running around Washington, D.C., with somebody else's money?

Mr. HORN. Well, number one the gentleman has just put his finger on it and that is the average taxpayer ought to care because they are paying taxes. We are appropriating them. First, we are authorizing them. The gentleman from Pennsylvania (Chairman GOODLING) is here. He has done a fine job in terms of education and the workplace. And we need to focus in. And frankly, we need the help, and not enough authorizing committees have taken a stand and really spent the time which must be spent.

This takes a lot of time. Our oversight subcommittee had 80 hearings in the last Congress. I think that is more than any full committee has had in Congress. That is because we try to dig into these things. Now, we have limited ourselves in staff. If we had kept the number of staff positions our friends, the Democrats, had for 40 years, we could have been able to do a lot more of this work. But we live with what we have to live with. I think we have done a very good job.

The General Accounting Office has been first rate. I have outlined a series of hearings now that I want to do in the first 6 months of next year. I try to give GAO 6 months to put a team together which will go into the agencies and examine what is really going on. At the hearing I will hold, GAO will be my principal witness.

Mr. SCHAFFER. Mr. Speaker, I would like to point out in graphic detail the reason these kinds of financial considerations are so important. Why the business details of running government really matter. Because what we see in the purple below the baseline here is the Federal deficit for the 30 years that the Democrats were in control of this Congress. Year after year after year these folks did not pay attention to these details and what happened is they ended up spending far more money than the American taxpayer sent to Washington. It looks like a geographic chart of the bottom of the ocean.

Mr. HORN. We could say it is the bear looking into the glassy lake which acts as a mirror and seeing a mountain down there.

Mr. SCHAFFER. It sure is. And the proof that these kinds of details matter to real people starts here. This is as bad as it got and this is the year that the American people said enough is enough. We are sending new people to Washington. We are sending people to Washington who know how to run the government like a business. These principles are the ones that we began to apply here and we can see that there are a number of causes for this reduction in deficit spending up to the point where we are starting to accumulate surpluses.

But this is among them, because not only did we start talking about managing the taxpayers' money better through government management, we also talked about some of the policy decisions that we make, asking questions like, do we really need to spend all that money on all those programs? We found we can eliminate quite a few of them, and the American people do not miss them. They do not notice the difference.

We are now beginning to focus on a government that is more efficient that supports a more robust economy. That combination of a leaner, more effective, more legitimate governing structure in Washington, combined with a strong economy, is allowing this combination, this partnership of a Republican vision in Congress, plus the economic ingenuity of the American people, to really pull ourselves up out of this lake and move us into the path of prosperity where we can start talking now about saving Social Security in legitimate terms, providing world class education for our children, providing for a national defense that is second to none, and providing safety and security for all of our families.

Mr. HORN. Mr. Speaker, we really need to commend Congress, and that is what we are doing, but since the gentleman from Pennsylvania (Chairman GOODLING) is here, he has done a lot of it in education, that is, give flexibility to the people that have to implement these programs. Generally, in the case of education as well as a lot of others, one goes through the State system, the counties, and finally the school districts. If one does not give them flexibility, we are in trouble.

But one will find, every time we try to merge some of these programs and give the local people where the action is these particular dollars, one can then sort of figure out where one would like to use it. The first thing we hear is we cannot do that. I mean, they have a little niche they are protecting in the school district, and this is nonsense.

I think the most successful revenue scheme we ever had was revenue sharing. President Nixon was a big backer of that. Mel Laird had thought of it when he was a Member from Wisconsin. Wilbur Mills finally let it go when he wanted to run for President.

But what happened, for 10 years, we gave counties and cities a certain allotment based on population, whatever formula. They are in a position to know what their needs are. We are not, and neither are the executives sitting downtown a few blocks from us.

Under President Reagan, regretfully, and the Democratic Congress had always wanted to kill it, and the lobbyists wanted to kill it, but the fact is they regretfully gave in on it. They never should have. They should have vetoed the attempt to cut it off. Because then one has got city council members that are elected that know what the needs of that city are. That is a contribution we have made.

Now that we are putting more and more money in education, which nobody would have ever thought we would provide this much money to K through 12 education, and it just seems to me that we run into the same thing here that people yell and scream when one thing is merged with the other. Well, it should be. It should be the people at the grassroots, the superintendent, the advisors to the superintendent, the teachers.

I think when we passed last year in this House that one puts 100 percent, 95 percent, really, into the classroom, that is a real revolution in this town. It obviously scares the living daylights out of lobbyists and the Department of Education.

Mr. SCHAFFER. Mr. Speaker, this education shift that we have pushed for since taking over the Congress as a Republican Party is an encouraging one for governors and for State legislators and for school superintendents, school board members, principals, and so on. They like the idea that we are giving their dollars back to them, Federal dollars back to the State level, and giving them the flexibility and holding them accountable for the expenditures of those funds.

But just out of curiosity, because I want to ask one more question about the Department of Education as it relates to the chart, and it is an important question because the debate we have right now over education with the White House is about this question of flexibility. We want to give more flexibility in this budget to States to spend dollars on classrooms and the way Governors and legislators and superintendents, school board members, and so on see fit. The White House, on the other hand, wants to consolidate education authority here in Washington, D.C.

The gentleman from California (Mr. HORN) mentioned those people running around Washington, the bureaucrats who are in charge of these agencies who the President would entrust the greater proportion of decision making in education, what kind of grade did they get in the Department of Education when it came to the gentleman's audit?

Mr. HORN. Mr. Speaker, it is really an F, because all of this group failed to respond. It is ironic that agencies demand forms from everybody else. Yet, when Congress demands it, it needs to appropriate the money for the agency. My colleagues will remember, it was, did you have reliable information on the finance side? That was up to the auditors to advise us on that. Effective internal controls, the auditors, again, could write us an opinion on this and did. Or they just did not file. Compliance with laws and regulations, both our staff and GAO, do that primarily.

So what we have here is now just for fiscal year 1998. They have not closed and sent it to us for fiscal year 1999 because it has not closed yet. It will on

September 30th. So we look forward next spring to examine the balance sheets and ask the authorizing committees and the subcommittees on appropriations to take a careful look and call in the people.

The discussion cannot be only at the staff level. Those discussions must be at the Member level. We are the ones at the grassroots, with all due respect to our staff and I have a first rate one. We are the ones that should be eyeball to eyeball across the table with our executive counterparts and say, ''Okay, let us take a look at it. How are you measuring these programs?''

Mr. SCHAFFER. Mr. Speaker, we learned just within the last few days that, on the 18th of November, next week, the Department of Education will be certifying their numbers or complying with the audit requirements for the Department of Education for 1998.

The report they are preparing to send up to Congress is one that suggests and says that the 1998 books in the Department of Education are not auditable. They are not auditable. This is an important graphic and picture to show that, for an agency that manages approximately $120 billion in assets, when we include the loan portfolio as well as the direct appropriation of $35 billion annually, for an agency of that size to be unable to tell us how they spend their money is inexcusable.

Yet, that is the answer they will give on the 18th when they send that report up to the Congress and to the General Accounting Office, that the books at the Department of Education are not auditable.

The chairman from the Committee on Education and the Workforce is here for that point. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, this is why I wanted to stop the direct lending programs before it gets started, because who can imagine a department in Washington, D.C. and this Federal Government running the largest bank in the world. I mean, it was so obvious that they could not do that.

Of course what happened, as my colleagues know in committee, we had to bail them out last year. They could not even consolidate loans. They were behind $80,000. Young people leaving college, getting a car, getting a job, getting that home, consolidating their loans are very, very important.

What did we have to do? We had to say to the private sector, you will have to come in and bail them out. You know how to do it. That is what the whole debate is on right now. That is one of the reasons we are still here, because, of course, Mr. Speaker, in his comments yesterday, the President said that, in just one year, schools across America have actually hired over 29,000 new highly trained teachers thanks to our class size reduction initiative.

Well, I would like them to show us where they are. We are having so many conflicting reports. Some have said 21,000. Some have said 23,000. The greater city schools just put out a study, and they said that they got 3,500 teachers hired in the 40th largest district in the country, which is where most of these funds go is where most of the poverty is.

So our debate is not over whether one reduces class size or whether one does not. No, as a parent, as an educator, I know that is important. I did that as a superintendent 30 years ago, thanks to a school board that thought that that was important. That is not the debate at all.

The debate is over quality and flexibility, because we can get ourselves into some more of these debts. If, after we go through this exercise, we end up having this kind of report appear in the newspaper, this report yesterday in the Daily News, New York, ''Not Fit To Teach Your Kid; In some city schools, 50 percent of teachers are uncertified.''

Well, we know at least however many teachers they hired in this last year under this new program, we know that at least 10 percent were not certified. We have no idea how many are not qualified, but we know 10 percent are not certified.

Mr. HORN. Mr. Speaker, would the gentleman from Pennsylvania agree that the sadness of this administration, very frankly, is that they read too many public opinion polls, and they do not lead, and they do not provide leadership. That is part of the problem here? They mostly engage in public relations everyday. But what has happened? In other words, here they are criticizing our attempt to let the local people who know what the problems are to use the funds that the Federal Government is going to appropriate to them. Obviously, some funds can go for new teachers. Some funds can go for teacher professionalism and training. There is a dire need for computing capacity. That is certainly needed as we go into this digital world.

But in my State, we have thousands of illegal immigrant children. Where are we going to put them? What roof are we going to put over them. In the northeastern States, they do not have all the sunshine we do. They face a major problem. Will students have snow coming through the roofs that are not there?

So superintendents will say, ''Look, maybe I want a mix of this. I have to have that new elementary school. We have 5,000 children that are going to sign up for it.'' That is the kind of numbers we are talking in Long Beach, California and Los Angeles.

Mr. GOODLING. Mr. Speaker, which is exactly why our committee reported out in a bipartisan way, they passed the Teacher Empowerment Act, saying please do not just go out and hire teachers to reduce class size if you cannot find quality. Please do not go out and hire teachers if you do not have any space to put them in. Let the local district determine what is most important in order to raise the academic achievement of all children. That is what the debate should be about. The debate is not about class size. It is about flexibility. It is about quality.

The Secretary had a report today, and it was kind of interesting because he challenged us. He said, ask these people that got all these teachers to reduce class size what they think about it. They highlighted Jackson, Mississippi as one of them. So we called Jackson, Mississippi. The superintendent said, ''Oh, of course I am for class size reduction.'' She also said, ''I loved the money. I appreciated the money.'' But she said, ''If I had some flexibility, I rather would have used a larger portion of these funds for technology and professional development.'' Then she went on to say, ''All of this with the goal of improving student achievement.'' Now, this superintendent knows what is most important.

So we called a few more. We called Greencastle, Pennsylvania. They got $39,600. They are not going to hire too many teachers with that $39,600.

Mr. HORN. Mr. Speaker, they are lucky to get one.

Mr. GOODLING. Mr. Speaker, what did he say. He said he would purchase software programs to provide remedial math and reading assistance to students in early grades if he could have used that money in that manner.

Then we called the Erie school district. They got $796,000. They said they would have used it in three different areas. First of all, they have a program, after school hours direct assistance for students who call in who are having homework problems. They would have used some of it for that purpose. They would have purchased more advanced technology and software to help students improve their academic performance. They would have used it for teacher training, for their research-based education programs, particularly as it relates to incorporating standards into classroom curriculum and lesson plans.

Then we called West Allegheny, $44,900. They said they would have used it to create an integrated approach for curriculum instruction, focusing on early intervention programs. In essence, they would use the money to develop instructional approaches specifically targeted to at-risk young children helping those students make the critical transition from prekindergarten at the present to kindergarten to first grade.

Yes, we did just what the Secretary said. This is what they came back

with. They said give us the flexibility. Yes, we like the money. Yes, we want to reduce class size. But there are so many important things.

Mr. HORN. Mr. Speaker, the model on this, as my colleagues know, is what the President wanted, and I supported him on that request and developed same language for the COPS program. The real problem is where is the second, third, and fourth year money to help, because it is very hard for that locality to provide it. So it is here again, and that is exactly what is going on here.

Mr. GOODLING. Mr. Speaker, when we talk about the appropriators appropriating $1.2 billion for this program, $1.2 billion gets 6,000 teachers. One says, well how come? Well, because, first of all, they have to pay for however many they got this year because they remain on that payroll. We do not know whether it is 5 years or 7 for everybody. From this year on, it is 7 years. So for the $1.2 billion, we only get the 6,000 teachers. Again, there are anywhere between 15,000 and 17,000 public school districts. There are more than 100,000 school buildings within those public school systems.

So my colleagues can see, when we talk about 100,000 teachers, there has got to be quality, and there has to be flexibility. That is what the argument is. It has nothing to do with class size.

Mr. HORN. Mr. Speaker, maybe Congress ought to pass a law that says cabinet officers of departments that have administrative problems should have had some administrative experience. The gentleman from Pennsylvania has had it. I have had it.

Mr. GOODLING. Mr. Speaker, that would be a good idea.

Mr. HORN. A number of this body have had that experience as a governor or mayor. We look downtown, they have never done anything, many of them. They are just there. Some are simply politicians without major administrative experience. And that is fine, I love politicians.

So let me just read my first and last sentence and what I sent to my colleagues, Democrat and Republican today, with my fine excellent staff digging up all this from General Accounting Office reports and inspector generals. I said, ''Last week, President Clinton vetoed a bill that called for a 1 percent cut in discretionary spending throughout the Federal Government, saying the loss would place too great a burden on American families.'' So I end this with, ''The President's concern about American families is best served by insisting that the departments and agencies under his command run their financial affairs in a responsible businesslike manner.''

Now, he is the chief executive of the government of the United States. Instead of taking trips every day, going almost everywhere, and still acting like he is running for an election, he ought to be really rolling up his sleeves, getting his people around the table, and saying, ''Look, folks, we only have about a year more, let us leave a legacy of which we can be proud of.'' That is what he should be doing. That is what an executive would do.

Mr. GOODLING. And I would like him also to remember back, because, Mr. Speaker, in his book Putting People First, during the 1992 campaign, the chapter on education says this, ''Grant expanded decision-making powers to the school level, empowering principals, teachers and parents with increased flexibility in educating our children.'' That is what he said back in his book as he ran for president in relationship to what a president should be bringing forth here in government.

Mr. SCHAFFER. Mr. Speaker, just to point out, I read that same report and managed to have that highlighted and blown up here for Members of the House to be reminded of the President's position back when he was candidate Clinton. But now as President Clinton his opinion is quite different.

Mr. GOODLING. I agree with that 100 percent. He also said as governor, when he was talking about flexibility and local control, and this is very interesting, ''There is a consensus emerging that we ought to focus on goals that measure performance rather than input. Instead of saying we ought to have small classes in the lower grades, we say, here is what children should know when they get out of grade school.'' That is the end of his quote, and I agree 100 percent with that also.

But that is different than what we are confronted with now. And, again, I cannot emphasize enough that the argument has nothing to do with class size. The argument has to do with flexibility and quality.

Mr. SCHAFFER. If I could point out, with respect to education, it is important to remember at this point in time in the debate between the Congress and the White House on this budget that there is no disagreement either fundamentally on the amount of money to be spent.

Mr. GOODLING. In fact, we propose more.

Mr. SCHAFFER. Our proposal is significantly more for education than what the White House had suggested. The debate, then, really does come down to this flexibility question.

Mr. GOODLING. And quality.

Mr. SCHAFFER. And we understand throughout the country that there are some districts where class size reduction is important, where they would like to use the money to hire more teachers. But that is not true in all districts throughout the country.

And what happens is when we tell districts whether they need the new teachers or not that they must hire them with the money, what happens is districts just spend the cash, because that is what the law says they must do. They spend the cash on anybody, whether they need that teacher or not.

And what happens is we end up with the headline, like the chairman is showing us right now, telling us that there are teachers in America now who are not fit to teach. And the reason is there is a huge pile of cash here in Washington, and the President sends it back to the States and says they cannot spend it on computers, if they want computers, and they cannot spend it on training if they need to do training, and they cannot spend it to fix the leaky roof, if the roof needs fixed; he says they must spend it on the teachers that he decides they must hire, whether they need them or not. And this is the headline we see when we spend money, the people's money, in such a reckless sort of way.

We are trying to turn these headlines around into positive headlines by putting principals and superintendents in charge of the money, because they are the ones who know the teachers' names, they are the ones who know the names of the students and the families, they are the ones who know what schools need. The President, I assure my colleagues, does not have a clue what schools in my State need, and I am doing everything I can, which is why we are here at 11 p.m. at night eastern time, fighting for our children, because we believe that these children really do matter and they deserve our help.

Mr. GOODLING. The tragedy here is that 25 percent of this 50 percent may be very, very capable individuals. And if they could take the money to properly prepare them, to teach the math and the science, to teach the reading, they could save them and they could have quality teachers in the classroom.

But that is not what we say. We say, here, take the money and reduce class size. And when I said, but California tried that and they got all messed up, the response was, well, they tried to do it too quickly. Well, this city did not try to do it too quickly. This is over years and years and years. And so all we need to do is give the kind of flexibility and then demand quality and demand accountability, and they will do well.

Mr. HORN. Well, I agree with the gentlemen, that is what we are trying to do to the executive branch in general of this Federal Government. It is sad, as I said earlier, that the President rules by polls instead of ruling by the instincts he had when he was governor and experienced these problems. They seem to have been forgotten.

In the early 1980s, I met the President. He was not the President then, he was a governor. And I met him because the business of the Higher Education Forum was trying to put its finger on what is wrong with the whole job situation in America, and part of, we said,

must be the K–12 problem. And we asked the staff to go get two experts that would talk on this subject who are dealing with it. And we had governor Cane of New Jersey and Governor Clinton of Arkansas.

The membership of this was 40 of us were university presidents and 40 were CEOs from the top 100 American corporations. And the TRW CEO was the one that went to President Reagan and said, look, we have to face up to the K–12 situation, and the President was very supportive of that. But what we have here is we have spent, what, $2 billion more this year than anybody would have expected in education? We have done the same thing in the National Institutes of Health under the gentleman from Illinois (Mr. PORTER).

And I was particularly pleased, as a former university president, where the Pell Grants are, that we have upped the maximum every year, and this is the first time that has ever happened in Congress. The Democrats did not do it, the Republicans did. And I know how important those grants are if young people in financial need are going to get a decent education.

Now, one of the problems here is debt collection. The gentleman mentioned some of the accounting messes that are in the student loan program. The major bill I have put on the books since coming here was the debt collection bill. And when we did a test one time, we found out one person that was getting a Pell Grant classified as a millionaire on his income tax. And we could have a lot of little things like that that run one tape against the other and we can find it.

But what is needed is to have accountability, as the gentleman said. These are not grants, these are loans. I am all for grants, if we had the money, but we do not have the money and we have to revolve that money coming back from the loan.

Mr. GOODLING. And as the gentleman knows, when we reauthorized the Higher Education Act, we specifically placed in the Department of Education someone who knows something about student loans and told him that he was not involved in policy; that he is involved in the business of making sure that that system runs properly, so that we do not have the foul-up we had last year when we had to bail them out in their direct lending program.

Mr. SCHAFFER. Well, the need to bail out the program under the Clinton administration is easy to understand when we just review the findings of the committee chaired by the gentleman from California (Mr. HORN). He found that in fiscal year 1997, the Federal Government spent more than $3.3 billion on loan guarantees for defaulted student loans, and that is according to the General Accounting Office audit.

In addition, the Department had overpaid 102,000 students Pell Grants, totaling $109 million. The audit also found that 1,200 students falsely claimed veterans' status to increase their eligibility to the program. That cost taxpayers almost $2 million.

So the necessity is very obvious here when it comes to managing these loan programs. And just squeezing that one penny out of the dollar in efficiency that we are looking for, we know where to find it, and we are on to a worthwhile strategy to try to accomplish that. But the Department of Education is probably the best place we could start looking, because, as I mentioned earlier, their financial books are not even auditable for 1998. And so that ought to send up a red flag and tell us that there is probably a little bit of waste, fraud, and abuse, just like the examples the chairman found, and we are going to go look for more.

Mr. HORN. Well, good luck. We will be right behind you.

Mr. SCHAFFER. Mr. Speaker, I would also like to add one more observation from a governor, the governor from California, Governor Gray Davis.

Now, Governor Gray Davis is not one who agrees with us on a day-to-day basis on a great many issues. He is a pretty classic Democrat, very liberal, and one who agrees typically with the President of the United States. But when he was on Meet the Press earlier this year, here is what he said about this notion of having the President tell him that he must spend his money, the State's money, on hiring new teachers. Here is what Governor Davis said from California.

''Secretary Riley,'' the Secretary of the Department of Education, ''was telling me about the $1.2 billion that was appropriated to reduce class size to 18 in the first three grades. Now, in California, this is one of the few areas where we're ahead in public education. We're already down to 20 per class size in K–4. So that money, which is supposed to be earmarked to an area where we've already pretty much achieved the goal, would best serve reducing class size in math and English in the 10th grade.''

But, of course, the Governor cannot spend the money on the tenth grade as he would like because the President will not let him.

The Governor goes on. ''So if Washington says to the states, you must improve student performance and we'll give you the money, that will give all the governors the flexibility to get the job done.''

