The Senate met at 9:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

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

Our loving, heavenly Father, as we approach the Memorial Day recess, we pause gratefully to remember those who gave their lives for our Nation. “Greater love has no one than this, than to lay down one’s life for his friends.”—John 15:13. Help us never to forget their sacrifice in defense of our Nation and democracy. May we be a nation worthy of their dedication to the cause of freedom which cost them their lives.

Along with the heroes of the past we also remember our loved ones and friends who have graduated to heaven. Thank You for overcoming our fear of death with the sure conviction that this life is but a small part of the whole of eternity and death is a transition and not an ending. Help us to know You and love You in this life so that worry over death will be past. Thank You for the gift of eternal hope. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDENT pro tempore. The able acting majority leader is recognized.

ORDER FOR MORNING BUSINESS
Mr. ALLARD. Mr. President, I ask unanimous consent that there be a period of morning business until 10:15 this morning with Senators to speak for up to 10 minutes each.

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

SCHEDULE
Mr. ALLARD. This morning, at 10:15, the Senate will resume consideration of the Department of Defense authorization bill and begin debate on amendments to the bill. Senator BROWNBACK is expected to offer an amendment regarding Pakistan, which will be followed by an amendment by Senator KERRY of Nebraska regarding strategic nuclear development systems. Under a previous consent, at 11:45 the Senate will resume consideration of the BRAC amendment. At least one vote will occur in relation to the BRAC amendment at 1:45 p.m. Therefore, Senators can expect the first vote for today to occur at approximately 1:45 p.m. Senators who have amendments to S. 1059 should contact the bill managers so action on this bill can be completed prior to the scheduled Memorial Day recess.

MEASURE PLACED ON CALENDAR
Mr. ALLARD. I understand there is a joint resolution at the desk due for its second reading.

MORNING BUSINESS
The PRESIDING OFFICER. There will now be a period of morning business until 10:15. The Senator from Kansas is recognized.

LIFTING OF ECONOMIC SANCTIONS ON INDIA AND PAKISTAN
Mr. BROWNBACK. Mr. President, today we had this time reserved to discuss an amendment that I was planning to offer dealing with the lifting of economic sanctions on India and Pakistan. I did so in the belief, actually in the hope, that the bilateral relationship between India and Pakistan had improved in the wake of the Lahore summit. The summit seemed to imply that,Unfortunately, I was wrong.

According to Indian news agencies Indian helicopter gun ships, backed by MIG-17 fighter aircraft from India’s air force bombed the troubled state of Kashmir, marking the most serious escalation of tensions on the Indo-Pakistani border in the last several years. As a result, I have reconsidered the wisdom of offering my amendment on India and Pakistan at this time.

It is important that I note here today that I strongly believe in the long term importance of easing economic sanctions on both of these nations. I also believe that the United States ignores at its peril these two vital countries. That reality is highlighted all the more by yesterday’s release of the Cox report on China which, if nothing else, has clearly shown that China is a serious threat in South Asia—not to speak of a threat to our fundamental values around the world—and that we need to broaden our relationship with India in the South Asian subcontinent.

I hope to revisit this issue in the near future. Let me emphasize that I will not feel comfortable doing so until there is a serious de-escalation of tension on the subcontinent.

I just wanted to put this on the record and to enter into the RECORD an Associated Press story about India launching airstrikes into Kashmir against infiltrators. I think we have a lot to learn yet about what specifically took place. Those details are sketchy and not coming in at the present time.

I ask unanimous consent that this article be printed in the RECORD.

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

INDIA LAUNCHES AIR STRIKES IN KASHMIR AGAINST INFILTRATORS
(By Arthur Max)

DRAS, INDIA (AP).—Indian air force jets and helicopters fired on suspected guerrillas in the disputed Kashmir province today, marking the most serious escalation of fighting in the region since India and Pakistan tested nuclear weapons last year. Pakistan charged that Indian aircraft bombed its territory in the raids today and an army spokesman said the country is ready for “all eventualities.”

“We think it is a very grave escalation and Pakistan armed forces reserves the right to respond,” said Brigadier Rashid Quereshi, a military spokesman told The Associated Press. India said the attacks occurred solely on its own territory and that they were aimed at what it called Afghan mercenaries supported by Pakistani forces. The forces had moved into the Indian-controlled Himalayan region earlier this month and posed a threat to Indian supply lines in the Himalayan state, Indian officials said.