Well, what the Governor pointed out in that last quote is the Republican plan. Our plan is to give the governors the flexibility. The Governor of California is at the other end of the country that way. He is about as far away from here as you can get. And the notion that the people here in Washington should tell the Governor way over there in California what is in the best interest of the Governor's students and his constituents is ludicrous.

Mr. HORN. Governor Davis is pursuing an excellent policy, the same that was started by Governor Wilson, his Republican predecessor. And let me tell you, it has made a difference, particularly in reading. It started in the lowest grade and it moved up one grade each year. Teachers are much happier, and I have seen them with glee as they have the opportunities and time, that is what counts, to work with young people.

Governor Wilson started that and that was a major breakthrough. And of course, it is State money, not Federal money, that basically supports American K–12 education.

Mr. SCHAFFER. Mr. Speaker, I would like to ask the chairman of the Committee on Education to comment if he would just on the politics of this education because I think many parents who are sitting at home and thinking about their children waking up in the morning and going to school, they might be packing tomorrow's lunch right now and preparing it for their children, tucking them into bed, and making sure that they are prepared to go to school in the morning, those parents who think about these issues, they do not believe this, they just cannot understand why there are people here in Washington who want to consolidate all the education authority here in Washington to put the people in charge who earn an F on a financial and performance audits and do so at the expense of the classroom teachers who we trust.

My colleague have been here a few years, a few more years than I have, and he as the chairman has been able to see inside the capital, the politics taking place, the lobbying taking place.

What kind of special interests drives such a bizarre agenda that would suggest that these people here in Washington know better than my child's teacher out in Colorado?

Mr. GOODLING. Mr. Speaker, one of the greatest problems I have always had since I have been here in Washington is that the people who lobby in Washington for different groups, they are totally out of touch with what is going on back in the local area.

We got this letter on the Straight A's from the National School Boards Association. Unbelievable. I wrote back and I said, you do not express what my school board members are saying back in my district. But it is consolidation of power in Washington. And that is the argument here.

The argument has nothing to do, as I said, with class size. It is flexibility and quality and not consolidating that power.

Mr. SCHAFFER. Mr. Speaker, the Straight A's bill, for those of our colleagues who may not remember the actual debate, the Straight A's bill is a

Republican initiative designed to cut the strings and red tape for States so that States, in a grand scale, can begin to spend Federal education dollars on the programs that a governor or State legislature may choose.

Mr. GOODLING. Mr. Speaker, the greatest problem I had as a superintendent with Federal funds is that the auditor never came out to see whether you were accomplishing anything, whether children were improving at all, whether the academic standards were going up, or anything else. They only came out to see did the pennies go exactly where they in Washington said the pennies should go.

So you would get all these little programs. You could not consolidate any of them. You could not commingle any of the funds. If you did, you were in real trouble. So you had all these little programs doing nothing, when you knew and your teachers knew and the parents knew that if you could consolidate some of those programs, you could really improve the academic achievement of children. You could not do it because that is not what the auditors were interested in.

Mr. HORN. Well, would my colleague not say one of the problems is also the Washington professional staffs of some of these lobbies? In other words, if they can raise cane with their grass roots dues payers, they will have a job next year and they will have a bigger staff next year?

That is part of the problem. They do not want to admit that we know something because we are in the grass roots. We walk in schools. Most of them do not go out and walk into schools and see what is happening.

Mr. SCHAFFER. Mr. Speaker, those organizations are well represented here in Washington. There are hundreds, if not thousands, of lobbyists representing these organizations that are for the bureaucratic structure. They represent various vestiges of this grand education bureaucracy.

And my colleague is absolutely right. The three of us here are a legitimate threat to those bureaucrats. We want to help them find a new line of work. We would prefer to see our teachers back home, our principals, and our superintendents have more authority to help educate our children. And we care about that.

These lobbyists roaming the halls right outside the doors here and over in the committee meetings, they harass you as you walk down the hallway trying to get you to keep all this authority and power in Washington so that they can manipulate it and they can derive their power from these rules and regulations.

Well, the children really do not have lobbyists around here. All they have are us. I am proud to take up that challenge. I am proud to represent children in American schools today who deserve a good quality, first rate education. They deserve teachers who are not constrained by the rules of Washington but are able to have the full liberty to teach and where children have the freedom to learn.

I have got four of these children myself. They are getting ready for bed right now out in Colorado, where it is 9:18; and they will be getting up shortly and heading off to school in a public school tomorrow. And I want those teachers to have the greatest amount of academic liberty. I do not want these people running around the hallways here to decide what is in the best interest of my children.

That is what the Straight A's bill represented. It was a bill to help local schools do better. Those who oppose the Straight A's, those who were in favor of the President's plan also to define how these monies will be spent are really not in favor of children. And that is the difference of opinion that we are proud to stand on the side of children.

Mr. HORN. Mr. Speaker, children do not pay dues. That is what it gets down to.

Mr. Speaker, I include for the RECORD the following "dear colleague" letter:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, November 9, 1999.

DEAR COLLEAGUE: Last week, President Clinton vetoed a bill that called for a 1 percent cut in discretionary spending throughout the Federal Government, saying the loss would place too great a burden on American families. The one-penny-on-the-dollar budget cut would not have affected entitlement programs, such as Social Security, Medicare or welfare programs. Meanwhile, however, the ongoing financial waste in the Government far exceeds the proposed 1 percent cut. The following list is merely a sampling of the problems found within the departments and agencies of the executive branch, all of whom report to the President. Unless otherwise noted, examples were received in testimony before the Subcommittee on Government Management, Information, and Technology. Some of the waste in Cabinet departments and agencies are:

Agriculture—In FY 1997, the department erroneously issued about $1 billion in food stamp overpayments, amounting to approximately 5 percent of the entire food stamp program. (GAO Report)

Defense—The department spent nearly $40 billion on programs for 15 overseas telecommunications systems that cannot be fully used because the department failed to obtain proper certifications and approvals from the host nations, according to a 1999 inspector general audit. (DOD OIG Report)

In September 1997, the Defense Department's inventory contained $11 billion worth of unneeded equipment. (GAO Report)

Over the last three years, the Department of the Navy wrote off $3 billion of inventory lost in transit. (GAO Report)

During a five-year period, defense contractors voluntarily returned $4.6 billion in overpayments the department failed to detect. (GAO Report)

The Defense Department spent an estimated $54 million on newly developed indoor firing ranges that are not being used. (DOD OIG Report)

Education—In FY 1997, the Federal Government spent more than $3.3 billion in loan guarantees for defaulted student loans, according to a GAO audit. In addition, the department had over-paid 102,000 students Pell grants totaling $109 million. The audit also found that 1,200 students falsely claimed veteran status to increase their eligibility to the program, costing taxpayers $1.9 million. (GAO Report)

Energy—Between 1980 and 1996, the Department of Energy spent more than $10 billion for 31 systems acquisition projects that were terminated before completion. (GAO Report)

Health and Human Services—The Health Care Financing Administration erroneously spent $12.6 billion in overpayments to health care providers in its Medicare fee-for-service program during FY 1998 (the most recent available). HCFA has not yet assessed the potential problem in its $33 billion Medicare Managed Care program or $98 billion Medicaid program.

Housing and Urban Development—The department estimated that it spent $857 million in 1998 in erroneous rent subsidy payments in FY 1998, about 5 percent of the entire program budget. (HUD OIG Report)

A General Accounting Office report suggests HUD's FY 1999 budget request for $4.8 billion to renew and amend Section 8 tenant-based assisted housing contracts could have been reduced by $489 million.

Interior—The Bureau of Land Management spent an estimated $411 million on its Automated Land and Mineral Record System over a 15 year period, only to discover that the major software component, the Initial Operating Capability (IOC), failed to meet the bureau's business needs. The bureau decided not to deploy IOC and is now analyzing whether it can salvage any of the $67 million it spent on system software. (GAO Report)

Justice—The U.S. Marshals Service was unable to locate 2,775 pieces of property worth nearly $3.5 million, according to a 1997 inspector general audit. In addition, the agency's inventory contained nearly 5,070 items, valued at more than $4 million, that were unused. (DOJ OIG Report)

Labor—From 1995 to 1997, the department spend $1 billion on its Job Corps program, only to later discover that 76 percent of its graduates had been laid off, fired or quit their first jobs within 100 days of being hired. (DOL OIG Report)

Transportation—The Federal Aviation Administration spend $4 billion on an air traffic modernization program that didn't work, and was shut down before completion. The GAO remains concerned about the agency's poor accounting, and lack of control over assets and costs as the agency proceeds with its new $42 billion Air Traffic Modernization program.

Treasury—The IRS estimates it can collect only 11 percent of $222 billion in delinquent taxes owed the Government.

Veterans Affairs—An estimated $26.2 million a year in overpayments could be prevented if the Veterans Benefit Administration's policy (VBA) and procedures were revised and cases were properly processed, according to the department's inspector general. In 1995, the VBA waived $11.6 million in beneficiary debts owed to the VA, even though there was no evidence of records to support the actions. (GAO Report)

Federal Deposit Insurance Corporation—Currently, the States of California and Florida are holding as unclaimed property about $3.3 million that belongs to the FDIC or its receiverships. Similar problems were identified in 23 of the 24 states audited, for which no value was determined. (OIG Report)

Officer of Personnel Management—In the last three years, the agency's inspector general issued 128 reports, questioning $280.3 million in inappropriate charges to the Federal Employees Health Benefits Program. (OPM OIG Report)

Small Business Administration—The agency requested and received a FY 1997 appropriation that included $50 million more than it needed for its $7.8 billion loan guarantees for the general business loan program. (GAO Report)

Social Security Administration—During FY 1998, the department erroneously spent $3.3 billion in Supplemental Security Income overpayments. (GAO Report)

These examples illustrate the fact that every department and agency in the Federal Government can find savings if they are willing to tighten their belt and undergo greater management scrutiny and better use of taxpayer's funds. That has been my goal since arriving in Washington. It is a goal that I believe that we all share. The President's concern about American families is best served by insisting that the departments and agencies under his command run their financial affairs in a responsible, business-like manner.

Sincerely,

STEPHEN HORN,
Chairman, Subcommittee on Government Management, Information, and Technology.

HONORING THE TOP TEN BUSINESS PROFESSIONAL WOMEN OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Robyn Black, Pilar De La Cruz, Jan Outlar-Edwards, Marvell French, Edna Garabedian, Valerie Rae Hannerman, Annette La Rue, Margaret Mims, Judy Sakaki, and Gloria Williams as the Top Ten Business Professional Women of the Year.

Robyn A. Black is a Legislative Advocate at Aaron Read & Associates. Robyn is a fourth generation family farmer and has spent much of her life working on behalf of California agriculture. She believes in helping others ''find their voice'' in order to advocate their beliefs and effect change. Her tenure as Chair of the State's Industrial Welfare Commission under Governor Wilson taught her ''that you need to stand by your decisions when you believe you have done your best.''

Pilar De La Cruz, RN, B.S.N. is Vice President, Ed Development/Human Resources at Community Medical Centers. Pilar is first, foremost, and proudly, a Registered Nurse, although she serves our community in many capacities. Pilar has been instrumental in founding the Jefferson Job Institute for Community Medical Centers, an entry-level job training program for low-income parents of school-age children. Through this program parents gain self-confidence skills and pride which helps them obtain employment in the community. The program has grown to include two other schools and is one of the most successful programs in Fresno County for getting people back to work.

Jan Outlar-Edwards, M.S. is Media Director of Gottschalks. Jan says that ''Real success is a collaborative effort.'' The success Jan has experienced in her profession is a direct result of collaboration with those who have traveled before and were kind enough to stop and take the time to teach her. She has spearheaded several programs such as ''Coats for Kids'' and volunteers with the Fresno High Mentoring Program. Networking is one of Jan's passions.

Marvell French is Senior Vice-President/Sales Administrator of Regency Bank. Marvell is president of the American Cancer Society, a member of the American Heart Association, Alcohol and Drug Abuse Council, and CARE Fresno, where she will oversee their annual fund-raiser, the Police and Firefighter of the Year Annual Ball. Marvell's goal and commitment to her business and community is to make a difference and bring about positive change.

Edna Garabedian is the Artistic Director at the Fresno International Grand Opera. Edna believes education is the core of human experience. Her most significant contribution has not been the furthering of her own career, but the educational enrichment of others. Her vision and more than four years of hard work have become reality in the creation of the Fresno International Grand Opera. Her work with F.I.G. has allowed Edna to work with at-risk youths in our community and inspire a sense of confidence and direction in their lives.

Valerie Rae Hanneman is Director of Fiscal Services of Central California Legal Services. Valerie believes in giving people a helping hand, taking a chance on them, and applauding their success. She has made it a practice in her career to hire people who need a helping hand and encourages similar hiring throughout her organization. Valerie's philosophy carries over into her volunteer capacity with CARE Fresno where she is a lead site director. She directs and coordinates the program, but more importantly, interacts with the children.

Annette La Rue is a Retired Judge. Throughout her career as an attorney and judge, Annette has encouraged women to ''take the next step'' in the law profession by starting their own practices and running for judgeships. Her years of service have resulted in many awards, including the Fresno County Bar Association Bernard E. Witkin Lifetime Achievement Award and the 1999 Outstanding Hastings Law School Alumnus of the Year. Annette is a founder of the Salvation Army Rosecrest home for women substance abusers, co-chairs the Rotary Club's environmental committee, and sits on the Fresno Philharmonic board.

Margaret Mims is Deputy Sheriff Lieutenant of Fresno County Sheriff's Department. Margaret was hired in 1980 as the first female officer for the Kerman Police Department; Margaret is now the first woman Deputy Sheriff to be promoted to the rank of lieutenant. She has worked hard throughout her career to improve victim advocacy, and has been instrumental in integrating community-based organizations with law enforcement. Margaret worked to obtain a grant and initiated a program to place advocates in police agencies. Her idea of placing advocates in police agencies has been used as a model for rape counseling service agencies throughout California.

Judy K. Sakaki, Ph.D., is Vice President for Student Affairs and Dean of Students at California State University, Fresno. Judy is the highest-ranking Asian-American woman administrator in the California State University system. As Vice President for Student Affairs at CSU, Fresno, she has been able to help students from diverse backgrounds succeed by creating services and programs which meet their needs. She is most proud of the help she provides students, encouraging them to talk with each other irrespective of racial or ethnic differences, to share their feelings of anger, helplessness, and hope.

Gloria Williams is Vice President/Designated Nurse Executive at Valley Children's Hospital. Gloria has used her leadership abilities to effect innovative change in her profession and community. She was named as one of the Top Ten Nurses in the state by NurseWeek Magazine in 1994, and this year was appointed to their Executive Advisory Board. She is a member of the Board of Directors for the Alternative Sentencing Program and is involved in overseeing screening activities that place people in rehabilitation programs as an alternative to prison time. Gloria currently leads a nursing task force to implement accelerated nursing degree programs and designs curriculum for classes at Fresno City College and CSU/Fresno.

Mr. Speaker, I want to honor the Top Ten Business Professional Women of the Year for 1999. Each one of these women have gone above and beyond their professional jobs to provide services and create programs for the community. I urge my colleagues to join me in wishing the Top Ten Business professional Women many more years of continued success.

CENTRAL NEW JERSEY RECOGNIZES CHARLES WOWKANECH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Charles Wowkanech, who has served the labor movement in a variety of capacities over the last 25 years. Since January of 1997, Mr. Wowkanech has led local union members as the president of the New Jersey State AFL–CIO.

Mr. Wowkanech began his career as a business representative for the International Union of Operating Engineers Local 68 in West Caldwell, NJ. There he was responsible for organizing and negotiating contracts covering employee health benefits plans statewide in industrial and commercial complexes. After joining the NJ state AFL–CIO in March of 1990, Mr. Wowkanech served for 6 years as assistant to the president, representing the organization on health insurance matters and in all related legislative activities.

Mr. Wowkanech also served on the New Jersey Health Care Cost Reduction Advisory Committee and participated in the Health Care

Reform Coalition, which helped develop far-reaching health care reforms adopted by the State Legislature in 1992. In May of 1995, the Executive Board (with the reaffirmation of its 600 delegates) named Mr. Wowkanech the Secretary-Treasurer of the NJ State AFL–CIO. And as the former Chairman of the New Jersey Individual Health Coverage Program Board (IHC), Mr. Wowkanech was responsible for getting the state to adopt the strictest consumer protection standards in the nation.

In the spring of 1997, the Essex County Boy Scouts Council named Mr. Wowkanech ''Good Scout of the Year.'' He continues to serve as labor's representative to the IHC Board and is also a member of the Governor's Council for a Drug-Free Workplace. Currently, he is a member of the executive boards of the Botto House National Labor Museum, the Rutgers Labor Center, and the Tri-State United Way's Board of Governors. Mr. Wowkanech resides with his wife, Lu Ann, and his sons Charles and Michael in Ocean City, New Jersey.

I ask all of my colleagues to join me in recognizing Mr. Wowkanech's community service. I extend to him my appreciation and wish him the best of luck in his future endeavors.

TRIBUTE TO SHIPMAN ELEVATOR COMPANY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SHIMKUS. Mr. Speaker, I rise today to commend Shipman Elevator Company's chemical plant in Shipman, IL, for winning a 1999 Environmental Respect Award from Dealer Progress Magazine.

Shipman Elevator Company has taken proactive steps to ensure that their operations are safe and environmentally sound. For example, they use a combination of a computerized mixing program and the facility manager to ensure the processing and measuring of their products is always accurate. They also routinely conduct training and education classes for all of their employees to ensure the completion of environmental and efficiency goals.

I would like to express my gratitude to Shipman Elevator Company for producing agriculture products that are environmentally respected.

TRIBUTE TO EULA D. NELSON FLEET

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Eula D. Nelson Fleet, an outstanding individual who has dedicated her life to public service and education and to wish her a happy retirement.

Born in Apalachicola, Florida, Mrs. Fleet moved to New York City in 1943. In 1956, with her husband and four children, she moved to Patterson Houses in the Bronx, where they have lived ever since.

Mr. Speaker, in 1957, when her first child started school at P.S. 18, Eula Fleet started her long involvement with our educational system and was elected treasurer of the school's PTA. From 1970 to 1973 she served as Vice President, then President of the PTA at J.H.S. 149; from 1973 to 1979 she was an Educational Assistant at the Development Learning Program at P.S. 5; from 1979 to 1980 she was an Educational Assistant at the Development Learning Program at P.S. 156; from 1980 to 1981 she was an Educational Assistant in Early Childhood at P.S. 30; in 1982 she was an Educational Assistant at P.S. 124; and in 1983 she was named Assistant to the Director at the Milbrook Senior Citizen Center.

Mrs. Fleet has also been very involved with the community. From January 1970 until July 1999 when she retired, she served at Community Board #1 in several capacities: Chair of the Education Committee, Treasurer, Health Committee, and Chair of the Housing Committee. She also served in Upward Bound Program at Fordham University, as Assistant Treasurer of the Mott Haven Center Community Advisory Board, and on the Joint Advisory Board of Eastside Settlement House.

Mrs. Fleet was married to the famous jazz guitar player William A. Fleet, Sr., who passed away in April 1994. She has four children, William, Evelyn, James, and Francis, and four grandchildren, James, Jr., Jawann, Jayanna, and Michelle.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Eula D. Nelson Fleet for her achievements in education and her enduring commitment to the community, and in wishing her a happy retirement.

A SPECIAL TRIBUTE TO JAKE N. VAN METER, JR., FOR HIS HONORABLE SERVICE TO THE UNITED STATES OF AMERICA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise to pay special tribute to a true American patriot from Ohio's Fifth Congressional District, Jake H. Van Meter, Jr.

On October 7, 1967, Jake H. Van Meter, Jr. paid the ultimate sacrifice while protecting the values and ideals of democracy. On that fateful day, some thirty-two years ago, Sergeant Jake H. Van Meter, Jr. was serving as squad leader with Company C, 1st Battalion, 5th Cavalry. His Army unit was sent to the Con Thien area in the Republic of Vietnam to help relieve an outpost of United States Marines. During their mission, his unit came under heavy and intense enemy fire during an attack on the Marine outpost.

During the firefight, Sergeant Van Meter demonstrated extreme bravery as he exposed himself to fierce enemy fire to draw attention away from his troops and enable them to take cover. With several of his men lying wounded, Sergeant Van Meter left his position and began removing them from the field of fire. In his efforts to save the lives of his men, Sergeant Van Meter was wounded, but he continued until they were pulled to safety.

At approximately two o'clock in the afternoon, while laying down a heavy amount of covering fire in the midst of the firefight, Sergeant Jake H. Van Meter, Jr. was killed by enemy gunfire. He was just twenty-four years old. For his gallantry in action and in keeping with the highest traditions of military service and the United States Army, Sergeant Jake H. Van Meter, Jr. was posthumously awarded the Silver Star on March 15, 1968.

Jake Van Meter was an ordinary young man from LaGrange, Ohio when he entered the United States Army. He lived on Factory Street and worked as a die cast operator for General Motors Corporation. However, when Jake was drafted, he accepted his responsibility, and began his duty in Vietnam on October 22, 1966. Unfortunately, his tour of duty was to have ended just 12 days after his death.

Mr. Speaker, the story of Jake H. Van Meter, Jr. should make our hearts swell with admiration and pride. He courageously placed his life on the line for his men and his country. He fought for America, for democracy, and for freedom, and paid the supreme price for the preservation of those principles.

Mr. Speaker, as we celebrate Veterans Day, let us remember the men and women who have served in our armed forces. It is often said that America prospers due to the unselfish acts of her sons and daughters. Jake Van Meter's brave actions in Vietnam demonstrate that statement very clearly. I would urge my colleagues to stand and join me in paying special tribute to Jake H. Van Meter, Jr.—a faithful husband and father, a loving son, and a true American hero.

THE RETIREMENT OF PATRICIA LAGREGA AS TOWN CLERK OF COLCHESTER, CONNECTICUT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to commend Pat LaGrega for nearly thirty years of service to the community of Colchester, Connecticut. Pat is more than an extraordinary public servant, she is a humanitarian and a personal friend.

On November 15, 1999, Pat LaGrega will officially retire as Town Clerk of Colchester after more than twenty one years in the position. In small towns across America, Town Clerks maintain all of the records so vital to guaranteeing that our system functions efficiently and effectively. In many respects, the Town Clerk is the institutional memory of so many small communities across eastern Connecticut and the nation. Over more than two decades, Pat has worked tirelessly to ensure that the citizens, elected officials and business owners of Colchester receive the best possible service. She has supervised a modernization process which has computerized the Town Clerk's office to ensure that records will be accurate, safe and available to citizens and others in a timely fashion. Even before the widespread use of computers, Pat was well known for meticulous recordkeeping and attention to

detail. Thanks to her efforts, the Town Clerk's office is prepared to meet the challenges of a growing community in the 21st Century. Pat's public career in Colchester began several years prior to being elected Town Clerk. She served as Director of Social Services and a Tax Collector. In fact, she served simultaneously as Tax Collector and Town Clerk for a short period.

Pat is so much more than the Town's record keeper. She is its ''jack-of-all-trades!'' She is the person people call when they have any question, any problem. She is the person they contact when they don't know where to turn. And each and every time over the past three decades, Pat has come through for those individuals and the Town as a whole. Whenever she learned about a problem, she took steps to address it. It never mattered how busy she was with her duties or personal life, she always made time to address the needs of every resident. In this respect, she is a model for all of us in public service. Mr. Speaker, Pat LaGrega is a public servant in the very best tradition of our country. She has worked tirelessly on behalf of the citizens of Colchester and provided the highest quality service. She has also brought a sense of compassion to her work. And, on a more personal level, she has been a friend, a mentor and a trusted advisor for more than twenty years.

I am proud to be able to join the residents of Colchester in thanking Pat for her service and commitment to the community. On November 15, she will retire from a public position—not from public service. I know she will continue to play an important role in Colchester in the years ahead.

CONGRATULATING BUSH BOAKE ALLEN INC.

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Bush Boake Allen Inc. of Montvale, New Jersey, on receiving the Voluntary Protection Program Star Award from the U.S. Occupational Safety and Health Administration for its Norwood flavors and fragrances facility. This prestigious award is presented for safety and health training, hazard prevention and control and related programs that help maintain a safe workplace. This award is evidence that BBA values its hard-working employees and goes to extra lengths to protect their health and safety on the job.

BBA is one of only 20 companies in New Jersey honored with the VPP Star Award and the only company in the flavors and fragrance industry to receive the award.

Businesses that receive the VPP Star Award have the best OSHA compliance records in the nation and often exceed OSHA standards. In addition to management agreeing to meet health and safety goals, workers participate and work with management to create a safe and healthy workplace. Admission to the VPP program requires an extensive review and inspection by OSHA to verify that the business meets OSHA standards.

The VPP Star Award is considered such a high standard of OSHA compliance that recipients receive a three-year exemption from routine OSHA inspections. VPP participants typically experience lower workers' compensation costs and 60–80 percent fewer workdays lost to workplace injuries than would expected at an average business location in the same industry.

At BBA, the company set a corporate goal in 1996 that all four of its U.S. facilities would receive the VPP Star Award, and the Norwood facility is the first to achieve that goal. The company implemented a series of health and safety audits, meetings with both management and workers and training for all employees. Safety standard were set for every individual from the plant manager down to factory workers. Employee groups were formed to address specific health and safety issues, operating procedures were reviewed and protective safety equipment was added to equipment as needed.

As an example of a safety improvement, it was found that production and warehouse workers were suffering repeated injuries during manual handling of 55-pound containers used extensively throughout the building. BBA eliminated the large containers seven years ago and has not had a single material handling injury since.

The improvements have given the 35-employee plant a three-year average injury incidence rate of 1.7, compared with an industry average of 5.4, and seven years without a lost-time injury.

With 250 employees in New Jersey, BBA is a major employer and one of the leading fragrance/flavor companies in our state. BBA traces its origins to 1870 and three English makers of flavors and fragrances—W.J. Bush Ltd., A Boake Roberts Ltd., and Stafford Allen Ltd. The three companies were eventually combined as Bush Boake Allen by the Albright & Wilson division of Tenneco, and were then acquired by Union Camp Corp. in 1982. BBA operated as a division of Union Camp until it was taken public in 1994, with its own listings on the New York Stock Exchange.

Today, BBA is as major international flavor, fragrance and aroma chemical company as well as a producer of chemicals and chemical intermediaries for industrial and agricultural applications. Headquartered in Montvale, the company conducts business in 60 locations in 38 countries on six continents worldwide. Annual sales total approximately $500 million.

Flavors produced by BBA are used in beverages, dairy products, baked goods, confectionery items and processed foods. Fragrance compounds are used in perfumes and colognes, soaps, detergents and cleansers, air fresheners, cosmetics and a variety of personal care products. The company's aroma chemicals are used as raw materials for a variety of compounded flavors and fragrances.

I would like to ask my colleagues in the House of Representatives to join me in congratulating BBA on this award and all that this commitment to health and safety it represents.

PATIENTS' FORMULARY RIGHTS ACT OF 1999

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. GUTIERREZ. Mr. Speaker, I am pleased to announce that today I introduced the ''Patients' Formulary Rights Act of 1999'', legislation aimed at protecting the health of millions of Americans.

This bill, if enacted, would ensure that prescription medications are dispensed for one reason and one reason only: for the sake of maintaining a patient's health—not for the sake of adding to a company's profits.

''The Patients' Formulary Rights Act of 1999'' would help ensure that people enrolled in a variety of health insurance plans have access not merely to the drugs that they need, but also to something just as valuable to them and to the medical professionals who serve them: *information*.

The field of medicine has changed dramatically in recent years, as managed care has become the dominant vehicle for the delivery of health care. While these changes have led to some positive developments, it also has led to many alarming problems.

In far too many cases, ''managed'' care has meant that it is the *information* available to millions of Americans, and to their doctors and pharmacists, that is being ''managed.''

The practice known as ''drug switching'' is a dangerous example of patients being kept in the dark about the choices being made by others that will determine their health.

Sadly, when a patient finally becomes aware that the drug originally prescribed by a physician has been changed, it is often only due to the unfortunate consequences stemming from that switch. In far too many cases, the fact that one drug has been replaced by another is only detected after such an incident of ''therapeutic substitution'' manifests itself in the form of a serious health problem: an unforeseen reaction, a debilitating side-effect or even a life-threatening complication.

In other cases, of course, a change in drugs will result in no change at all in a patient's condition. And that is just as unfortunate, as a patient may grow weaker and sicker after taking a drug that is of no help in combating the illness from which he or she suffers.

To add insult to injury is the fact that such changes are often the result of pressure applied by accountants and CEOs, which too often trump the prescriptions supplied by doctors and the protocols preferred by pharmacists.

I believe that my legislation offers a practical, yet substantive, solution to this growing problem.

My bill would require officials of health plans to take new, yet reasonable, steps if they insist on maintaining a list of formularies.

Most notably, a health plan will be required to notify all participants, beneficiaries, enrollees and health care professionals that such a formulary is used.

A complete list of all prescription drugs included in the formulary will be provided in full.

Such notifications will be required at the time of a patient's enrollment, and a full and

accurate notification of any changes in the formulary will also be necessary. Such an alert will be issued at the time that any such changes occur, and will be repeated in an annual update to enrollees.

In addition, health plans will provide enrollees with a reasonable and understandable explanation of the practice known as ''drug switching'' or ''therapeutic substitution.''

As a member of Congress, I am accustomed to hearing Pentagon officials invoke the need for secrecy for the sake of protecting national security. From time to time, I can accept that. However, I cannot accept a similar argument from officials of the health care industry. To protect the health of their beneficiaries—that is, to protecting their security—such a veil of secrecy must be lifted.

Finally, my bill would also instruct current enrollees on steps they can take to ensure that they will continue to have access to the drugs as prescribed by their doctor regardless of changes in their health plan's formulary policies or lists. This would establish the continuity of care and doctors, pharmacists and other health care professionals agree is so crucial to the well-being of their patients and customers.

I am very gratified that this bill has already received the support of Citizens for the Right to Know, one of the nation's largest non-profit organizations representing patients and health care providers and health care trade associations. Their endorsement of and advocacy for this legislation will, I am confident, encourage other members of the House to join in me in fighting for such changes. I greatly appreciate their work on this important issue.

TRIBUTE TO BETHLEHEM A.M.E. ZION CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate Bethlehem A.M.E. Zion Church in Gary, IN, as it celebrates its 84th anniversary as a parish. The church will begin its three spirit-filled days of celebration with a banquet on Friday, November 19, 1999, and culminating with a service at 3:30 p.m. on Sunday, November 21, 1999. I would also like to take this opportunity to congratulate Reverend O.C. Comer, minister, on this glorious occasion.

On November 19, Bethlehem A.M.E. Zion Church opens its 84th anniversary celebration with a dinner at 6 p.m. in the Banquet Hall of Unity A.M.E. Zion Church in Merrillville, Indiana. Dr. Sandra Gadson will be the guest speaker at this gala occasion. Dr. Gadson is the second vice president of Woman's Home and Overseas Missionary Society of the A.M.E. Zion Church. On November 20 the celebration continues with the church's second annual ''Back to Church Parade.'' A motorcade will leave the church at 10 a.m. on a ''ride to help bring people back to the church.'' The three-day celebration will conclude on November 21 with two special services of praise and worship. Reverend Comer will deliver the message at the 11 a.m. service followed by the 3:30 p.m. service with special guest and speaker, The Right Reverend Enoch B. Rochester, Presiding Bishop of the Midwest Episcopal District of the A.M.E. Zion Church.

A church of humble beginnings, Bethlehem African Methodist Episcopal Zion Church is the oldest A.M.E. Zion Church in the city of Gary. In November 1915, 15 people assembled in a storefront in the 1600 block of Washington Street in Gary, IN. The parishioners decided that Bethlehem A.M.E. Zion Church needed a permanent home, thus a frame building located on two lots at West 19th Avenue and Jackson Street were purchased. Later the frame structure was moved to the rear of the lots and used as a parsonage. A brick structure was eventually built on the lots at 560 West 19th Avenue, where the current church stands today. The congregation labored and toiled in the basement structure for over 40 years, but in 1962, under the direction of Reverend Arthur W. Murphy and the parishioners at Bethlehem A.M.E. Zion Church, the upper edifice of the church was constructed and stands today as a monument of faith and spiritual enrichment to both the church membership and the Gary community.

Over the years, the church has experienced some changes and was led by a variety of pastors. In spite of its many changes, the loyal parishioners continued to grow and prosper. On June 24, 1994, the Reverend O.C. Comer was appointed pastor of Bethlehem A.M.E. Zion Church. Under Reverend Comer's guidance, the church has started two new ministries including the Bus Ministry and the Street Ministry.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of Bethlehem African Methodist Episcopal Zion Church, under the guidance of Reverend O.C. Comer, as they prepare to celebrate their 84th anniversary. All past and present parishioners and pastors should be proud of the numerous contributions they have made with love and devotion for their church throughout the past 84 years.

TRIBUTE TO THE LITTLE ROCK NINE AND MRS. DAISY BATES

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. BERRY. Mr. Speaker, as we honor today the Little Rock Nine with the Congressional Medal of Honor, I would also like to pay tribute to Daisy Bates, who passed from this Earth last week. Ms. Bates was a mentor to the Little Rock Nine during the Central High School desegregation crisis in 1957. She was a true leader of our time.

Daisy Bates was a participant in a movement that changed history forever. Those young people and Daisy Bates became symbols to all of us of what it means to be courageous, honorable and exceptionally brave. Daisy Bates was a great mentor who had the courage to stand up for what she believed in. Mrs. Bates was a courageous woman under all circumstances and she will be greatly missed.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. TIAHRT. Mr. Speaker, on November 8, I was unavoidably detained and missed rollcall vote Nos. 574, 575, and 576. Had I been present, I would have voted ''yes'' on H. Res. 94, Recognizing the Generous Contributions Made by Each Living Person; ''yes'' on H.R. 2904, to Amend the Ethics in Government Act of 1978 to Reauthorize Funding for the Office of Government Ethics, and ''yes'' on H. Res. 344, Recognizing and Honoring Payne Stewart and Expressing the Condolences of the House of Representatives to His Family on His Death.

HONORING AMERICA'S ARMED SERVICES DURING THE HOLIDAYS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. ANDREWS. Mr. Speaker, I submit for the RECORD a spectacular rendition of the timeless holiday tale, ''Twas the Night Before Christmas.'' This holiday season I encourage all of us to remember the men and women of our country's armed services who work twenty-four-hours a day, seven days a week to guarantee our safety and the safety of our beloved children. May they know how much we appreciate their sacrifices for freedom.

'TWAS THE NIGHT BEFORE CHRISTMAS

(By an American Marine stationed in Okinawa, Japan)

'Twas the night before Christmas,
he lived all alone,
in a one bedroom house made of
plaster and stone.

I had come down the chimney
with presents to give,
and to see just who
in this home did live.

I looked all about,
a strange sight I did see,
no tinsel, no presents,
not even a tree.

No stocking by mantel,
just boots filled with sand,
on the wall hung pictures
of far distant lands.

With medals and badges,
awards of all kinds,
a sober thought
came through my mind.

For this house was different,
it was dark and dreary,
I found the home of a soldier,
one I could see clearly.

The soldier lay sleeping,
slient, alone,
curled up on the floor
in this one bedroom home.

The face was so gentle,
the room in such disorder,
now how I pictured
a United States soldier.

Was this the hero

of whom I'd just read?
Curled up on a poncho,
the floor for a bed?

I realized the families
that I saw this night,
owed their lives to these soldiers
who were willing to fight.

Soon round the world,
the children would play,
and grown-ups would celebrate
a bight Christmas day.

They all enjoyed freedom
each month of the year,
because of the soldiers,
like the one lying here.

I couldn't help wonder
how many lay alone,
on a cold Christmas eve
in a land far from home.

The very thought
brought a tear to my eye,
I dropped to my knees
and started to cry.

The soldier awakened
and I heard a rough voice,
''Santa don't cry,
this life is my choice;

I fight for freedom,
I don't ask for more,
my life is my god,
my country, my Corps.''

The soldier rolled over
and drifted to sleep,
I couldn't control it,
I continued to weep.

I kept watch for hours,
so silent and still
and we both shivered
from the cold night's chill.

I didn't want to leave
on that cold, dark, night,
this guardian of honor
so willing to fight.

Then the soldier rolled over,
with a voice soft and pure,
whispered, ''carry on Santa,''
it's Christmas Day, all is secure.''

One look at my watch,
and I knew he was right
''Merry Christmas my friend,
and to all a good night.''

IN HONOR OF THE UKRAINIAN BANDURIST CHORUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate the Ukrainian Bandurist Chorus on their 50th Anniversary in America. The Ukrainian Bandurist Chorus is an all-male musical ensemble consisting of 20 instrumentalists and vocalists. The chorus was originally founded in Kyiv, Ukraine in 1918. The ensemble relocated in Detroit, Michigan in 1949. This internationally recognized ensemble has performed at such well-known theaters as Carnegie Hall, the Kennedy Center, Bolshoi Theater, and Massey Hall. In addition, the Ukrainian Bandurist Chorus has entertained many world figures and personalities with their exciting programs of folk songs, religious works and the exotic sounds of the bandura.

Three generations of members have passed through the ranks of the Ukrainian Bandurist Chorus since its displacement from Ukraine in 1942. In addition to its mission of carrying the tradition of the bandura to the 21st century, the Chorus is also charged with preserving its past for future generations. The history of the Ukraine Bandurist Chorus can be traced directly to the 12th Archeological Congress in Kharkiv, Ukraine in 1902. The first professional bandurist chorus was formed in Kyiv in 1918 during the height of the country's brief period of independence. During a time of increased popularity and resurgence of the Ukrainian arts and culture, the group developed into a professional touring group. Following this time of heightened regard, the Chorus' history evolved into a turbulent one. The bandurist ideal of God, truth, freedom, and human dignity herald through song were under attack by the newly formed Soviet Union. As a result many of the original members of the Ukrainian bandurist Chorus were executed. After years of persecution and exploitation the Chorus was forced to immigrate to Detroit. During a time of devastation and uncertainty, Hryhory Kytasty, the long standing director acted as a role model and inspiration to the young bandurists. Kytasty worked hard to further the art of the bandura in the free world.

Today, the majority of the Chorus members are 2nd and 3rd generation Americans and Canadians. Fortified by a whole new generation of young musicians, the Chorus has captivated audiences in major concert halls in the United States, Canada, Europe and Australia for more than 50 years. The current director of the Ukrainian Bandurist Chorus is Oleh Mahlay, a recognized prized musician and a member of the chorus since 1987. Mahlay, who hails from Cleveland, Ohio, received a bachelor of arts in music history and literature from Case Western University. He also studied voice and piano at the Cleveland Institute of Music. Mahlay has received numerous accolades for his musical abilities and contributions such as the Kennedy Prize for Creative Achievement in Music from Carnegie Mellon University. He has participated in the Chorus' two triumphant tours of Ukraine in 1991 and 1994, and had his premier as a conductor of the group in 1994.

It is truly an honor for me to recognize this exceptional group. The music of the Ukrainian Bandurist Chorus is as captivating as it is moving and visibly heartfelt. The songs of the group are full of emotion and stand testimony to the ideals of the bandurist. My distinguished colleagues, please join me in honoring the very special anniversary of the magnificent Ukrainian Bandurist Chorus.

INTRODUCTION OF THE SMALL BUSINESS FRANCHISE ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. CONYERS. Mr. Speaker, today I am proud to reintroduce, with my good friend from North Carolina, Mr. COBLE, the Small Business Franchise Act. This legislation represents hard work, and a good faith effort to strike an appropriate, bipartisan balance between the rights of franchisors and franchisees. These issues have been the subject of a hearing in this Judiciary Committee earlier this year, and the issues merit action by this Congress.

Protecting the rights of franchisees is ultimately about protecting the rights of small business. They often face enormous odds and a daunting inequality of bargaining power when dealing with national franchisors. Unfortunately, the law often offers little recourse in the face of great harm.

There is currently no federal law establishing standards of conduct for parties to a franchise contract. The Federal Trade Commission rule promulgated in 1979, (16 CFR § 436), was designed to deter fraud and misrepresentation in the re-sales process and provide disclosure requirements and prohibitions concerning franchise agreements. The FTC maintains, however, that it has no jurisdiction after the franchise agreement is signed.

As a result, in the absence of any Federal regulation, a number of complaints have been lodged in recent years, principally stemming from the fact that franchisees do not have equal bargaining power with large franchisors. The concerns include the following:

(1) Taking of Property without Compensation. Franchise agreements generally include a covenant not-to-compete that prohibits the franchisee from becoming an independent business owner in a similar business upon expiration of the contract. This can appropriate to the franchisor all of the equity built up by the franchisee without compensation.

(2) Devaluation of Assets. Franchisors often induce a franchisee to invest in creating a business and then establish a competing outlet in such proximity to the franchisee that the franchisee suffers economic harm.

(3) Restraint of Trade. Most franchise relationships mandate that franchisees purchase supplies, furniture, etc. from the franchisor or sources approved by the franchisor. While it may be appropriate for franchisors to exercise some control concerning the products or services offered to franchisees, tying franchisees to certain vendors can cost franchisees millions of dollars, prevents competition among vendors, and can have an adverse impact upon consumers.

(4) Inflated Pricing. Many franchise agreements specify that the franchisor has the right to enter into contractual arrangements with vendors who sell goods and services to franchisees that are mandated by the franchise agreement. It has been alleged that these vendors often provide kickbacks and commissions to the franchisor in return for being allowed to sell their products and services to a captive market. Instead of passing these kickbacks and commissions on to the franchisee to reduce their cost of goods sold and increase their margin, these payments, it is asserted, benefit the franchisor.

While our nation has enjoyed an unprecedented economic boom, it is essential that Congress ensure that prosperity reaches down to the small businesses that make up the heart and soul of our economy. We have an obligation to ensure that the law governing this segment of the economy, which every American patronizes routinely is fair and balanced.