“This is the start of operations and they will continue until our defense forces recoup our territories. Any escalation of this conflict will be entirely the responsibility of Pakistan,” the Defense Ministry said in a statement in New Delhi.

Pakistani Foreign Minister Sartaj Aziz said that Pakistan knew nothing about the infiltrators. “No one knows where they come from and who they are,” he said.

M. This ‘bullet’ symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Quereshi said the army rejected Indian claims. He said the Pakistan army suspects India wants to occupy Pakistan territory in that area.

India and Pakistan have fought two of their three wars over Kashmir, which is divided by a U.N.-monitored cease-fire line. More than 15,000 people have been killed in fighting between rebels and security forces in Indian-held Kashmir in the last 10 years.

Pakistan and India, which were partitioned when they gained independence from Britain in 1947, have fought three wars, the last in 1971. The two claims all of Kashmir, India accuses Pakistan of sending militants across the border.

A Pakistani army spokesman said the Indian allegations that elite troops were aiding militants was "complete rubbish."

Indian Maj. Gen. Joginder Jaiswal Singh told reporters in New Delhi that the infiltrators have taken up positions four miles inside India in the Dras, Batalik, Kaksar and Mashaqbrook areas of northern Kashmir.

Intelligence reports, backed by photos taken by Indian satellites, showed at least 600 infiltrators, Singh said. The reports also said they have anti-aircraft missiles, radar, snowmobiles and sophisticated communications equipment.

The air force joined the operation because the infiltrators had occupied positions at altitudes of up to 16,000 feet, said Air Commodore Subash Bhojwani, director of offensive operations.

In Dras, 100 miles from the state capital of Srinagar, Indian army officers said the target of today's attack was some 70 infiltrators who had entrenched themselves on the slopes of the Dras, looking down at Indian army convos, 2,700 feet below.

Their command of the heights handicapped Indian soldiers trying to evict them, officers told The Associated Press.

Army officers in the area said the infiltrators must have taken months to occupy the posts. They said Indian forces could take these positions in one day if they clear them.

The attacks were carried out within Indian-occupied regions, Indian Brig. Mohan Bhandari said. Troops were expected to take over these positions once they retake, officials said.

The exchange of mortar and heavy artillery fire in the Kargil and Dras regions has left at least 160 people dead, Bhandari said. Troops were expected to take the infiltrators was "complete rubbish."

Warning his Pakistani counterpart, Nawaz Sharif, to withdraw the intruders in a telephone conversation Monday.

Mr. BROWNBACK. Mr. President, I want to simply note again that we held a hearing yesterday on what is taking place in India and on military and political problems in China that we aren't experiencing with India.

We need to broaden this relationship with India and with Pakistan. It is just that at the present time, given what has just taken place in the escalating of tension in this subcontinent by India and Japan, I don't feel comfortable offering this amendment.

I look forward to working in good faith with all of my colleagues to address the United States-South Asian relationship. I note to Members of the Senate that we will be holding hearings in the Foreign Relations Committee to look further into what we need to do in building this stronger relationship.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I have 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

HUMAN TRAFFICKING FOR FORCED LABOR IN AN AMERICAN COMMONWEALTH

Mr. AKAKA. Mr. President, I rise today to call your attention to a scandal in an American commonwealth. It is a scandal involving forced labor and sex trade workers. It's not a pretty picture. It is a picture of a tropical paradise destroyed by greed and corruption.

In the Commonwealth of the Northern Mariana Islands, foreign workers have been imported in mass to assemble goods for export to the United States. Taking advantage of loopholes in our immigration and labor laws, foreign businessmen use the Marianas as a base to export garments to the United States. These foreign businessmen pay no export taxes, and their goods are not subject to textile quotas.

Their workers are paid below minimum wage levels, if paid at all, and often live in deplorable conditions.

Women from Asia and Russia are imported with the promise of high paying jobs in the United States only to find themselves imprisoned on islands from which there is no escape unless they agree to their employer's demands that they become prostitutes and sex hostesses. This sick trade in prostitution must be stopped.

Loopholes in the Immigration and Nationality Act and the Fair Labor Standards Act of 1938 need to be plugged as soon as possible. I hope you will join me in ending this deplorable situation in which men and women are being used virtually as slaves on an American commonwealth.

Their report makes many important recommendations. Let me call your attention to four key issues which the Congress could and should act upon this year:

Extend the Immigration and Nationality Act to the CNMI:

Extend the Fair Labor Standards Act of 1938 to the CNMI:

Revoke the CNMI's ability to use the "Made in the USA label" unless more than 75 percent of the labor that goes into the manufacture of the garment comes from U.S. citizens and/or aliens lawfully admitted to the U.S. for permanent residence, and other appropriately legal individuals; and

Revoke the CNMI's ability to transport textile goods to the United States free of duties and taxes. The garments meet the above criteria.