I urge my colleagues to join with me and the gentleman from North Carolina in supporting this overdue and needed reform.

The following is a section-by-section description of the legislation:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

Sets forth the short title of the Act and the table of contents.

SECTION 2. FINDINGS AND PURPOSE.

Subsection (a) specifies a series of Congressional findings. Subsection (b) states that the purpose of the Act is to promote fair and equitable franchise agreements, to establish uniform standards of conduct in franchise relationships, and to create uniform private Federal remedies for violations of Federal law.

SECTION 3. FRANCHISE SALES PRACTICES.

Subsection (a) prohibits any person, in connection with the advertising, offering, or sale of any franchise, from (1) employing a device, scheme, or artifice to defraud; (2) engaging in an act, practice, course of business, or pattern of conduct which operates or is intended to operate as a fraud upon any prospective franchisee; and (3) obtaining property, or assisting others in doing so, by making an untrue statement of a material fact or failing to state a material fact.

Subsection (b) prohibits franchisors, sub franchisors, and franchise brokers, in connection with any disclosure document, notice, or report required by any law, from (i) making an untrue statement of material fact, (ii) failing to state a material fact, or (iii) failing to state any fact which would render any required statement or disclosure either untrue or misleading. The subsection also prohibits franchisors, sub franchisors, and franchise brokers from failing to furnish any prospective franchisee with all information required to be disclosed by law and at the time and in the manner required and from making any claim or representation to a prospective franchisee, whether orally or in writing, which is inconsistent with or contradicts such disclosure document.

''Disclosure document'' is defined as the disclosure statement required by the Federal Trade Commission in Trade Regulation Rule 436 (16 CFR 436) or an offering circular prepared in accordance with Uniform Franchise Offering Circular guidelines as adopted and amended by the North American Securities Administrators Association, Inc. or its successor.

SECTION 4. UNFAIR FRANCHISE PRACTICES.

Subsection (a) prohibits any franchisor or subfranchisor, in connection with the performance, enforcement, renewal and termination of any franchise agreement, from (1) engaging in an act, practice, course of business, or pattern of conduct which operates as a fraud upon any person; (2) hindering, prohibiting, or penalizing, either directly or indirectly, the free association of franchisees for any lawful purpose, including the formation of or participation in any trade association made up of franchisees or of associations of franchises; and (3) discriminating against a franchisee by imposing requirements not imposed on other similarly situated franchisees or otherwise retaliating, directly or indirectly, against any franchisee for membership or participation in a franchisee association.

Subsection (b) prohibits a franchisor from terminating a franchise agreement prior to its expiration without good cause.

Subsection (c) prohibits a franchisor from prohibiting, or enforcing a prohibition against, any franchisee from engaging in any business at any location after expiration of a franchise agreement. This subsection does not prohibit enforcement of a franchise contract obligating a franchisee after expiration or termination of a franchise to (i) cease or refrain from using a trademark, trade secret or other intellectual property owned by the franchisor or its affiliate, (ii) alter the appearance of the business premises so that it is not substantially similar to the standard design, decor criteria, or motif in use by other franchisees using the same name or trademarks within the proximate trade or market area of the business, or (iii) modify the manner or mode of business operations so as to avoid any substantial confusion with the manner or mode of operations which are unique to the franchisor and commonly in practice by other franchisees using the same name or trademarks within the proximate trade or market area of the business.

SECTION 5. STANDARDS OF CONDUCT.

Subsection (a) imposes a duty to act in good faith in the performance and enforcement of a franchise contract on each party to the contract.

Subsection (b) imposes a nonwaivable duty of due care on the franchisor. Unless the franchisor represents that it has greater skill or knowledge in its undertaking with its franchisees, or conspicuously disclaims that it has skill or knowledge, the franchisor is required to exercise the skill and knowledge normally possessed by franchisors in good standing in the same or similar types of business.

Subsection (c) imposes a fiduciary duty on the franchisor when the franchisor undertake to perform bookkeeping, collection, payroll, or accounting services on behalf of the franchisee, or when the franchisor requires franchisees to make contributions to any pooled advertising, marketing, or promotional fund which is administered, controlled, or supervised by the franchisor. A franchisor that administers or supervises the administration of a pooled advertising or promotional fund must (i) keep all pooled funds in a segregated account that is not subject to the claims of creditors of the franchisor, (ii) provide an independent certified audit of such pooled funds within sixty days following the close of the franchisor's fiscal year, and (iii) disclose the source and amount of, and deliver to the fund or program, any discount, rebate, compensation, or payment of any kind from any person or entity with whom such fund or program transacts.

SECTION 6. PROCEDURAL FAIRNESS

Subsection (a) prohibits a franchisor from requiring any term or condition in a franchise agreement, or in any agreement ancillary or collateral to a franchise, which violates the Act. It also prohibits a franchisor from requiring that a franchisee relieve any person from a duty imposed by the Act, except as part of a settlement of a bona fide dispute, or assent to any provision which would protect any person against any liability to which he would otherwise be subject under the Act by reason of willful misfeasance, bad faith, or gross negligence in the performance of duties, or by reason of reckless disregard of obligations and duties under the franchise agreement. Nor may a franchisor require that a franchisee agree to not make any oral or written statement relating to the franchise business, the operation of the franchise system, or the franchisee's experience with the franchise business.

Subsection (b) makes void and unenforceable any provision of a franchise agreement, or of any agreement ancillary or collateral to a franchise, which would purport to waive or restrict any right granted under the Act.

Subsection (c) forbids any stipulation or provision of a franchise agreement or of an agreement ancillary or collateral to a franchise from (i) depriving a franchisee of the application and benefits of the Act or any Federal law or any law of the State in which the franchisee's principal place of business is located, (ii) depriving a franchisee of the right to commence an action or arbitration against the franchisor for violation of the Act, or for breach of the franchise agreement or of any agreement or stipulation ancillary or collateral to the franchise, in a court or arbitration forum in the State of the franchisee's principal place of business, or (iii) excluding collective action by franchisees to settle like disputes arising from violation of the Act by civil action or arbitration.

Subsection (d) states that compliance with the Act or with an applicable State franchise law is not waived, excused or avoided, and evidence of violation of the Act or State law shall not be excluded, by virtue of an integration clause, any provision of a franchise agreement or an agreement ancillary or collateral to a franchise, the parol evidence rule, or any other rule of evidence purporting to exclude consideration of matters outside the franchise agreement.

SECTION 7. ACTIONS BY STATE ATTORNEYS GENERAL

Subsection (a) permits a State attorney general to bring an action under the Act in an appropriate United States district court using the powers conferred on the attorney general by the laws of his State.

Subsection (b) states that this section does not prohibit a State attorney general from exercising the powers conferred on him by the laws of his State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

Subsection (c) states that any civil action brought under subsection (a) in a United States district court may be brought in the district in which the defendant is found, is an inhabitant, or transacts business, or wherever venue is proper under 28 U.S.C. 1391 which establishes general venue rules. Process may be served in any district in which the defendant is an inhabitant or in which he may be found.

Subsection (d) states that nothing in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

SECTION 8. TRANSFER OF A FRANCHISE

Subsection (a) permits a franchisee to assign an interest in a franchised business and franchise to a transferee if the transferee satisfies the reasonable qualifications generally applied in determining whether or not a current franchisee is eligible for renewal. If the franchisor does not renew a significant number of its franchisees, then the transferee may be required to satisfy the reasonable conditions generally applied to new franchisees. The qualifications must be based upon legitimate business reasons. If the qualifications are not met, the franchisor may refuse to permit the transfer, provided that the refusal is not arbitrary or capricious and the franchisor states the grounds for its refusal in writing to the franchisee.

Subsection (b) requires that a franchisee give the franchisor at least thirty days' written notice of a proposed transfer, and that a

franchisee, upon request, will provide in writing to the franchisor a list of the ownership interests of all persons holding or claiming an equitable or beneficial interest in the franchise subsequent to the transfer.

Subsection (c) states that a franchisor is deemed to have consented to a transfer thirty days after the request for consent is submitted, unless the franchisor withholds consent in writing during that time period specifying the reasons for doing so. Any such notice is privileged against a claim of defamation.

Subsection (d) establishes that a franchisor may require the following four conditions before consenting to a transfer: (1) the transferee successfully complete a reasonable training program, (2) payment of a reasonable transfer fee, (3) the franchisee pay or make reasonable provisions to pay any amount due the franchisor or the franchisor's affiliate, (4) the financial terms of the transfer at the time of the transfer comply with the franchisor's current financial requirements for franchisees. A franchisor may not condition its consent to a transfer on (1) a franchisee forgoing existing rights other than those contained in the franchise agreement, (2) entering into a release of claims broader in scope than a counterpart release of claims offered by the franchisor to the franchisee, or (3) requiring the franchisee or transferee to make, or agree to make, capital improvements, reinvestments, or purchases in an amount greater than the franchisor could have reasonably required under the terms of the franchisee's existing franchise agreement.

Subsection (e) permits a franchisee to assign his interest for the unexpired term of the franchise agreement and prohibits the franchisor from requiring the franchisee or transferee to enter an agreement which has different material terms or financial requirements as a condition of the transfer.

Subsection (f) prohibits a franchisor from withholding its consent without good cause to a franchisee making a public offering of its securities if the franchisee or owner of the franchisee's interest retains control over more than 25 percent of the voting power as the franchisee.

Subsection (g) prohibits a franchisor from withholding its consent to a pooling of interests, to a sale or exchange of assets or securities, or to any other business consolidation among its existing franchisees, provided the constituents are each in material compliance with their respective obligations to the franchisor.

Subsection (h) establishes six occurrences which shall not be considered transfers requiring the consent of the franchisor under a franchise agreement and for which the franchisor shall not impose any fees or payments or changes in excess of the franchisor's cost to review the matter.

Subsection (i) prohibits a franchisor from enforcing against the transferor any covenant of the franchise purporting to prohibit the transferor from engaging in any lawful occupation or enterprise after the transfer of a transferor's complete interest in a franchise. This subsection does not limit the franchisor from enforcing a contractual covenant against the transferor not to exploit the franchisor's trade secrets or intellectual property rights except by agreement with the franchisor.

SECTION 9. TRANSFER OF FRANCHISE BY FRANCHISOR

Subsection (1) prohibits a franchisor from transferring interest in a franchise by sale or in any other manner unless he gives notice thirty days prior to the effective date of the transfer to every franchisee of his intent to transfer the interest.

Subsection (2) requires that the notice given contains a complete description of the business and financial terms of the proposed transfer or transfers.

Subsection (3) requires that the entity assuming the franchisor's obligations have the business experience and financial means necessary to perform the franchisor's obligations.

SECTION 10. INDEPENDENT SOURCING OF GOODS AND SERVICES

Subsection (a) prohibits a franchisor from prohibiting or restricting a franchisee from obtaining equipment, fixtures, supplies, goods or services used in the establishment or operation of the franchised business from sources of the franchisee's choosing, except that such goods or services may be required to meet established uniform system-wide quality standards promulgated or enforced by the franchisor.

Subsection (b) requires that if the franchisor approves vendors of equipment, fixtures, supplies, goods, or services used in the establishment or operation of the franchised business, the franchisor will provide and continuously update an inclusive list of approved vendors and will promptly evaluate and respond to reasonable requests by franchisees for approval of competitive sources of supply. The franchisor shall approve not fewer than two vendors for each piece of equipment, each fixture, each supply, good, or service unless otherwise agreed to by both the franchisor and a majority of the franchisees.

Subsection (c) requires a franchisor and its affiliates officers and/or its managing agents, must fully disclose whether or not it receives any rebates, commissions, payments, or other benefits from vendors as a result of the purchase of goods or services by franchisees and requires a franchisor to pass all such rebates, commissions, payments, and other benefits directly to the franchisee.

Subsection (d) requires a franchisor to report not less frequently than annually, using generally accepted accounting principles, the amount of revenue and profit it earns from the sale of equipment, fixtures, supplies, goods, or services to the franchisee.

Subsection (e) excepts reasonable quantities of goods and services that the franchisor requires the franchisee to obtain from the franchisor or its affiliate from the requirements of subsection (a), but only if the goods and services are central to the franchised business and either are actually manufactured or produced by the franchisor or its affiliate, or incorporate a trade secret or other intellectual property owned by the franchisor or its affiliate.

SECTION 11. ENCROACHMENT

Subsection (a) prohibits a franchisor from placing, or licensing another to place, one or more, new outlet(s) in unreasonable proximity to an established outlet, if (i) the intent or probable effect of establishing the new outlet(s) is to cause a diminution of gross sales by the established outlet of more than five percent in the twelve months immediately following establishment of the new outlet(s), and (ii) the established franchisee offers goods or services identified by the same trademark as those offered by the new outlet(s), or has premises that are identified by the same trademark as the new outlet(s).

Subsection (b) creates an exception to this section if, before a new outlet(s) opens for business, a franchisor offers in writing to each franchisee of an established outlet concerned to pay to the franchisee an amount equal to fifty percent of the gross sales of the new outlet(s), for the first twenty-four months of operation of the new outlet(s), if the sales of the established outlet decline by more than five percent in the twelve months immediately following establishment of the new outlet(s), as a consequence of the opening of such outlet(s).

Subsection (c) places upon the franchisor the burden of proof to show that, or the extent to which, a decline in sales of an established franchised outlet occurred for reasons other than the opening of the new outlet(s), if the franchisor makes a written offer under subsection (b) or in an action or proceeding brought under section 12.

SECTION 12. PRIVATE RIGHT OF ACTION

Subsection (a) gives a party to a franchise who is injured by a violation or impending violation of this Act a right of action for all damages caused by the violation, including costs of litigation and reasonable attorney's fees, against any person found to be liable for such violation.

Subsection (b) makes jointly and severally liable every person who directly or indirectly controls a person liable under subsection (a), every partner in a firm so liable, every principal executive officer or director of a corporation so liable, every person occupying a similar status or performing similar functions and every employee of a person so liable who materially aids in the act or transaction constituting the violation, unless the person who would otherwise be liable hereunder had no knowledge of or reasonable grounds to know of the existence of the facts by reason of which the liability is alleged to exist.

Subsection (c) states that nothing in the Act shall be construed to limit the right of a franchisor and a franchisee to engage in arbitration, mediation, or other nonjudicial dispute resolution, either in advance or after a dispute arises, provided that the standards and protections applied in any binding nonjudicial procedure agreed to by the parties are not less than the requirements set forth in the Act.

Subsection (d) prohibits an action from being commenced more than five years after the date on which the violation occurs, or three years after the date on which the violation is discovered or should have been discovered through exercise of reasonable diligence.

Subsection (e) provides for venue in the jurisdiction where the franchise business is located.

Subsection (f) states that the private rights created by the Act are in addition, to, and not in lieu of, other rights or remedies created by Federal or State law.

SECTION 13. SCOPE AND APPLICABILITY

Subsection (a) applies the requirements of the Act to franchise agreements entered into, amended, exchanged, or renewed after the date of enactment of the Act, except as provided in subsection (b).

Subsection (b) delays implementation of Section 3 of the act until ninety days after the date of enactment of the Act and applies Section 3's requirements only to actions, practices, disclosures, and statements occurring on or after such date.

SECTION 14. DEFINITIONS

Defines terms used in the Act.

INTRODUCTION OF THE GUN-FREE HOSPITAL ZONE ACT

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. MEEHAN. Mr. Speaker, I rise today to introduce the ''Gun-Free Hospital Zone Act.'' A bill that will provide protection and peace of mind to doctors, nurses, patients, and administrative staffs of hospitals throughout the country.

The need for this legislation was brought to my attention by my constituent, Bernadett Vajda, whose father, Janos, was tragically murdered at the Holy Family Hospital in Methuen, MA.

Janos was simply visiting a hospital patient, Dr. Suzan Kamm, when he was attacked and shot to death by the estranged husband of Dr. Kamm.

It is very easy to imagine how this bill would have saved Mr. Vajda's life. Had the gunman, Dr. James Kartell, been aware of the prohibition of firearms in a hospital, he would have not carried one with him that fateful day. And when Dr. Kartell reached the fourth floor of the hospital and approached the room where his estranged wife had been admitted, he would have been unarmed.

What happened next, the chance encounter between Dr. Kartell and Mr. Vajda, would still have been emotional, potentially even resulted in violence, but without a gun at the scene, it almost certainly would not have resulted in murder.

Unfortunately, we witness frustration expressed in workplace violence increasingly in our country. Whether it be the tragic shooting recently in Hawaii, the murders this summer in Atlanta, or the all too numerous acts of violence at post offices, we have become accustomed to seeing the image of the emotional employee who resorts to violence.

Emotions run high at hospitals on a daily basis. Life and death decisions are made constantly in emergency rooms and hospitals throughout our country. In this atmosphere of heightened emotion and decreased logic, unthinking acts of violence are more likely and less preventable.

This legislation deals with a very real issue, but do not just take my word for it, look at the statistics on workplace violence at hospitals. According to the Bureau of Labor Statistics, health care and social service workers have the highest incidence of injuries from workplace violence. Further, health care workers rank only behind convenience store clerks and taxi cab drivers in terms of workplace risk of homicide.

Emergency room physicians and nurses are at special risk. According to the Emergency Nurses Association, 24 percent of emergency room staff are exposed to physical violence with a weapon 1–5 times a year. The rate of violence is increasing annually.

In 1997, 7 percent of emergency room nurses reported that they have been subjected to between 1 and 10 physical incidents involving firearms in the workplace during the past year. One nurse from the Colorado Nurses Association reported that ''no hospital unit and no hospital—large or small, urban or rural—is immune'' from violent gun attacks.

It is my goal to not only to make it less likely that tragic deaths like Mr. Vajda's occur, but also that nurses and doctors feel safer to do their jobs without worrying about whether the next person to walk in the emergency room door has a gun. For that reason, this legislation is supported by the medical professionals at Holy Family Hospital who hope never to experience a tragic incident like Mr. Vajda's death ever again.

THE U.S. COAST GUARD: MAY THEY ALWAYS BE READY

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. McINTOSH. Mr. Speaker, I submit for the RECORD, the following article about the U.S. Coast Guard's Deepwater Mission Project. ''Moving Into the Next Century: Recapitalization Will Ensure That the Coast Guard Remains Semper Paratus'' was written by Ernest Blazar of the Lexington Institute and appeared in the August 1999 edition of Sea Power magazine. I call this article to your attention because I feel it is one of the best articles about the Coast Guard's need to modernize their fleet of cutters and aircraft for the 21st century.

[From Sea Power, Aug. 1999]

MOVING INTO THE NEXT CENTURY

(By Ernest Blazar)

In 1969, the Coast Guard's high-endurance Hamilton-class cutter USCGC *Dallas* sailed the waters of South Vietnam, executing seven combat patrols. She provided naval gunfire support more than 150 times, firing over 7,500 rounds of five-inch ammunition. She destroyed 58 sampans and attacked 29 enemy supply routes, base camps, or rest areas.

On 22 June 1999, the same 378-foot-long ship—which was commissioned in 1967—left her homeport (Charleston, S.C.) for yet another overseas patrol. Assigned to the Navy's Sixth Fleet for three months, *Dallas* is helping to patrol the Adriatic Sea after NATO's successful air campaign against Yugoslavia.

The durable cutter's three decades of service clearly demonstrate the Coast Guard's ability to wring the last ounce of usefulness from its aging ships—but it also underscores the fact that the Coast Guard has been forced, primarily for budget reasons, to carry out its military, maritime-safety, law-enforcement, and other missions with outdated resources that are badly in need of replacement and repair. Some Coast Guard ships were in active service during World War II.

It is not just ships, though. The Coast Guard's 190 fixed-wing aircraft and helicopters also need replacement, and often need repairs to sustain acceptable readiness and safety levels. Exacerbating the problem is the fact that these air and surface platforms were purchased piecemeal over decades, so they were never properly integrated with the right communication and data links or fitted with proper sensors. (One problem afflicting today's fleet is that the Coast Guard's HH–60J Jayhawk helicopters are too large to land on any but the largest of the service's cutters.)

CASUALTIES UP, AVAILABILITY DOWN

The overall situation has caused numerous problems for the Coast Guard, and also has degraded the service's ''ability to manage the tactical picture,'' said Rear Adm. Ernest Riutta, assistant commandant for operations.

The end result is a steady decline in readiness and in the availability of Coast Guard ships and aircraft to perform their missions. Machinery and electronics casualties have increased 45 percent in 10 years, for example, and the nonavailability rate for HU–25 Falcon medium-range search aircraft has doubled since 1996.

To remedy these problems the Coast Guard has developed a plan to replace and modernize its current ships, aircraft, and command, control, and communications (C3) network. That plan is called ''Deepwater.'' One of its main aims is to ensure that the new ships, aircraft, and C3 equipment the Coast Guard will be buying in the future are fully interoperable from the start, instead of knitted together haphazardly, as has been the case in the past.

To ensure that the proposed fleet recapitalization is well-planned and can be carried out in a cost-effective manner the Coast Guard has issued contracts to three industry teams:

Avondale Industries—Newport News Shipbuilding—Boeing—Raytheon.

Science Applications International—Bath Iron Works—Marinette Marine—Sikorsky.

Lockheed Martin—Ingalls Shipbuidling—Litton—Bollinger Shipyards—Bell Helicopter Textron.

Each member of each team possesses expertise in areas of operational importance to the Coast Guard. Lockheed Martin's Government and Electronic Systems Division in Moorestown, N.J., for example, has long supplied the Navy with such important systems as the highly successful Aegis SPY–1 radar system, the Mk92 fire-control radar carried on Perry-class guided-missile frigates, and the Mk41 vertical-launch system. The company also has a strong reputation for successfully integrating varied naval communications and combat systems.

SHORTFALLS AND STATISTICS

To fully understand Deepwater, one must first examine the shortfalls in platforms and equipment currently affecting the Coast Guard. One telling statistic: Seven of the service's nine classes of ships and aircraft will reach the end of their originally projected service lives within the next 15 years.

The Coast Guard relies upon three classes of cutters for its long-and medium-range surface missions: the 378-foot Hamilton-class high-endurance cutters (WHECs); the 270-foot Famous-class medium-endurance cutters (WMECs); and the 210-foot Reliance-class WMECs.

All of these ships are aging—some were built as long ago as the late 1960s—and are becoming increasingly difficult to maintain. They also are technologically obsolescent. The diesel engines of the Reliance-class cutters are so old, in fact, that they are used elsewhere only on the locomotives in South Africa.

These ships also impose a heavy personnel burden on the Coast Guard. The *Dallas*, for example, normally carries a crew of 19 officers and 152 enlisted personnel, more than twice the number required to operate highly automated modern cutters of similar size. The Danish Thetis-class offshore patrol vessel is 369 feet long, displaces 3,500 tons, and has a 90-day endurance—but operates with a crew of only 90 personnel. A larger crew

means a higher payroll of course. What this mans is that the Coast Guard has been forced, in essence, to pay a sizable surcharge simply because it has not been provided the funds needed to buy new advanced-technology ships.

OPERATIONAL INCOMPATIBILITIES

There are several operational factors to consider, moreover. The Reliance class cutters are equipped with surface-search radars, for example, but have no sonars and no electronic countermeasures systems. They are capable of landing helicopters, but have no hangar facilities.

Even the somewhat less antiquated Famous-class WMEC, built in the 1980s, lack the ability to maintain real-time voice, video, or data links with other Coast Guard assets; they also have no Link-11 or Link-16 capability, essential for the exchange of tactical data with other U.S. military forces.

There also are shortfalls in speed. None of the Coast guard's cutters can match the so-called ''''go-fast'' boats—drug smuggling craft that can achieve high rates of speed. Smugglers often are also armed with night-vision goggles, satellite phones, and digital precision-location equipment, widely available commercial gear that Coast Guard vessels do not have.

The Coast Guard's aviation assets suffer from similar limitations. The HH–65A Dolphin helicopters, for example, are operationally compatible with the Reliance, Hamilton, and Famous cutters, but the Dolphin's sensor payload is less than it could be because of weight handling limitations on the cutters.

The service's HH–60J Jayhawk helicopters are capable of long-range operations, and have significant endurance, but these helicopters are compatible only with the Famous-class WMECs—which can give them only limited on board maintenance and logistics support, unfortunately.

Among the Coast Guard's fixed-wing aviation assets are 20 HU–25 Falcon medium-range search jets, all of which are over 14 years old and suffer from engine supportability problems. Their APG–66 radar provides a good intercept capability—but only eight of the HU–25s are equipped with that radar. The remaining 12 Falcons simply lack the modern sensor packages they need to carry out their missions. One indication of the limited utility of the Falcon fleet is the fact that the Coast Guard put 17 others Falcons into storage in 1998.

DEEP, DARK DEFICIENCIES

The deficiency in sensors puts Coast Guard ships and aircraft at a severe disadvantage against maritime lawbreakers, according to Capt. Craig Schnappinger, the Coast Guard's Deepwater program manager. ''They can see us before we can see them.''

The Coast Guard's 23 HC–130 fixed-wing aircraft, which are used for long-range aerial-search missions, are being fitted with new FLIR and electro-optical sensor packages and Global Positioning System receivers. This is one of the few bright spots in Coast Guard aviation today. Otherwise, the picture is dark. ''Scrutiny of individual platform capabilities,'' according to the Coast Guard's ''21st Century Hemispheric Maritime Security'' document, reveals an unintegrated system that falls well short of optimum tactical requirements.''

One of the more promising hardware solutions to its aviation problems that the Coast Guard is considering is the HV–609, a commercial tilrotor craft that can take off and land like a helicopter but fly like a fixed-wing aircraft. Now under development by Bell Helicopter Textron, the HV–609 will have a speed of 275 knots and a range of 750 nautical miles, and will be able to carry a significant payload. Because of its versatility the Coast Guard might possibly use the '609 to replace several different types of aviation platforms now in the inventory—thereby helping to streamline logistics and maintenance costs in the future.

The Coast Guard protects the nation's maritime borders and carriers out numerous missions of importance to all Americans. But continuing to operate aging platforms that are not equipped with modern sensors guarantees a future filled with hazard and difficulty not only for the Coast Guard itself but for all whose lives are touched by the sea.

By recapitalizing the force, the Coast Guard believes, it will be able to operate more safety and efficiency—and more cost-effectively as well. ''I think we are moving in the right direction,'' said Riutta. Congressional approval of the Deepwater program, he said, will ''more u into the next century and equip our people with the resources [needed] to do their jobs properly.''

EAGLE SCOUTS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, six outstanding young individuals from the 3rd Congressional District of Illinois, all who have completed a major goal in their scouting career.

The following young men of the 3rd Congressional District of Illinois have earned the high rank of Eagle Scout in the fall and winter seasons: Anthony Cesaro, Eric Charles Fritz, John A. Studnicka Jr., Brandon William Pfizenmaier, Peter William Davidovith, and Charles Lamphier. These young men have demonstrated their commitment to their communities, and have perpetuated the principles of scouting. It is important to note that less than two percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities.

In light of the commendable leadership and courageous activities performed by these fine young men, I ask my colleagues to join me in honoring the above scouts for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish them the very best in all of their future endeavors.

TRIBUTE TO A NEWSPAPER LEGEND, CLAUD EASTERLY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HALL of Texas. Mr. Speaker, with the passing of Claud Easterly, editor of the Denison Herald for 30 years and one of his hometown's foremost historians, comes the end of a generation of old-fashioned newspapermen who learned their trade on the job, not in the classroom, and who preferred their old typewriters to computers. Such a man was Claud Easterly of Denison, TX, who died this year at the age of 91.

During Mr. Easterly's career, he interviewed five U.S. Presidents, several Vice Presidents, Speaker of the House Sam Rayburn, my predecessor in the fourth district, bandleader John Phillip Sousa, magician Harry Houdini, Father Flanagan of Boys Town, New York Mayor LaGuardia and heavyweight boxing champion Joe Louis, among many other State and national dignitaries.

Yet he said that his greatest experiences were ''in helping record the more routine events that reflected the failures and successes, joys and sorrows of the folks here at home,'' according to the Herald Democrat, the newspaper that succeeded the Denison Herald and to which he continued to contribute articles and serve as a reliable source until shortly before his death.

Claud Easterly knew his community well and served it well through 30 years as editor of the city newspaper. Inspired by his high school English teacher, he proved adept at writing. He was named the first editor of his high school newspaper and upon graduation from high school approached the editor of the Denison Herald, who agreed to hire him at no pay until he learned the job. Three months later, he was put on the payroll at a salary of $12.50 per week, and as they say, the rest is history. In addition to his famous interviews, he covered many historical events, including the Red River Bridge war in 1931, the construction of Denison Dam in the 1940's and the local perspective of World War II.

In addition to his newspaper responsibilities, Mr. Easterly also was active in the civic life of Denison. He served as president of the Lions Club, a director of the Chamber of Commerce and a board member of the Public Library. Following his retirement in 1972 as editor of the newspaper, he campaigned for and was elected to the Denison City Council. He also was a member of Waples Memorial United Methodist Church.

Claud Easterly was born in Denison in 1907, the son of Mr. and Mrs. E. W. Easterly. In 1931 he married his high school sweetheart, Ruth Davis. Following her death in 1967, he married Mrs. Ophelia Taylor, who survives him. Also surviving are his son David Easterly and daughter-in-law Judy, stepson Richard Taylor and wife Carol; stepdaughter Carolyn Arnett and husband Butch, a brother Doug, 10 grandchildren and 1 great-grandchild.

Claud Easterly was proud that his son, David, followed him in the newspaper business, getting his start alongside his father at the Denison Herald. David is now president of Cox Enterprises, which owns and operates a number of newspapers, including the Atlantic Journal & Constitution.

Mr. Speaker, Claud Easterly lived during the tenure of three representatives of the Fourth District of Texas—Speaker Sam Rayburn, Ray Roberts, and myself. He knew our district as well as we did, and so it is both an honor—and fitting—to ask my colleagues to join me in paying our last respects to this great newspaperman from Denison, TX—Claud Easterly.

His memory will be preserved in the archives of his newspaper—and in the hearts and minds of those who knew him.

TRIBUTE TO ADMIRAL ARCHIE CLEMINS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SHIMKUS. Mr. Speaker, I rise before you today to express my gratitude and admiration for Admiral Archie Clemins, commander of the United States Pacific Fleet.

His leadership and courage during his thirty-four years of military service was outstanding. Since his retirement on October eighth, he has been greatly missed.

I would also like to take this time to show my appreciation for the time he has spent with Scott Wagner's fifth-grade class at Horace Mann School in Mt. Vernon, Illinois. Admiral Clemins has found the time to share his skills and knowledge with these impressionable students. Utilizing stories and souvenirs from his travels, he has both educated and entertained these pupils. In addition, he has funded trips for them to the Great Lakes Navy Base as well as the base in San Diego, California.

I would like to again express my sincere appreciation for Admiral Clemins' generosity and commitment to our country and its future.

MEDICARE, MEDICAID, AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to HR 3075. When the BBA of 1997 was enacted, it wrought havoc with a sea of unintended consequences in Medicare cuts.

Mr. Speaker, in my state alone, the BBA will reduce Medicare hospital payments by $4.8 billion dollars over five years—these cuts are mostly permanent.

They will cripple the delivery of healthcare to seniors and to the under-served far beyond 2002.

While this bill begins to fix some of the devastating cuts, it does not go far enough. The bill before us today provides restorations equaling only 15.6 percent of the BBA Medicare reductions and these are only temporary fixes.

Where does the money for the fixes come from? The restorations come at the expense of direct- graduate- medical- education funding. This means that teaching hospitals in my state will be deprived of $100 to $130 million dollars over 5 years.

The situation of the teaching hospitals is already dire. Because of the BBA, many of these hospitals are close to financial ruin. These institutions are not only the academic centers that train our future healthcare providers—they are the hotbeds of medical research that produces life-saving treatments.

The teaching hospitals are the ''safety net'' hospitals that care for the nation's low-income and uninsured patients when they are sick and have nowhere else to turn.

Mr. Speaker, let me walk you through how this will hurt each off the teaching hospitals in my district.

Because of the teaching hospital provisions included in this bill, Mt. Sinai hospital will lost $14.4 million over 5 years; Lenox Hill hospital will lost $4.5 million over 5 years; Memorial Sloan Kettering hospital will lose $180,00 over 5 years; Beth Israel hospital will lose $33.9 million over 5 years; the hospital for Special Surgery will lose $3.6 million over 5 years; the Hospital for Joint Diseases will lose $1.9 million over 5 years.

The bill before us today neglects to adequately address the crisis in the teaching hospitals. While the bill's restoration of funding to skilled nursing facilities is favorable, only a band-aid, temporary remedy is provided for outpatient hospital departments.

Mr. Speaker, let's go back and do this right. Give us the change to offer amendments and let's have a real debate. While there are some provisions in this bill that I support, I believe that we can do a better job at protecting our Medicare beneficiaries, providers and teaching hospitals. I urge a ''no'' vote.

ASIAN-AMERICAN MEDICAL SOCIETY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Asian-American Medical Society will be hosting its 23rd Annual Asian-American Medical Society Charity Gala on Saturday, November 13, 1999, at the Radisson Hotel in Merrillville, Indiana. Each year, the Asian-American Medical Society honors prominent, extraordinary residents of Northwest Indiana for their contributions to the community. In recognition of their tremendous efforts for the betterment of Northwest Indiana, they are honored at a banquet and awarded the prestigious Crystal Globe Award. This year, four outstanding citizens from Northwest Indiana will be presented with the Crystal Globe Award for their dedication and devotion to the community.

This year's Arts and Humanities recipient, Maestro Tsung Yeh, is one of the most talented citizens of Northwest Indiana. Tsung Yeh is the Music Director and conductor of the Northwest Indiana Symphony Orchestra, a position he officially began with his acclaimed debut at the 1997 Holiday Pops concert. This season also marks Mr. Yeh's twelfth highly successful season as Music Director and Conductor of the South Bend Symphony Orchestra, and his second season as Principal Conductor of the Hong Kong Sinfonietta. In July 1997, Maestro Yeh conducted at the reunification ceremonies in Hong Kong. Although his work and community service often constrains his free time, Tsung Yeh has never limited the time he gives to his most important interest, his family. He and his wife Saulan reside in Grainger, Indiana with their three children, Mona, Melina, and Joseph.

Mayor Scott King is this year's Civic Leadership recipient. Scott King was elected Mayor of the City of Gary in 1995, and entered into his official capacity in January of 1996. Before becoming Mayor, King served as a public defender, deputy prosecutor, and assistant U.S. Attorney of the Northern District of Indiana. As Mayor, King serves as not only a respected member of the professional community, but also as a mentor and a community leader. He offers his services and time to many professional organizations and has accepted numerous appointments, including serving as co-chairman of the United States Conference Mayors' Drug Policy Taskforce.

This year's Healthcare recipient, Dr. Mridula Prasaad, is one of the most caring dedicated, and selfless citizens of Indiana's First Congressional District. Dr. Prasaad is a Board Certified neurologist who has been in private practice since 1988. She offers her services and time to many professional organizations as the Associate Medical Director of the Rehabilitation Unit of Community Hospital, the Associate Program Director of the Multiple Sclerosis Clinic of the Neuroscience Institute of Methodist Hospital, and a Clinical Assistant Professor of Neurology at the Northwest Center for Medical Education, Indiana School of Medicine in Gary. She most recently became the Executive Director of People Helping People, a nonprofit organization she founded to help those with Multiple Sclerosis find assisted and independent living.

Valparaiso University's President, Dr. Alan Harre is this year's Academic Excellence recipient. Dr. Harre became the 17th President of Valparaiso University in October of 1988. Before coming to Valparaiso University, Dr. Harre served as President of Concordia University in St. Paul, Minnesota. As President, Dr. Harre serves as a teacher, mentor, and community volunteer. He offers his services and time to many professional organizations including serving on the board of directors for numerous organizations throughout Northwest Indiana including the Northwest Indiana Forum, the Valparaiso Community Development Corporation, Munster Community Hospital, and the Quality of Life Council. Though Dr. Harre is dedicated to his career and community, he has never limited the love of his family. Dr. Harre and his wife Diane have three children, Andrea, Jennifer, and Eric, as well as four grandchildren, all of whom they are immensely proud.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the Asian-American Medical Society's 1999 Crystal Globe Award winners. The service, dedication, and altruism displayed by Tsung Yeh, Mayor Scott King, Dr. Mridula Prasaad, and Dr. Alan Harre inspire us all to greater deeds.

TRIBUTE TO BILLY AND ALICE NIX ON THEIR 50TH WEDDING ANNIVERSARY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to two people who I am proud to call my friends, Billy and Alice Nix, on the celebration of their 50th wedding anniversary.

I have had the pleasure of knowing Billy and Alice Nix for 4 years. When I'm in Sidney or Ash Flat for parades, Billy drives me in one of his antique cars. Billy and Alice are always ready to do their part for the community, school, church or business. The Nixes have been active members of the community of Ash Flat, Arkansas for over 40 years, where they own and run the Ash Flat Livestock Auction. Billy has served on the Sharp County Fair Board and the Northeast Arkansas District Fair Board. Alice gives her time at the Ash Flat Historical Society where she helped the organization publish a book about the history of Ash Flat. The Nix family is also involved in the Church of Christ.

The Nixes cherish their family including their three wonderful children Mike, Jan, and Beverly; and their 10 grandchildren and five great grand-children. They are perfect examples of good neighbors, friends, parents and grandparents. The integrity and dedication of the Nixes is a living example to all that know them, especially to institutions like marriage. Our community is a better place to live and work and raise a family because of their efforts and the care and the dedication of Billy and Alice Nix.

CALIFORNIA RAISIN MARKETING BOARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the debut of the California Raisin Marketing Board, CRMB. The CRMB has taken the place of CALRAB, the California Raisin Advisory Board.

CRMB is planting its first roots in tomorrow's raisin sales with restaurant projects, back-to-school campaigns, food service and produce marketing trade show participation, retail and trade advertising, website development, health and nutrition research and promotions, and the rebirth of the California Raisin, a new character replacing all previous Dancing Raisin Art.

The new character will bring life to raisins and CRMB will launch California raisins into the twenty first century with new ways to promote their product. One of the first major outings for the new character will be a Denny's Restaurant promotion, debuting in January 2000.

The California raisin industry has come far as the world raisin leader. CRMB will bring true glory to the raisin industry in the years to come.

Mr. Speaker, I applaud the California Raisin Marketing Board for their new innovative plan and character to bring us into the new millennium. I urge my colleagues to join me in wishing CRMB a bright future and many years of success.

HONORING JOHN JORDAN ''BUCK'' O'NEIL ON HIS 88TH BIRTHDAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor a fellow Kansas Citian, and a man who has come to embody the ideals we share as a nation. As a player and coach for the Negro League's Kansas City Monarchs baseball team, as coach and scout for the present day Kansas City Royals, and as a community activist promoting reading and education to children, John Jordan ''Buck'' O'Neil has come to represent some of our most noble values: determination and dignity, humility and excellence. ''Buck'' has been a pioneer and trailblazer throughout his life and illustrious career, and demonstrates in his everyday actions and words that determination is the pathway to success. He is a role model for our children and a champion for our country.

As a player, Buck had a career batting average of .288, including four .300-plus seasons at the plate, and led the Kansas City Monarchs to victory in the 1942 Negro World Series. After 12 years as a player, Buck changed hats and managed the Monarchs to four more league titles in six years. Following his career with the Kansas City Monarchs, Buck joined the major leagues as a scout for the Chicago Cubs. In 1962 the Chicago Cubs made him the first African-American to coach in the major Leagues. Buck is credited with signing hall of Fame Baseball greats Ernie Banks and Lou Brock to their first pro contracts, and is acknowledged to have sent more Negro League athletes to the all-white major leagues than any other man in baseball history.

Buck is currently the Chairman for the Negro Leagues Baseball Museum in Kansas City and spends his time promoting the achievements of African-American baseball players who played for love of the game, despite being shut out of the majors because of the color of their skin. As a member of the 18-person Baseball Hall of Fame Veterans Committee, he continues to tear down racial barriers by advancing deserving Negro Leaguers for induction to the Hall. In addition to his duties in Cooperstown and at the museum in Kansas City, Buck is finding new ways to enjoy life and share his wonderful exuberance. As a player, coach, scout, writer, and volunteer Buck represents a magnificent example to our generation and the next.

Mr. Speaker, please join me in saluting John Jordan ''Buck'' O'Neil, a distinguished ambassador for baseball and symbol of African-American pride, a true hero for all of America, and a favorite son of Kansas City. Congratulations, Buck on the 1999 John Stanford Education Heroes Award. It is an honor to help celebrate your 88th birthday and demonstrate the Negro League's commitment to education through ''Reading Around the Bases.'' I salute you for your lifetime of achievement, and am both proud and honored to call you my friend. Thank you, Buck, for all you have done, and for all you continue to contribute to our lives.

IN RECOGNITION OF STUDENTS' VOICES AGAINST VIOLENCE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to recognize two individuals from my district who attended the Voices Against Violence Congressional Teen Conference. Sadly, teen violence has dominated the headlines of our newspapers around the country.

Marilyn Coto, a senior at Malibu High and Lana Borkin, a sophomore at Valley Alternative Magnet School in Van Nuys, have proven themselves leaders in our community in promoting a peaceful learning environment for all students. They were instrumental in working with lawmakers, to draft legislation during the conference and offered idea on how to combat this problem of violence in our schools. I would also like to commend the alternates chosen by the Committee: Monica Crooms and Jorge Lobos. Honorable Mention was awarded to Nicole Yates and Juliana Hermano. These teens are the future of our nation and it is imperative that their ideas and voices be heard in this national debate concerning youth violence.

I would also like to acknowledge the Youth Violence Advisory Committee, brought together to choose the attendees of the conference. These distinguished individuals were selected to serve on the panel based on their commitment to not only raising awareness of violence, but also their efforts with children and others toward developing solutions. They will continue to work with students in the coming months to implement the ideas discussed at the conference.