This week's report prepared by the Global Survival Network is not the first analysis raising concerns about conditions in the CNMI. In recent years, dozens of criticism has surfaced about the Commonwealth.

For example, the Immigration and Naturalization Service reports that the
CNMI has no reliable records of aliens who have entered the Commonwealth, how long they remain, and when, if ever, they leave. CNMI officials testified that they have “no effective control” over immigration in their island.

The bipartisan Commission on Immigration studied immigration and indentured labor in the CNMI. The Commission called it “antithetical to American values,” and announced that no democratic society has an immigration policy like the CNMI. “The closest equivalent is Kuwait,” the Commission found.

The Department of Commerce found that the territory has become “a Chinese province” for garment production.

The CNMI garment industry employs 15,000 Chinese workers, some of whom sign contracts that forbid participation in religious or political activities while on U.S. soil. China is exporting its workers, and its human rights policies, to the CNMI. Charges of espionage by China and security lapses in U.S. nuclear weapons labs have justifiably raised serious concerns in Congress. Every Member of Congress should be equally concerned with the imposition of Chinese human rights standards on American soil.

The CNMI is becoming an international embarrassment to the United States. We have received complaints from the Philippines, Nepal, Sri Lanka, and Bangladesh about immigration abuses and the treatment of workers.

Despite efforts by the Reagan, Bush and Clinton administrations to persuade the CNMI to correct these problems, the situation has only deteriorated.

After years of waiting for the CNMI to achieve reform, the time for patience has ended. Conditions in the CNMI pose a legitimate political embarrassment to our country.

I urge the Senate to respond by enacting S. 1052, bipartisan reform legislation introduced by my colleagues on the Senate Energy and Natural Resources Committee, Chairman Murkowski and Senator Bingaman.

I urge the Senate to move on this measure as quickly as we can.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, what a difference a year makes. One year ago last week, the United States Government filed a litigating lawsuit against the Microsoft Corporation. This anniversary is a good time to review that lawsuit and to see how radically the universe of competition has changed in just twelve months.

I am not skeptical. I believe that the Government was dead wrong in bringing this lawsuit. I believe that the lawsuit is bad for consumers, bad for technological innovation, and bad for a marvelous company that is headquartered in my State.

But even an independent analysis would conclude that the case that the Clinton administration brought twelve months ago bears little resemblance to the case it now argues. Since then the Government has been tried in the courthouse as much as on the courthouse steps, bypassing the law and aimed directly at public opinion through a national media that delights in highlighting any Microsoft misstep even though it has no relation to any harm to consumers.

The administration pursues this case for ideological reasons. This administration is filled with people who are offended by anyone or any company that is too successful. They believe that it is fundamentally unfair that Microsoft does so well. Much of the national media seems to share this view.

The administration has, however, miscalculated the views of a majority of Americans. Despite the Government’s attempts to turn the public against Microsoft, it continues to be one of the most respected companies in America, and a majority of Americans believe Microsoft is right and the Government is wrong in this current lawsuit.

In a recent poll conducted by Citizens for a Sound Economy, 82% of those polled responded that Microsoft is good for American consumers. This survey also found that seven-out-of-ten American consumers feel that technology companies, not the Federal Government, should determine what features and applications are included in the software that consumers use with their computers.

Most Americans understand the value that Microsoft has brought. Microsoft products make nearly every business in America more competitive. The technology revolution fueled by Microsoft has made Americans secure in their jobs and made more families secure in their future.

Microsoft has also helped usher in the most important change occurring on earth: today the power of information is in the hands of a few large centralized institutions and put directly into the hands of people in every town and village across our globe via the Internet.

The explosive growth of the Internet will potentially have a fundamental impact on every aspect of American life. As the New York Times describes what it calls the “New Digital Galaxy” which allows consumers to operate devices from coffee-makers to dishwashers via Internet access.

This will introduce a vastly different landscape than high-technology that exists today.

Users will not necessarily use stationary Personal Computers to access information, but instead rely on Web phones, palmtop computers and similar technology that is advancing at an exponential rate.