The Committee includes: Committee Chair, Ralph Myers, crime victims advocate, Advisory Board member for the Nicole Parker Foundation and Justice for Homicide Victims; Larry Horn, a Professor of Sociology at Pierce and Mission Colleges; Carlos Morales, co-leader of Parents of Murdered Children, Inc. San Gabriel Valley Chapter; and LAPD Detective Joel Price from the Community Resources Against Street Hoodlums (CRASH) Unit, and member of the Board of Directors of the Nicole Parker Foundation.

We must support our teens and encourage them to express their ideas, especially on this national issue of youth violence. They are directly affected by the things we only read about in the paper. As such, they have the experience to aid our legislators in establishing a safe environment for our students. Their leadership and contributions will make a significant impact on our country and ensure safety and peace for future generations.

Mr. Speaker, distinguished colleagues, please join me in honoring Ms. Coto and Ms.

Borkin, all of the students who applied and participated in the Conference, and the members of the Youth Violence Advisory Committee. Their dedication to ending youth violence serves as an inspiration and model to us all.

TRIBUTE TO THE NEW YORK YANKEES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute and to congratulate the Team of the Decade and the sports franchise of the century, the Yankees.

Mr. Speaker, for the 25th time in their glorious history, the New York Yankees are the World Champions. On Wednesday, October 27, the Bombers proved once again why they are the most successful franchise in the history of sports. As the Representative from the 16th Congressional District in the Bronx, home of the Yankees, I congratulate George Steinbrenner, Manager Joe Torre, and the whole Yankee team on a job well done.

Mr. Speaker, the Yankees overcame a lot of personal hardship to reach their collective goal. They played as a team and they won as a team. Today the Bronx is celebrating, New York is celebrating, and all across our country Americans realize that the best baseball is still being played in the Bronx.

Mr. Speaker, I ask my colleagues to join me in paying tribute to and congratulating the Team of the Decade and the sports franchise of the century, the New York Yankees. Go Yankees.

TRIBUTE TO MYRTIE BOZEMAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a well-known and beloved citizen of Terrell, Texas—Myrtie Hargrove Bozeman, who died on September 1 at the age of 90. Known locally as ''Myrtie,'' she will always be remembered for her devotion to her community and for her widely-read column, ''The College Mound News,'' published in the Terrell Tribune. Her column, which ran for more than forty years, was a chronicle of the every-day activities of this close community.

Miss Myrtie was born at College Mound Community, the daughter of Neb and Maudie Baxter Hargrove, and lived there and in Terrell all her life. She attended school at College Mound and Wesley College. In 1930 she married Jake Bozeman, who precedes her in death along with their only child, Jack Bozeman.

Miss Myrtie was an active member of the College Mound Methodist Church, the United Methodist Women, the Kaufman County Children's Shelter, the Business and Professional Women's Club, the Terrell Story League and the College Mound Cemetery Association. She also worked as a dispatcher for the Terrell Police Department and later as director of social services at Blanton Gardens of Dallas. She devoted her life to helping others, and her commitment to community service led to her being honored as Terrell's Citizen of the Year and as College Mound's Woman of the Year.

Survivors include her sisters, Maggie Yarbrough, Ona Tuggle and Oneta Ott; daughter-in-law Inace Bozeman Howied; granddaughter Lynne Bozeman Crews and husband Charles; Peggy Bozeman Morse and husband Frederick; and Debbie Bozeman; and great-grandchildren, Cara, Clint and Cassie Crews and Paige, Hilary and Jess Morse.

She is preceded in death by sister Viola Crouch, brothers Clarence, Willie, Frankie and Fonzo Hargrove and granddaughter Jenny Beth Bozeman.

Mr. Speaker, Myrtie Hargrove Bozeman's affection for those who lived in College Mound and Terrell was evident in her news columns and in her personal involvement in the life of those communities. She was very special to me. During my long years of public service, I kept in touch with Miss Myrtie. She, even in her last years, was modern and up-to-date in her thoughts and activities. She kept me aware of all of the pie suppers and silent auctions and church activities at the College Mount United Methodist Church. She had her own unique and friendly way of making everyone feel welcomed and wanted. We cannot replace her, but we can always remember her.

Mr. Speaker, Miss Myrtie will be missed by all those who knew her—and as we adjourn this legislative session, let us do so in her memory.

PROVIDING FOR CONSIDERATION OF H.R. 3196, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

SPEECH OF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1999

Mr. PORTMAN. Mr. Speaker, I am delighted that the FY 2000 Foreign Operations Appropriations bill, H.R. 3196, earmarks at least $13 million to carry out the provisions of the Tropical Forest Conservation Act, which I introduced with JOHN KASICH and Lee Hamilton and was signed into law last year.

The Tropical Forest Conservation Act expands President Bush's Enterprise for the Americas Initiative—EAI—and provides a creative market-oriented approach to protect the world's most threatened tropical forests on a sustained basis.

Tropical forests provide a wide range of benefits, literally affecting the air we breathe, the food we eat, and medicines that cure diseases. They harbor 50–90 percent of the Earth's terrestrial biodiversity. They act as ''carbon sinks'', absorbing massive quantities of carbon dioxide from the atmosphere, thereby reducing greenhouse gases. They regulate rainfall on which agriculture and coastal resources depend, which is of great importance to regional and global climate. And, they are the breeding grounds for new drugs that can cure disease.

The Tropical Forest Conservation Act builds on the EAI's successes in the early 1990's, and links two significant facts of life. First, important tropical forests are disappearing at a rapid rate between 1980 and 1990, 30 million acres of tropical forests—an area larger than the State of Pennsylvania—were lost every year. Second, these forests are located in less developed countries that have a hard time repaying their debts to the United States. In fact, about 50 percent of the world's tropical forests are located in four countries—Indonesia, Peru, Brazil, and the Congo—and these countries have in the aggregate over $5 billion of U.S. debt outstanding.

The Tropical Forest Conservation Act gives the President authority to reduce or cancel U.S. A.I.D. and/or P.L. 480 debt owed by any eligible country in the world to protect its globally or regionally important tropical forests. These ''debt-for-nature'' exchanges achieve two important goals. They relieve some of the economic pressure that is fueling deforestation, and they provide funds for conservation efforts in the eligible country. There is also the power of leveraging—one dollar of debt reduction in many cases buys two or more dollars in environmental conservation. In other words, the local government will pay substantially more in local currency to protect the forest than the cost of the debt reduction to the U.S. Government.

For any country to qualify, it must meet the same criteria established by Congress under the EAI, including that the government has to be democratically elected, cooperating on international narcotics control matters, and not supporting terrorism or violating internationally recognized human rights. Furthermore, to ensure the eligible country meets minimum financial criteria to meet its new obligations under the restricted terms, it must meet the EAI criteria requiring progress on economic reforms.

The Tropical Forest Conservation Act is a cost-effective way to respond to the global crisis in tropical forests, and the groups that have the most experience preserving tropical forests agree. It is strongly supported by The Nature Conservancy, Conservation International, the World Wildlife Fund, the Environmental Defense Fund and others. Many of these organizations have worked with us very closely over the last two years to produce a good bipartisan initiative.

I am delighted that H.R. 3196 includes these funds that will be used to preserve and protect millions of acres of important tropical forests worldwide in a fiscally responsible fashion.

IN RECOGNITION OF JEFFERSON THOMAS, A MEMBER OF THE ''LITTLE ROCK NINE''

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to congratulate Jefferson Thomas, a

resident of the Far East Side of Columbus, on receiving the Congressional Gold Medal. Mr. Thomas was a member of the so-called ''Little Rock Nine,'' a group of African-American high school students who first crossed racial barriers at Central High School in Little Rock, Arkansas forty-two years ago. President Clinton bestowed the medal on Thomas and the other eight members of the ''Little Rock Nine'' today in a ceremony at the White House. The Congressional Gold Medal is the nation's highest honor for a civilian. Previous recipients of the award include such notable figures as George Washington, Nelson Mandela and Rosa Parks.

In the summer of 1957, the city of Little Rock, Arkansas made plans to desegregate its public schools. However, on September 2, the night before classes were to begin, Arkansas Governor Orval Faubus called out the state's National Guard to surround Little Rock Central High School and prevent any African-American students from entering the school. He stated that he was trying to protect citizens and property from possible violence by protesters he claimed were headed in caravans toward Little Rock. A federal judge granted an injunction against the Governor's use of the National Guard to prevent integration, and the troops were withdrawn on September 20.

When school resumed on Monday, September 23, Central High was surrounded by Little Rock policemen. Approximately one thousand people assembled in front of the school. The police escorted the nine African-American students into a side door of the building immediately before classes were to begin. Two days later, President Eisenhower dispatched the National Guard in an effort to maintain order and protect the ''Little Rock Nine.'' Throughout their first year at Central High School, the nine civil rights pioneers received death threats and were the subject of violent acts. Through it all, they remained stoic and focused, realizing that the eyes of the nation were upon them in their quest for equality. In May of 1958, Ernest Green became the first African-American graduate of Little Rock Central High School.

Jefferson Thomas is to be commended for his courage in the face of overwhelming adversity. Little did he know that his bravery over forty years ago would have a lasting historical impact. His determination, and that of the other members of the ''Little Rock Nine,'' paved the way for the desegregation of all schools, and helped make equality in education a reality for all students. Mr. Thomas is truly a source of inspiration to the citizens of Ohio and the rest of our nation.

''NOW AND TOMORROW''

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I am inserting an article by Sally-Jo Keala-o-Ānuenue Bowman that tells the story of one recipient of a Native Hawaiian Health Scholarship, which is funded by Congress under the 1988 Native Hawaiian Heath Care Act. This article provides compelling testimony on the value of this important program.

[From Island Scene (Summer 1999)]

NOW AND TOMORROW: A HAWAIIAN SOCIAL WORKER IN WAI'ANAE BRINGS TOGETHER HER WORK AND CULTURE

(By Sally-Jo Keal-o-Ānuenue Bowman)

Wai'anae Valley. A breeze through the crimson bougainvillea at Kahumana Residential Treatment Center offsets the noontime sun.

In the parking lot, even before Julie Ann Lehuanani Oliveira opens her car door, Kenneth Panoke waves to her, and his sunbrowned Hawaiian face breaks into a pukatoothed grin. Oliveira, 28, is young enough to be his daughter.

But he meekly follows her into the main building, rubber slippers slap-slapping the tile floor. He holds her hand while she talks with the center's medical director. Later he clears her lunch plate when she finishes an informal conference.

Social worker Oliveira is on her Wai'anae rounds. Panoke, who has bipolar disorder, is glad to tag along. They're old friends from 1993, when he was a State hospital patient and she was a practicum student from the University of Hawai'i School of Social Work. Panoke had been in and out of the State hospital all his adult life.

Neither Panoke nor Oliveira is from Wai'anae, but this Leeward O'ahu community with its entrenched reputation for the classic Hawaiian problems of poverty, drugs, crime, and life-threatening diseases, offers Oliveira a chance to serve her own people. To Panoke, Wai'anae is a place to heal.

Oliveira's road to social work started on Maui, where she grew up in a Hawaiian-Portuguese family. Because her mother, Hazel Makahilahila Oliveira, was widowed at age 26, she counseled her five daughters to excel in school so they could be independent. Oliveira had known since she was 8 that she would join a helping profession. She earned a bachelor's degree in business administration before earning a master's in social work from the University of Hawai'i to be able to provide both direct and administrative services.

Her father's uncle, Lawrence Oliveira, was like a grandfather to Oliveira. When Uncle Lawrence was dying in Hāna in 1997, he told Oliveira to promise him she'd return home and take care of her community, her people. ''We talk about how Hāna is so small that everyone knows each other, and the people have a hard time talking about their troubles. He told me that's where I could help.

These views meshed with the idea behind the Native Hawaiian Health Scholarship Program, which fully funded Oliveira's master's degree.

The goal of the scholarship program is to train Hawaiians to treat Hawaiians. The hope is that scholarship grads will return to work in their home communities.

The health of Hawaiians as a people is not good. They have the highest rates of diabetes and heart disease, and the lowest life expectancy of any ethnic group in Hawai'i. One contributing factor is that sometimes, because of cultural differences, Hawaiians are reluctant to seek health care. Hawaiian physicians and other health care workers help open the door, especially when these professionals grew up in those communities. That's why priority is given to applicants from under-served areas with large Hawaiian populations, such as Hāna, Wai'anae, and Moloka'i.

The scholarship program, federally funded through the 1988 Native Hawaiian Health Care Act, has awarded 82 full scholarships since 1991. In exchange, recipients—doctors, dentists, nurses, dental hygienists, social workers, public health educators, clinical psychologists, nurse midwives—promise to work in a Hawaiian community one year for each year of their professional training. Eight have stayed in their jobs beyond the required time, some in their home communities.

Oliveira remained in Wai'anae when she finished her obligation in 1977 at Hale Na'au Pono, the Wai'anae Coast Community Mental Health Center.

She began at the mental health center as a clinician in 1995, soon becoming head of the Adult Therapy Division. There, she recruited four other scholarship recipients—a move that boosted mental health service in Wai'anae and bounded the new professionals in their mission to help fellow Hawaiians.

''The most beneficial part of the scholarship is not the financial assistance, but the networking with other students and having encouraging mentors,'' Oliveira says. ''I know that many of the opportunities I have are a direct result of the scholarship program.''

Hardy Spoehr, executive director of Papa Ola Lōkahi, the administrative branch of the Native Hawaiian Health Care systems, says: ''All the scholarship students come out of their special Hawaiian seminars with a sense of Hawaiian culture that others may not have. They become aware of culturally appropriate ways, such as how to approach kūpuna [elders]. By 2002—when Federal funds are up for reauthorization—we'll have at least a hundred Hawaiian health professionals in the field.''

In 1985, ''You could count on two hands the number of Hawaiian physicians in Hawai'i,'' Spoehr says. ''If these scholarships can continue for a total of 20 years, we'll build a pipeline of health services for 50 years—and make major changes in Hawaiians' health status.''

The idea of how powerful a rich presence of Hawaiians in health care could be first came to Oliveira while she worked with Hale Na'au Pono, then bloomed big on a trip she arranged in 1997 for some of her women mental health clients. They spent three days on Kaho'olawe, the limited-access island that is still in transition from being a military practice bombing target to a re-sanctified cultural resource for Hawaiians. Oliveira saw metaphors for both her clients and herself.

''I talked to them about how the breakdowns in their lives were like Kaho'olawe's destruction,'' she says. ''Their recovery will take their families' help. Nobody can do it alone. Kaho'olawe represents that. You can't be by yourself—it's contradictory to the Hawaiian perspective.''

Oliveira is convinced that such cultural experiences are essential to the recovery of Hawaiian health. She also knows the major obstacle: funding.

Her new mission is to develop ways of documenting cultural approaches to solving mental health problems, to help ensure such programs will not forever be relegated to ''fighting for funding scraps.''

In 1997, to start a doctoral program in social welfare at the University of Hawai'i, she shifted her role at Hale Na'au Pono from directing day-to-day operations to consulting. She also began consulting at Wai'anae's Hui Hana Pono Clubhouse program and facilitating a women's group in the community for the Ho'omau Ke Ola drug and alcohol treatment center.

She is currently a consultant for the Native Hawaiian Health Care Systems (one office of which is on the Wai'anae Coast), and

for the Kahumana Residential Treatment Center. She is also conducting research with the UH Department of Psychology to look at the impact of managed care on the severely mentally ill.

Farrington Highway is a fact of life, as Oliveira commutes from her Waikele home to Wai'anae.

There's much to be done. This is confirmed by Annie Siufanua, clinic intake coordinator at the mental health center. ''On the Wai'anae Coast, we don't have anger management training, or programs for sex abuse or domestic violence,'' says Siufanua. ''One psychiatrist comes three days a week. Sometimes you can't get an ambulance—there are only two for 65,000 people. The entire health care outlook is getting worse.''

That doesn't deter Oliveira. ''Our mission is to improve the health status of native Hawaiians. It's worth it if you can make a difference in even one person's life.'' She says, pausing. ''But you pray at night that in 10 years the daughter of your client won't be in the clinic for the same thing.''

By the time Oliveira finishes a Wai'anae day, the sandy beaches border the highway gleam gold in the sinking sun. Already in her short career, she has served Wai'anae well. The community has also served her. It's here she developed her idea that ''there's not enough for us Hawaiians at the policy level. That's why we have a hard time getting the funding we need.''

Driving home, she keeps one eye on the road, the other scanning the mountains and the sea in this community where she has learned so much. ''I couldn't have asked God to put me in a better place to prepare me to go home to work in Hāna,'' she says.

And that preparation is already paying off. Julie Oliveira has recently begun providing individual and family therapy in Hāna two weekends a month.

CELEBRATING THE FIFTH ANNIVERSARY OF DEATH VALLEY NATIONAL PARK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. LEWIS of California. Mr. Speaker, I rise today to celebrate the fifth anniversary of the creation of Death Valley National Park, which protects and provides public access to some of the most dramatic scenery in the United States in a pristine desert environment that is unmatched in the world.

Death Valley became the largest national park in the lower 48 states when it was changed from national monument status and expanded to 3.3 million acres in 1994. More than 1.3 million people travel to the park now, and the historic Furnace Creek Inn remains open year-round—even through 130-degree summer days.

This spectacular park includes the lowest point in the Western Hemisphere—Badwater, at 282 feet below sea level—and mountain peaks over 11,000 feet tall. Much of the park is breathtakingly desolate wilderness, but visitors can also relive the time of the Gold Rush through ghost towns and the internationally famous Scotty's Castle.

In the past five years, the park staff has grown to include an archeologist, a botanist and hydrologist to research and protect the unique natural resources. The staff has successfully begun a multi-year effort to capture and remove the more than 500 burros who were introduced by miners, and who compete for scarce food and water with native wildlife like the Desert Bighorn Sheep. Non-native vegetation is also being removed.

The staff has also restored and improved historical resources like Scotty's Castle, and installed 60 new wayside interpretive exhibits, with plans for 50 more.

The park service has made efforts to ensure compensation and flexibility for private owners whose property was included in the park, although some problems remain. We must urge the park service to make resolution of those inholder problems a top priority in the years to come.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Park Superintendent Dick Martin and his staff for creating a world-class national park in this unique natural environment. Their efforts have ensured that the treasures of the desert can be viewed by many more visitors—and protected for all those who will come in the future.

TRIBUTE TO SERGEANT THOMAS J. SHANLEY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. VISCLOSKY. Mr. Speaker, at a time when crime concerns are on every citizen's mind, those who have dedicated their lives to law enforcement are to be commended. I would like to make a special commendation to Sergeant Thomas J. Shanley, a devoted law enforcement officer from Indiana's First Congressional District. Sergeant Shanley retired from the Schererville Police Department in September of this year after 21½ years of dedicated service. Sergeant Shanley will be honored by his family, friends, and members of the Schererville Police Department at a testimonial dinner Friday, November 12, 1999 at Teibel's Restaurant in Schererville, Indiana.

Thomas Shanley joined the Schererville Police Department on February 28, 1978 and graduated from the 51st class of the Indiana Law Enforcement Academy in July of 1978. He began his duties at the Schererville Police Department in the Patrol Division where in February of 1980 he was promoted to 1st Class Patrolman. Five years later he was promoted to the rank of Corporal and in 1989 was promoted to Sergeant. During his career with the Schererville Police Department, Sergeant Shanley served as a Certified firearms Instructor, an Instructor for the citizens Policy Academy, Coordinator for the Field training program, and Coordinator for the Department Training program. He was most recently elected President of Training Coordinators for the Northwest Indiana Law Enforcement Training Center.

While Sergeant Shanley has dedicated considerable time and energy to his work with the Schererville Police Department, he has never limited the time he gives to his most important interest, his family. He and his wife Kathryn have one son, Patrick, age 10.

On this special day, I offer my heartfelt congratulations to Sergeant Shanley. His large circle of family and friends can be proud of the contributions this prominent individual has made to the law enforcement community and the First Congressional District of Indiana.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Sergeant Thomas Shanley for his lifetime of service and dedication to the people of Northwest Indiana and the citizens of the United States. Sergeant Shanley can be proud of his service to Indiana's First Congressional district. He worked hard to make the Town of Schererville a safer place in which to live and work. I sincerely wish him a long, happy, healthy, and productive retirement.

INTRODUCTION OF A DISCHARGE PETITION FOR A MEDICARE PRESCRIPTION DRUG BENEFIT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce a rule for a discharge petition to force Congress to consider a Medicare prescription drug benefit. The rule would bring H.R. 1495, the ''Access to Prescription Medications in Medicare Act of 1999,'' to the floor for debate and open amendments. My bill provides a new Medicare benefit for prescription drugs—with a $200 deductible, $1700 in new benefits, with a 20 percent co-pay and stop loss protection for beneficiaries who would otherwise spend more than $3000 out of pocket on prescription drugs. This attempt to get a bill considered in the House is a way to force Republicans to finally address the issue of access to affordable comprehensive prescription drugs for seniors.

A number of my colleagues and I have offered proposals for a way out of the current predicament which is particularly unfair to seniors lacking prescription drug coverage. The President has put forth his own Medicare prescription drug proposal which has no new deductible, requires a 50 percent co-pay of $2000 in 2002, rising to $5000 in 2008, and no stop loss protection. The ''Prescription Drug Fairness for Seniors Act'' (H.R. 664) introduced by Representatives Allen et. al. also has tremendous support. While this legislation would not create a new Medicare drug benefit, it would extend discounts to seniors equivalent to the discounts obtained by other large purchasers.

As a recent Families USA study makes painfully clear, the cost of prescription drugs has become unbearable for America's more than 14 million Medicare beneficiaries who cannot afford prescription drug coverage. The Families USA study finds that seniors, the last major insured consumer group without a prescription drug benefit, are paying prices that are rising four times faster than the rate of inflation. According to this well-researched study, these drug prices support profit margins for the makers of those drugs that averaged 20 percent, while the median margin for Fortune 500 companies is only 4.4 percent.

These high prices are supplementing the already-inflated paychecks of those who work for the drug industry.

Likewise, the minority staff of the House Government Reform Committee recently conducted a comparison of prescription drug prices in my district and dozens of other districts and found that seniors buying their drugs out-of-pocket are paying about twice as much as the drug companies' favored customers (such as large insurance companies and HMOs). For Zocor, a cholesterol-lowering medication taken by millions by Americans—myself included—the price differential between what a consumer would pay who has no drug insurance relative to the rate for large group health plans is a staggering 229 percent—$114.62 versus $34.80 for a bottle of 60 pills.

At the same time, an article in last Sunday's Washington Post reported that the four area HMOs serving Medicare recipients in Washington, D.C. will limit prescription drug benefits beginning January 1st. This appears to be reflective of a national trend as many managed care companies sharply raise co-payments and cap drug coverage. For example, next year UnitedHealthcare will raise prescription drug co-payments from $20 to $90 for a 90-day mail order supply of a brand-name drug and Cigna plans to reduce its annual benefit for brand-name prescription drugs from $600 to $400, with a new limit of $100 per each quarter of the year.

The public overwhelmingly recognizes the need to provide seniors with access to affordable drugs. According to a recent Harris poll, 90 percent of Democrats, 87 percent of liberals, and 80 percent of Republicans and conservatives support a Medicare drug benefit. In addition, 70 percent of those participating in a recent Discovery/Newsweek poll ranked the high cost of prescription drugs as "the most important problem with the health-care system." And in a survey undertaken to better understand the American public's concerns, last Sunday's Washington Post reported the fear that "Elderly Americans won't be able to afford the prescription drugs they need" as one of the top issues that worries Americans.

So why, in light of the public's priorities, has there been a real reluctance for Republicans to move forward on the issue of Medicare prescription drug coverage this Congress?

Last week, Republicans decided to bring the BBA Refinement Act to the House floor under suspension so that amendments could not be introduced—such as the one based on Representative ALLEN'S drug discount proposal. This legislation would have given seniors a price discount on their prescription drugs and permitted beneficiaries to finally purchase medicines at a fair price—bringing an end to the drug companies' price discrimination. And recently, the Ways and Means Republicans all voted against that same amendment offered by my colleague, Representative KAREN THURMAN, to include a discounting provision in the BBA Refinement legislation.

It is this lack of Republican responsiveness that is leading me to file the rule for a discharge petition to bring H.R. 1495 to the floor. There are a number of good proposals out there. Any and all of them would improve the current, deplorable state we are now in. I think we can all agree that the current situation is not working and that the most important step we can now take is to increase access to affordable prescription drugs for our nation's seniors.

TO RECOGNIZE TEACHERS WHO HAVE WON USA TODAY AWARD

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. COLLINS. Mr. Speaker, when USA TODAY selected 29 of America's top teachers for its All-USA Teacher Team, I was proud to learn that 3 of them came from the Third District of Georgia. USA TODAY says the team parallels the All-USA Academic Team which has been selecting outstanding students since 1987.

I want to introduce these teachers to Congress. They represent the best in their profession, not only for their dedication, but for their creativity in designing programs to help children. Each has started an important program that teaches children both in the classroom and outside.

It goes without saying that each of these teachers developed their program on their own. These programs were developed in Columbus and Newnan, not in some bureaucrat's office in Washington, D.C.

Tina Cross, of Carver H.S., in Columbus, is a 25-year teaching veteran. She teaches advanced placement biology and physics. Her students are participating in a space shuttle science project with North Carolina in sending peanuts into space to examine the effect of zero gravity on the nutrients. She said the peanut industry is also working with the students on the shoe-box-sized experiment.

Cross's students have other, more down-to-earth projects as well. They have raised money to build a Habitat for Humanity house in Tanzania, and in Columbus itself.

She teaches at George Washington Carver High School, which has over 1,700 students. It has science, math, technology, and vocational magnet programs. The school is named for the famous African American scientist George Washington Carver, whose work with peanuts helped revive Southern agriculture and improve nutrition. The peanut project is appropriate, don't you think?

Sylvia Dee Shore, a 30-year teaching veteran at Clubview Elementary in Columbus, teaches third graders. She started the Riverkids Network, which involves over 1,000 children from 18 schools in grades 3 through 8. She started the interdisciplinary river awareness project in 1994. The students sample the Chattahoochee River's waters, do chemical testing, and study insects and other animals found in the river system. They publish a bimonthly newsletter, and an annual Riverkids Cookbook.

Clubview Elementary has 500 children from grades kindergarten through sixth grade. The school has very strong community roots with second and third generations attending school there.

Dr. Carmella Williams Scott, a 23-year teaching veteran teaches at the Fairmount Alternative School, in Newnan. She concentrates on children who have been sent to the school from juvenile justice departments or who have been expelled from other schools.

She teaches middle and high school students English literature and law. She introduced Cease Fire, which operates a juvenile video courtroom. Students assume the roles in the court of the judges and lawyers. They even film the proceedings and hold open hearings so other students can see what happens.

When students have altercations in the school, they are hauled into court to be judged by their peers, says Dr. Scott. This helps them learn to handle conflict without violence, and to resolve differences without fighting. "They coined the phrase, 'Don't hold a grudge—take it to the judge,' " Dr. Scott says. Her innovative program enhances her students to become a part of the judicial system. "They are tired of being this side of the court, and want to be on the other side of the court," she said. "This teaches them to think on their feet, research the law, and gives them practical skills."

Fairmount Alternative school has 150 students and 12 teachers, and specializes in working with students on a more individualized basis than most schools. Most students attend the school for 9-week stints.

The innovative program has landed Dr. Scott many awards, as well as an appearance on Japanese television.

These teachers have given a lot to the children they have worked with over the years. They have given to their communities. I want to thank them publicly for their effort, and to thank USA TODAY for providing them with this public recognition.

ASSOCIATION OF PACIFIC ISLAND LEGISLATURES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. UNDERWOOD. Mr. Speaker, on September 21–22, 1999, the Association of Pacific Island Legislatures (APIL) Board of Directors held its 36th meeting in the State of Kosrae, Federated States of Micronesia (FSM). APIL is an organization for mutual assistance among representatives of the people of the Pacific Islands composed of legislators from American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), the states of Chuuk, Kosrae, Pohnpei and Yap in the FSM, the island of Guam, the Republic of the Marshall Islands, the Republic of Palau, the state of Hawaii, the Republic of Nauru and the Republic of Kiribati.

As Pacific Island governments continued to advance and develop politically, their leaders recognized the need for unity among those directly involved with the substantive regional and international issues facing the newly formed states. It was deemed necessary for a permanent association of policy makers from the Pacific nations, states, and territories, to meet on a regular basis in order to consider matters of mutual interest in areas where regional cooperation, coordination, exchange and assistance would help individual governments achieve their goals through collective

action. Based on a mission statement adopted on July 31, 1991, the Association of Pacific Island Legislatures was formed. On November 23, 1981, its charter officers were named during an organizational planning session held on the island of Guam. Senator Edward R. Duenas of Guam served as APIL's first president with Senate President Olympio T. Borja of the CNMI as his vice president. Senator Elias Thomas of the FSM was designated as secretary and Senator Moses Ulodong of the Republic of Palau was named treasurer.

Issues currently at the forefront of APIL's agenda include Resources and Economic Development, Commerce, Legislation, Energy, Regional Security and Defense, Communications, Cultural Appreciation, Health and Social Services, Education, Agriculture, Air and Sea Transportation, Aquaculture, Sports and Recreation, Youth and Senior Citizens, Tourism, Finance, Political Status, External Relations, and Development Banking. For almost two decades, APIL has remained dedicated towards promoting regional concerns. I congratulate the officers of this term, Senator Carlotta A. Leon Guerrero of Guam, President; Senator Renster Andrew of the FSM, Vice President; Senator Herman P. Semes of the FSM, secretary; Representative Ana S. Teregeyo of the CNMI, treasurer; and Senator Haruo Esang of the Republic of Palau, advisor, for their hard work and dedication. Let us continue our united efforts in the years to come.

RECOGNIZING TIMOTHY E. HOEKSEMA, RECIPIENT OF THE 1999 INSTITUTE OF HUMAN RELATIONS AWARD

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor Timothy E. Hoeksema, Chairman, President and Chief Executive Officer of Midwest Express Airlines, Inc., who is the recipient of the 1999 Institute of Human Relations Award from the American Jewish Committee.

Mr. Hoeksema is a leading figure in the community and an example of the values of his hometown, Milwaukee, which esteems hard work, honesty and a genuine love of people. Under his leadership the company has distinguished itself as a dynamic and innovative force in the airline industry.

Mr. Hoeksema's support of community groups and functions seemingly knows no boundaries and includes Betty Brinn Children's Museum, Midwest Athletes Against Childhood Cancer, Next Door Foundation, Milwaukee Art Museum, Boys & Girls Clubs of Greater Milwaukee, Eastown and Westown Associations, Habitat for Humanity, Esperanza Unida, Project Equality, American Cancer Society, Florentine Opera, Circus Parade, Skylight Opera Theater, First Stage, Greater Milwaukee Open, Marcus Center for the Performing Arts, Make-A-Wish Foundation, and Riversplash.

Mr. Hoeksema is duly recognized by the American Jewish Committee, which has worked toward intergroup understanding to strengthen a community in which diverse cultures and traditions can flourish. In that regard, he is a fitting recipient of the Institute of Human Relations Award, which is presented to leaders of the business and civic community whose distinguished leadership demonstrates their profound commitment to preserving our democratic heritage.

Each year the American Jewish Committee's Institute of Human Relations honors an outstanding corporate citizen, and it is a fitting tribute, Mr. Speaker, that Timothy A. Hoeksema, who has done so much to support the diverse social fabric of the community, should receive this outstanding recognition.

IN REMEMBRANCE OF GORDON JOHNSTON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today in honor of a community leader from Longview, TX, the late Gordon Clayton Johnston, Sr., who gave generously of his time and energies to a variety of worthy community causes prior to his death on March 17 of this year.

Mr. Johnston was born in Norphlet, AR, on July 24, 1925, but grew up and lived a majority of his life in Longview. He served in the U.S. Navy in the Pacific Theater and returned to Longview to marry Mildred McHaney in June 1946. He then attended Kilgore Junior College, serving as drum major for the Ranger Band, and following graduation entered the School of Business at the University of Texas at Austin.

Upon his return to Longview, he entered the oil business with his father, the late E.C. Johnston, Sr. He was a charter member of the First State Bank of Longview Founding Board (presently Longview Bank & Trust) and retired at the end of 1991 after 33 years of service. He also was a charter member of the Longview Savings and Loan Board, which he served for 19 years.

Throughout his life he was active in community service. He was a charter member of the founding board of the Longview YMCA and served continuously for more than 20 years, including two terms as president. He was an officer of the Longview Chamber of Commerce and Junior Chamber of Commerce. He was a community advisor for the Junior Service League (now Junior League of Longview) and served on the United Way Budget Committee. He was a longtime member of Pinecrest Country Club, charter member of the board of the Summit Club and a member of the Cherokee Club.

Mr. Johnston also was devoted to the First Christian Church, where he had been a member since 1946. He served as a deacon and an elder for a number of years and in 1987, along with his wife, Mildred, he received the honor of being named elder emeritus. He served for many years on the church's board and served as chairman for 2 years.

An outdoorsman by nature, he was an ardent supporter of fish and game conservation in Texas, Colorado, and Alabama. He enjoyed ranching, raised and showed Appaloosa horses, and was a member of several hunt clubs.

He is survived by his wife, Mildred; children, Kathy Jackson, Gordon Clayton Johnston, Jr., Mark Johnston, Elaine Kauffman, Beth Ylitalo, and Kent McHaney Johnston; 16 grandchildren, three great-grandchildren, and his brother, E.C. Johnston, Jr., of Longview.

Mr. Speaker, Mr. Johnston is missed by his many friends and his family, but his memory will live on through the legacy that he leaves to his community, his church, and his family. It is an honor to pay my last respects to Gordon Clayton Johnston, Sr.

VETERANS DAY CELEBRATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. VISCLOSKY. Mr. Speaker, Thursday, November 11, 1999, marks the observance of Veterans Day, honoring all veterans who have pledged allegiance to their country and all of its endeavors. This day is set aside to recognize the boldness and bravery of those who have fought to uphold the standards of democracy.

On this Veterans Day, a special ceremony titled, ''Salute 1999: An American Patriotic Celebration'' will be held at the Radisson Star Plaza Theatre in Merrillville, Indiana. This celebration of patriotism and pride will honor eight local veterans for their dedicated military service. Those veterans that will be honored include: Stanley Bliznik, Eliseo Castaneda, Alonzo Swann, Jr., Charles Swisher, Zenon Lukosius, Marion Brzezinski, Walter O'Keefe, and Douglas Dettman.

Stanley Bliznik of Highland, Indiana, is a World War II Veteran of the United States Army. He served our country from October 7, 1941 to July 31, 1945 as a member of the Army's 20th Combat Engineer Battalion. Eliseo Castaneda of East Chicago, Indiana, is a United States Marine Corps Veteran. He enlisted in the Marines in July of 1948 and was discharged July, 1952. He arrived in Pusan, Korea the first day of September 1950 and participated in the Pusan Perimeter action, the battle of Kimpo Air Field, and the battle securing Seoul, South Korea. Serving in the Navy during World War II, Alonzo Swann, Jr., of Gary, Indiana is a fine example of one of our American heroes. He received the Victory Medal, American Theater Medal, Purple Heart, Bronze Star Combat V, Asiatic Pacific Medal three stars, Philippine Liberation Ribbon two stars, and the Navy Cross for his dedicated military service. Additionally, Charles Swisher of Crown Point, Indiana, served in the United States Army during World War II on the battlefield in France. He served as a member of the 976th Field Artillery Battalion. Zenon Lukosius of South Holland, Illinois, courageously served our country during World War II. As a member of the United States Navy, Lukosius defended against enemy planes, helped bombard enemy shores, and was involved in the capture of enemy submarines. Marion Brzezinski

of Highland, Indiana, served in the United States Army until he was discharged in September of 1945. In 1944, during the Invasion of the Rhineland, he was taken prisoner by the Nazis two days before Christmas and was liberated on April 29, 1945 by the American Forces. After twenty-seven years of faithful service, Walter O'Keefe was discharged from the United States Marine Corps with the rank of 1st Sergeant. O'Keefe hails from Dolton, Illinois where he is a father of three, grandfather of six, and has four great-grandchildren. Douglas Dettman resides in Schererville, Indiana, and served in the United States Army during the Vietnam conflict. Dettman received the Good Conduct Medal, Combat Medic Badge, Purple Heart, Vietnam Gallantry Cross with Silver Star, Distinguished Service Cross, and the Silver Cross for his valorous actions as a medical aid man.

The great sacrifice made by these eight men and those who served our country has resulted in the freedom and prosperity of our country and in countries around the world. The responsibility rests within each of us to build upon the valiant efforts that these men and women who fought for this country have displayed, so that the United States and the world will be a more free and prosperous place. To properly honor the heroism of our troops, we must make the most of our freedom secured by their efforts.

In addition to the eight veterans who are to be honored at this patriotic celebration, I would also like to commend all of those who served this country for their bravery, courage, and undying commitment to patriotism and democracy. May God bless them all.

We will forever be indebted to our veterans and their families for the sacrifices they made so that we can enjoy our freedom. Mr. Speaker, I ask that you and my colleagues join me in saluting these eight men and the other veterans who have fought for our great country.

WELCOMING THE 1999 AEA CLASSIC TO SAN DIEGO

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. CUNNINGHAM. Mr. Speaker, I am honored to recognize the industry, finance and media participants in the 1999 American Electronics Association (AEA) "Classic," an annual meeting linking high-tech industry leaders, entrepreneurs and financial partners that is being held this week in San Diego, California.

It is my great honor to represent one of the nation's most "wired" congressional districts. Within an hour's drive of the AEA Classic gathering lies the entire 51st Congressional District that I represent. It is also home to the global capital of wireless telecommunications, exemplified by firms such as Qualcomm, Ericsson, Motorola and, very soon, Nokia. We are also home to leading participants in the PC and electronics industries, including Gateway, Hewlett-Packard, Sony and others. Major software firms like Peregrine Systems, Intuit and Stac, integrated solutions providers like SAIC, and technologically advanced national security industry employers like TRW, Titan, Cubic, Orincon, CSC, Jaycor, General Atomics and many others, all have either headquarters or major presences in San Diego County.

I have seen the future, and it is made in San Diego in more ways than one.

Our leading technology employers have two things in common: leading-edge ideas, backed with sufficient financing to get them to market and to prepare them for the markets of the future. This principle, bringing great ideas together with the business know-how and the financing necessary to make them succeed, is the motivating purpose for the annual AEA Classic.

The jobs and economic opportunities of the future are being made today at meetings like the AEA Classic, in San Diego today. They are not being created by the government or by regulators or by bureaucrats, but by entrepreneurs with dreams, and by people with resources to make these dreams real. To ensure that these innovations keep coming, I believe that we need to work together to improve education in every community for every person. And we need to keep the long, taxing arm of the federal government out of the way.

The AEA Classic meeting in San Diego deserves Members' attention, because their next purchase, their constituents' next job, or the technology for their next phone call may well depend on its success. Thank you, Mr. Speaker, for permitting me to take note of a major force in the development of America's dynamic high-tech industry.

IN OBSERVANCE OF DUTCH AMERICAN HERITAGE DAY

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HOEKSTRA. Mr. Speaker, on November 17, 1776, a small American warship, the Andrew Doria, sailed into the harbor of the island of Saint Eustatius in the West Indies, which is a colony of the Netherlands. Only four months before, the United States had declared its independence from Great Britain. The American crew was delighted when the island's governor, Johannes DeGraaf, ordered that his fort's cannons be fired in a friendly salute. As this was first-ever military salute given by a foreign power to the flag of the United States, it was a risky and courageous act. The British seized the island a few years later. DeGraaf's welcoming salute was a sign of respect, and today it continues to symbolize the deep ties of friendship that exist between the United States and the Netherlands.

After more than 200 years, the bonds between the United States and the Netherlands remain strong. Our diplomatic ties, in fact, constitute one of our longest unbroken diplomatic relationships with any foreign country. Fifty years ago, during the Second World War, American and Dutch men and women fought side by side to defend the cause of freedom and democracy. As NATO allies, we have continued to stand together to keep the transatlantic partnership strong and to maintain the peace and security of Europe. In the Persian Gulf we joined as coalition partners to repel aggression and to uphold the rule of law.

While the ties between the United States and the Netherlands have been tested by time and by the crucible of armed conflict, Dutch-American heritage is even older than our official relationship. It dates back to the early 17th century, when the Dutch West Indies Company founded New Netherland and its main settlements, New Amsterdam and Fort Orange—today known as New York City and Albany. From the earliest days of our Republic, men and women of Dutch ancestry have made important contributions to American history and culture. The influence of our Dutch ancestors can still be seen not only in New York's Hudson River Valley but also in communities like Holland, Michigan; Pella, Iowa; Lyden, Washington; and Bellflower, California—where many people trace their roots to settlers from the Netherlands.

Generations of Dutch immigrants have enriched the United States with the unique customs and traditions of their ancestral homeland—a country that has given the world great artists and celebrated philosophers.

On this occasion, we also remember many celebrated American leaders of Dutch descent. At least three presidents, Martin VanBuren, Theodore Roosevelt and Franklin D. Roosevelt, came from Dutch stock. Our Dutch heritage is seen not only in our people but also in our experience as a nation. Our traditions of religious freedom and tolerance, for example, have spiritual and legal roots among such early settlers as the English Pilgrims and the French Huguenots, who first found refuge from persecution in Holland. The Dutch Republic was among those systems of government that inspired out nation's Founders as they shaped our Constitution.

In celebraton of the long-standing friendship that exists between the United States and the Netherlands, and in recognition of the many contributions that Dutch Americans have made to our country, we observe Dutch American Heritage day on November 16. I salute the more than 8 million Americans of Dutch descent and the 16 million people of the Netherlands in celebration of this joyous occasion.

CLARIFYING OVERTIME EXEMPTION FOR FIREFIGHTERS

SPEECH OF

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in strong support of this legislation. I commend the gentleman from Maryland for introducing this bill, and as a former firefighter, appreciate his initiatives to help the firefighters of our nation.

This bill would clarify the overtime exemption for full time firefighters and EMS personnel. This would apply to all firefighters, paramedics, emergency medical technicians (EMS), rescue workers, ambulance personnel, and hazardous materials workers who are employed by a municipality, county, fire district, or state fire department. As the founder of the

Congressional Fire and Emergency Services Caucus, and one who has continually kept informed on these issues, I realize the importance of this bill. By giving these men and women the opportunity to be treated fairly in the workplace, we are recognizing that firefighters and EMS personnel are employees that deserve overtime for their valiant efforts. These individuals are professionally trained in fire suppression, and work to keep our communities safe.

Every day across America the story is the same: public officers—be they firefighters, emergency services personnel, or law enforcement officials—leave their families to join the thin red and blue line that protects us from harm. They put their lives on the line as a shield between death and the precious gift of life. Mr. Speaker, I know the dedication of our men and women in the fire community, and know the risks they take each day they do their job.

As we all know, recent Court rulings have stated the EMS personnel do not qualify for the overtime exemption in the Fair Labor Standards Act because the bulk of their time is spent doing non-fire protection activities. This is absurd. During working hours, these men and women sit on alert for the calls that come in, and spend their time working on their fire stations. This legislation is long overdue, and I believe that we are taking the right steps by granting our firefighters this overtime status.

Mr. Speaker, I would like to thank my colleague from Maryland for introducing this important piece of legislation, and I look forward to working with him again on other fire related issues.

HONORING DR. EDOUARD JOSEPH HAZEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Dr. Edouard Joseph Hazel, an international leader in medicine.

Edouard Joseph Hazel was born on November 10, 1951, in Port-au-Prince, Haiti, the third largest Caribbean country. Dr. Hazel went to private schools and joined the School of Medicine of the State University of Haiti. He graduated in 1975, and moved to the United States where he obtained his Board Certification in Internal Medicine and Infectious Disease.

Dr. Hazel is currently the Acting Chief of the Department of Medicine of Coler Hospital, where he was instrumental in establishing the first long-term program for patients infected with the HIV virus. In spite of his busy schedule with this municipal hospital, Dr. Hazel is also completing a term as the President of the New York State Chapter of the Association of Haitian Physicians Abroad, and is the current general secretary for the national committee of this organization of some 2,000 American physicians.

Dr. Hazel is at the forefront of the movement that ultimately defeated discriminatory policies and practices of the FDA and the CDC against Haitian Americans who were singled out as the carriers of the HIV virus. During his tenure, he visited the U.S. Base of Guantanamo, Cuba, where HIV-infected Haitian refugees were held and helped articulate the legal argument to ensure that this group received appropriate medical care. He was also one of the first scientists who recognized the danger that the HIV virus could represent for people of color all over the world.

Dr. Hazel also understands the importance of coalition building and works closely with numerous organizations such as the Hispanic American Physician Association, the Providence Society, the local chapter of the National Medical Association, and the Caribbean Health Association, to name a few. Dr. Hazel is also the current Director of the Visiting Physician Program of the Health and Hospital Corporation at Coler Goldwater Hospital, a program that has provided extensive training in the diagnosis and the management of transmissible diseases to physicians practicing in the Dominican Republic.

Fully aware of the changes taking place in the health care industry, Dr. Hazel has been vehemently working to increase the participation of minority professionals in shaping a better health care system.

Mr. Speaker, I would like you and my colleagues from both sides of the aisle to join me in honoring Dr. Edouard Joseph Hazel.

MEDICARE, MEDICAID AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999

SPEECH OF

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1999

Mr. RYUN of Kansas. Mr. Speaker, I have heard over and over from the health care professionals and the Medicare patients in the 2nd District of Kansas about how devastating the unintended consequences of the Balanced Budget Act have been on the Medicare system.

The BBA's attempt to reduce waste and fraud and prolong the life of Medicare by reducing reimbursements has unfortunately resulted in less care per patient, especially in rural Kansas. From 1997 to 1998 the average reimbursement per patient in Kansas dropped from $4,060 to $2,642 and the average number of visits per patient dropped from 65 to 42. We can be certain that these figures do not reflect a sudden dramatic increase in healthy seniors.

Too many seniors have watched their rural hospital or home health clinic close or are denied care as a result of the budget cuts. In Kansas alone, 60 Home Health Agencies have closed their doors over the last two years. It's time for us to reverse the Balanced Budget Act's death sentence on Medicare and the Health Care Financing Administration's poor interpretation of the Act.

I was particularly pleased when Chairman THOMAS, the author of this bill, came to Kansas to hear first hand the concerns of health care providers in my district. I know the Chairman took these concerns and so many others from around the country into consideration when he drafted this legislation.

The Medicare Balanced Budget Refinement Act is a positive step toward halting the closing of home health agencies and rural hospitals and will ensure greater patient access to quality care. Particularly significant to keeping the doors of home health agencies open is the delay of the 15% payment reduction until a year after implementation of the prospective payment system. The Act also recognizes the paperwork burden the OASIS questionnaire places on nurses and agency staff and provides a $10 payment for each patient requiring this paperwork. The Medicare cuts for home health agencies were deep, and we cannot continue to expect agencies to do more with less. More importantly, many seniors will be able to remain in their homes rather than checking into hospitals and nursing homes.

Small rural hospitals have also suffered from the BBA as their limited budgets have been stretched thin. The Medicare Balanced Budget Refinement Act assists small rural hospitals with the cost of transition to the new prospective payment system through the availability of up to $50,000 in grants to purchase computers, train staff and cover other cost associated with the transition. The Act eliminates the requirement for states to review the need for swing beds through the Certificate of Need (CON) process. It also eliminates the 5 constraints on length of stay providing flexibility for hospitals with under 100 beds to participate more extensively in the Medicare swing bed program.

Mr. Speaker, I voted against the Balanced Budget Act in 1997 largely because of the negative impact it would have on rural health care. I support H.R. 3075 because it goes a long way to correct the problems with the current system.

CONFERENCE REPORT ON S. 900, GRAMM-LEACH-BLILEY ACT

SPEECH OF

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1999

Mr. ROYCE. Madam Speaker, the historic legislation that we are considering today, is a win for the consumer, a win for the U.S. economy and a win for America's international competitive position abroad.

American consumers will benefit from increased access, better services, greater convenience and lower costs. They will be offered the convenience of handling their banking, insurance and securities activities at one location. More importantly, with the efficiencies that could be realized from increased competition among banks, insurance, and securities providers under this proposal, consumers could ultimately save an estimated $18 billion annually.

Federal Reserve Chairman Alan Greenspan has stated that "Consumers of financial services are denied the lower prices, increased access and higher quality services that would

accompany the increased competition associated with permitting banking companies to expand their activities.''

This reduction in the cost of financial services, is in turn, a big win for the U.S. economy. Finally, this legislation is a win for America's international competitive position, as it will allow U.S. companies to compete more effectively with foreign firms for business around the world.

As the Federal Reserve Chairman stated, ''We cannot afford to be complacent regarding the future of the U.S. banking industry. The issues are too important for the future growth of our economy and the welfare of our citizens.''

This legislation is thirty years overdue Mr. Speaker, and I urge my colleagues not to delay its passage a day longer.

At this time, I would like to make a few clarifying remarks.

Included in Title VI of the bill before us are complex changes in the structure of the Federal Home Loan Bank (FHLBank) System. I believe these changes will enhance the ability of the System to help member institutions serve their communities, though there is enormous work yet to be done to implement these initiatives. Consequently, at the risk of redundancy, it is important to reiterate the view expressed in the Conference regarding related regulatory actions.

As noted in the Committee Report, the Conferees acknowledged and supported withdrawal of the Financial Management and Mission Achievement (FMMA) rule proposed earlier this year by the Federal Housing Finance Board (FHFB), the FHLBank System regulator. The FMMA would have made dramatic changes in such areas as mission, investments, liquidity, capital, access to advances and director/senior officer responsibilities. Because of serious concerns over the FMMA's impact on FHLBank earnings, its effect on safety and soundness and its legal basis, the proposal has been intensely controversial among the FHLBanks' membership, with over 20 national and state bank and thrift trade associations calling for a legislated delay on FMMA.

Many Conferees not only shared these concerns but also felt strongly that the FMMA should not be pursued while the FHLBank System is responding to the statutory changes in this bill. There was great sympathy for a moratorium blocking the FMMA, but prior to the matter coming to a vote, Chairman Morrison of the FHFB sent a letter to Chairmen GRAMM and LEACH agreeing to withdraw the proposal, which I want to make sure is part of the RECORD. He also promised to consult with the Banking Committees regarding the content of the capital rules and any rules dealing with investments or advances. The FHFB's commitment not to act precipitously in promulgating regulations in these areas creates the proper framework for effective and timely implementation of the reforms that Congress is seeking to put in place.

The regulatory standstill to which the FHFB has committed should apply to any final rules or policies applicable to investments, and the FHFB should maintain the current $9 billion ceiling on member mortgage asset pilot programs or similar activities. In the context of dramatic impending changes in the capital structure of the FHLBanks, I believe it is necessary for the FHFB to refrain from any effort otherwise to rearrange the FHLBanks' investment framework, liquidity structure and balance sheets.

Finally, Mr. Speaker I would like to note that it is my understanding that credit enhancement done through the underwriting and reinsurance of mortgage guaranty insurance after a loan has been closed are secondary market transactions included in the exemption for secondary market transactions in section 502(e)(1)(C) of the S. 900 Conference Report.

FEDERAL HOUSING FINANCE BOARD,
Washington, DC, October 18, 1999.

Hon. PHIL GRAMM,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

Hon. JIM LEACH,
Chairman, Committee on Banking and Financial Services, Washington, DC.

DEAR SENATOR GRAMM AND CONGRESSMAN LEACH: As you proceed to consider legislation to modernize the Federal Home Loan Bank System as part of the S. 900/H.R. 10 conference, I am aware that there is substantial concern regarding our proposed Financial Management and Mission Achievement regulation (FMMA). Unfortunately, this legitimate concern regarding a far-reaching regulatory initiative has resulted in a proposal for a statutory moratorium on our regulatory authority. Despite the best efforts of well-meaning advocates, such statutory language can only lead to serious ambiguity and potential litigation over the independent regulatory authority of the Finance Board.

Therefore, this letter is intended to give you and your colleagues on the Committee of Conference solid assurances about our intentions upon final enactment of the statute being drafted in conference. Upon such enactment, the Finance Board will: 1. Withdraw, forthwith, its proposed FMMA. 2. Proceed in accordance with the statutory instructions regarding regulations governing a risk-based capital system and a minimum leverage requirement for the Federal Home Loan Banks. 3. Take no action to promulgate proposed or final regulations limiting assets or advances beyond those currently in effect (except to the extent necessary to protect the safety and soundness of the Federal Home Loan Banks) until such time as the regulations described in number 2 have become final and the statutory period for submission of capital plans by the Banks has expired. 4. Consult with each of you and your colleagues on the Banking Committees of the House and the Senate, regarding the content of both the capital regulations and any regulations on the subjects described in number 3, prior to issuing them in proposed form.

I believe that these commitments cover the areas of concern which have lead to a proposal for moratorium legislation. You can rely on this commitment to achieve those legitimate ends sought by moratorium proponents without clouding the necessary regulatory authority of the Finance Board which could result from statutory language.

Thank you for your consideration.

Sincerely,

BRUCE A. MORRISON.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. PASCRELL. Mr. Speaker, as is reflected in the CONGRESSIONAL RECORD, I was granted a leave of absence for Monday, November 8, 1999.

I would respectfully request that the CONGRESSIONAL RECORD reflect the way in which I would have voted had I been present. The votes are as follows: Rollcall Vote 574—H. Res. 94 On Motion to Suspend the Rules and Agree, Recognizing the generous contribution made by each living person who has donated a kidney to safe a life; on rollcall vote 574, I would have noted ''yes.''

Rollcall Vote 575—H.R. 2904 On Motion to Suspend the Rules and Pass, as Amended, to Reauthorize Funding for the Office of Government Ethics; on rollcall vote 575, I would have voted ''yes.''

Rollcall Vote 576—H. Res. 344 On Motion to Suspend the Rules and Agree to Recognizing and Honoring Payne Stewart and Extending Condolences to his family and the families of those who died with him; on rollcall vote 576, I would have voted ''yes.''

HONORING JIM AND CATHY THOMPSON AND THE TOWN OF KILLINGWORTH FOR THE 1999 ROCKEFELLER CENTER CHRISTMAS TREE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Ms. DELAURO. Mr. Speaker, I rise today to pay tribute to the Thompsons and other residents of Killingworth, Connecticut who will provide a 100 foot tall spruce tree that will serve as New York's Rockefeller Center Christmas tree. I am proud, as are the residents of Killingworth, of the special role our tree will play in the national celebration of the holiday season.

This amazing Norway Spruce tree currently stands along side the farmhouse of Jim and Cathy Thompson. When Henry Marquard planted this tree 100 years ago, he never could have imagined its ultimate fate. But now the Thompsons find themselves the proud ''parents'' of what is to be the tallest tree in Rockefeller Center history.

The tree was first spotted by helicopter last April and later selected by Rockefeller Center officials as the 1999 Christmas tree. Over the summer the huge tree was carefully maintained, despite a record-setting drought. The people of the small town of Killingworth also managed to maintain a huge secret. The public did not know that this tree would become the Rockefeller Center Christmas tree until this week. The secret broke when the state police began to guard the tree around the clock. It will soon be carefully cut down and transported to New York City's Rockefeller Center, where it will stand throughout the holiday season.

The Rockefeller Center Christmas tree is world-renowned. It has been capturing the magic of the holiday season for generations. This year it carriers a special significance as the tree that will usher in the new millennium. We in the Third District of Connecticut are especially proud that our tree was chosen for this special year. We are also proud of how the tree will be used after the holiday season. At the conclusion of its stately reign, the branches will be mulched for use at a camp in New Jersey, and its trunk will be cut into sections for use at the U.S. Equestrian Center, where the U.S. Olympic team will practice.

While the Thompsons, and the people of Killingworth, will surely be sad to see the tree leave home, they are undoubtedly thrilled that the world will see one of the many wonders of their small town. I rise today to acknowledge this once-in-a-lifetime event for the Thompsons and this great honor for the citizens of Killingworth.

CONFERRING STATUS AS AN HONORARY VETERAN OF THE UNITED STATES ARMED FORCES ON ZACHARY FISHER

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Zachary Fisher, a true American patriot. H.J. Res. 46 passed unanimously today, and I would like to thank Mr. Fisher's surviving family and his friends for their continued commitment to the men and women who put their lives on the line for our country. Without their support, this legislation would not have been possible.

First, I would like to thank Mrs. Elizabeth Fisher, his devoted wife who worked alongside Zach to help our service men and women; his brother, Larry Fisher; and his nephews, Anthony and Arnold Fisher who are carrying on his work. I would also like to thank his close friends, whose energies and expertise brought to life the many contributions Zach made—Mike Stern, a close and valued friend; Bill White, longtime Chief of Staff to Mr. Fisher and his dear friend Mary Asta.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent Monday, November 8, 1999, and as a result, missed rollcall votes 574 through 576. Had I been present, I would have voted "yes" on rollcall vote 574, "yes" on rollcall vote 575, and "yes" on rollcall vote 576.

PERSONAL EXPLANATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. REYES. Mr. Speaker, on Friday, November 5, 1999, I was away on official business and missed rollcall votes 571, 572, and 573. Had I been present, I would have voted "yes" on the following: Rollcall vote No. 571, the Young Amendment to H.R. 3196; rollcall vote No. 572, final passage of H.R. 3196 (the Foreign Operations Appropriations bill for Fiscal Year 2000); and rollcall vote No. 573, H.R. 3075 (the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act).

EXPANSION OF IRS SECTION 1032

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing a modest bill which builds on the recommendations of the Department of the Treasury and the New York State Bar Association. This legislation applies section 1032, which was added in 1954 to the Internal Revenue Code, to all derivative contracts. The impact of this change is to prohibit corporations from recognizing gain or loss in derivative transactions to the extent the derivative purchased by the corporation involves its own stock.

Section 1032 states that a corporation generally does not recognize gain or loss on the receipt of money or other property in exchange for its own stock. In addition, a corporation does not recognize gain or loss when it redeems its own stock for cash. Section 1032 as originally enacted simply recognized that there was no true economic gain or loss in these transactions. However, the 1984 Deficit Reduction Act extended this policy to option contracts, recognizing the potential for tax avoidance inherent in these contracts. Since that time the financial industry has developed a number of new types of derivative products. My legislation merely updates current law to include in section 1032 current and future forms of these new types of financial instruments.

On June 16, 1999 the New York State Bar Association issued a report on section 1032 which recommended the changes discussed above. In addition, building on the work of the Treasury Department's budget recommendation, the New York State Bar Association also recommended that Congress require a corporation that retires its stock and "substantially contemporaneously" enters into a contract to sell its stock forward at a fixed price, to recognize as income a time-value element. In effect, these two transactions provide a corporation with income that is economically similar to interest income but is tax-free. This legislation includes a provision that recognizes a time-value element, i.e., the version recommended by the Bar Association. The effective date of this legislation is for transactions entered into after date of enactment.

The problem identified in 1984, and in 1999 by the Department of the Treasury, is best described in the New York State Bar Association Report. The report states:

> We are concerned that all the inconsistencies described above (both in the general scope of section 1032 and in its treatment of retirements combined with forward sales) present whipsaw and abuse potential; the government faces the risk that income from some transactions will not be recognized even though those transactions are economically equivalent to taxable transactions. In addition, the government faces the risk that deductions are allowed for losses from transactions that are equivalent in substance to transactions that would produce nontaxable income, or—because taxpayers may take different positions under current law—even in the same form as such transactions. To avoid these inconsistencies, we believe it is necessary to amend section 1032. . . .

Mr. Speaker, I consider the legislation I am introducing today to be a normal housekeeping chore, something the Committee on Ways and Means has done many times in the past and hopefully will do so in the future. As such, I hope it will be seen both in Congress and in the industry as relatively noncontroversial, and that it can be added to an appropriate tax bill in the near future. I do hope, however, that the industries affected will provide written comments on technical changes they believe need to be addressed in this legislation as introduced, especially on the time value of money section of the bill.

RONALD STARKWEATHER SCHOLARSHIP FUND

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today to honor both a community and an individual.

On Wednesday, November 10, 1999, a fund-raising reception will be held in Rochester, New York, to benefit the Ronald Starkweather Scholarship Fund. The scholarship will be awarded to a student at Monroe County Community College, who meets certain academic criteria, and continues their education at a four-year college or university in Monroe County.

The Ronald Starkweather Scholarship Fund will do more than provide financial assistance to local students. It will honor a man who meant so much to our area.

Ron Starkweather passed away last September. He served as a Commissioner of the Monroe County Board of Elections from 1985 until his death. It would be difficult to list all of Ron's associations, activities and contributions to his community, for they could easily fill a volume of this CONGRESSIONAL RECORD.

A graduate of my alma mater, Springville Griffith Institute, and Roberts Wesleyan College, Ron was active in organizations such as the United Way, Chamber of Commerce and rotary Club. Ron began his professional career as a teacher at SGI and then at the Churchville-Chili High School. At both schools he coached athletics.

Ron served as Chairman of the Monroe County Republican Committee for a decade.

As a political and government leader, countless people called upon him for his counsel, leadership and advice.

Ron will be deeply missed by all those who knew him and, like me, were able to call him friend. But through the Ronald Starkweather Scholarship Fund, Ron will live on not just in our hearts, but in the future of our community.

IN TRIBUTE TO WALTER P. KENNEDY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. GILMAN. Mr. Speaker, earlier this month we in the House received heartbreaking news about the death of Walter P. Kennedy Jr.

Walter was Minority Sergeant of Arms when I began my career here in 1973. He was always willing and eager to help out fledgling freshman Members, and was of incalculable help in assisting us learn the ins and outs of life in the Congress. Much of the advice he gave us saved hours of time as he showed us the short cuts so crucial to us as we assumed the burdens of office.

When Walter retired in 1993, he was concluding a highly successful 43 year career in the House, which began when he was appointed Administrative Assistant to Rep. Gordon Canfield of New Jersey. Eventually, Walter moved on to the leadership offices where he served as minority Sergeant at Arms under four Minority Leaders—Charles Halleck, Gerald Ford, John Rhodes, and Bob Michel.

Walter led a full, productive life, devoting countless hours to the Boy Scouts, to the Catholic Committee on Scouting, to various parish activities at Holy Redeemer Catholic Church, and the Knights of Columbus. After retiring from the House, Walter began a new career as Chairman and CEO of The Kennedy Group Companies, a political consulting, fundraising and public relations firm.

Walter was born in England to Irish parents 78 years ago, and came with his family to Paterson, New Jersey at the age of 3. He served with distinction in World War II as an army medic in the European theater. He subsequently graduated from Seton Hall University and the Georgetown University law school.

Walter married Ana L. Bou of Kensington, Maryland, in 1946. Ana and Walter remained together until his death, enjoying a 53 year union which produced seven children, and 12 grandchildren.

To Walter's extended family, Mr. Speaker, we extend our deepest condolences, with the recognition that his loss is felt by many of us whose lives Walter P. Kennedy had touched.