The Internet has had the fastest adoption rate of any new medium in history. Over 50 million users were connected in the first five years. To reach the 50 million user milestone, it took 14 years for radio, 13 years for television, and 10 years for cable. On top of this initial growth, the number of users continues to increase by an astounding 37% per year. It is projected that 200 million people worldwide will be connected to the web in 1999, and half a billion by 2003. To handle the volume, the backbone of the Internet now doubles in capacity every 100 days.

Not only is the number of users increasing exponentially, but the amount of information available to them is also growing at an unprecedented level.

The International Data Corporation estimates the number of web pages on the World Wide Web at 829 million at the end of 1999, and projects that the number grow by 75 percent to 1.45 billion by the end of 2002. To reach this initial growth, the number of users continues to increase by an astounding 37% per year. It is projected that 200 million people worldwide will be connected to the web in 1999, and half a billion by 2003. To handle the volume, the backbone of the Internet now doubles in capacity every 100 days.

What does this mean to the future of global commerce? Considering that 18 million consumers made purchases on the Internet in 1997 and a number of analysts is projected to increase to 128 million by 2002, the possibilities are limitless. In real dollars, this translates into $200 billion in Net-based commerce by 2000, and $1 trillion by 2003.

We can’t begin today fully to understand the scope of freedom for people that this information revolution will bring. And all the while Microsoft and its competitors continue to bring better products at lower prices to all consumers.

While this case has been in the court, we have heard almost no discussion about whether the dramatic changes of the last year have rendered this case moot. I believe they do, and here’s why.

In the presence of a company exerting real monopoly power, competitors would be stifled, prices would rise, choices would be curtailed, consumers would be harmed. In fact, in the last two years the average American consumer has improved by all of these measures. Competition in the technology industry is alive and well and nipping at the heels of Microsoft—all
great news for consumers. Prices are down, choices are up, innovation is rampant.

The U.S. software industry is growing at a rate more than double that of the rest of the economy. The number of U.S. software companies has grown from 24,000 in 1990 to an estimated 57,000 in 1999. The number of U.S. software industry employees has grown from 290,000 in 1990 to an estimated 860,000 in 1999, with an average rate of growth of 80,000 per year from 1996 to 1999. Do these growth figures sound like they come from an industry that is dominated by a Monopoly player?

Mr. President, the bottom line is that the industry is thriving. It shows that we do not need the government picking winners and losers. While the nature of the government’s case has been referred to as being in the last year, the administration seems determined to punish this successful company and to use the power of the government to reward Microsoft’s competitors. These are the very competitors whose alliances have radically changed the competitive landscape of the Information Technology industry in just the last few months.

When the case began, AOL and Netscape were two large successful companies. Today they’re gigantic, teamed with Sun and ready to compete in the next frontier of the Information Technology industry—the Internet.

When the case began, MCI Communications and WorldCom were two separate companies, as were Excite and @Home. Yahoo hadn’t yet bought GeoCities and Broadcast.com.

When the case began AT&T was a long distance company. Today, AT&T could influence more than 60% of cable systems in the United States.

Microsoft has continued to excel, in spite of simultaneously fighting off the government and its competitors. But, far from being stifled, Microsoft’s competitors and potential competitors also have increased their market value by dizzingly percentages over the last year:

- AOL—up 555 percent;
- Amazon—up 838 percent;
- Sun Microsystems—up 209 percent;
- IBM—up 91 percent; and
- Yahoo—up 455 percent.

Microsoft is still number one. To me that’s good news, and I hope it happens again this year. But that success leads me to wonder; if these competitors are so injured by Microsoft, why is the Dow Jones Industrial Average up 25% and the more technologically driven NASDAQ up a more startling 40% since the trial began?

A May 7 article in the Washington Post outlines the previously undisclosed lobbying activity on the part of a multi-billion dollar coalition of Microsoft competitors, consisting of Netscape and AOL, as well as ProComp, Sun and Oracle, who collectively have outspent the Redmond-based software firm by almost $4 million. The Post story made clear that Microsoft has been scrambling just to catch-up.

Economist Friedman recently warned about the possible impacts of the suit on the high-technology industry as a whole. He pointed out the obvious flaw in the competitors’ strategy, which is involving government regulators. Mr. Friedman states, “Silicon Valley is suicidal in calling government in to mediate in disputes among some of the big companies in the area and Microsoft . . . once you get the government involved, it’s difficult to get it out.” I couldn’t agree more.

Mr. President, with the Sherman antitrust action by the government against Microsoft entering its second year, the only question that remains is why this lawsuit continues. I urge my colleagues to join me in seeking an answer to that question.

CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I believe the morning hour has expired. I move for the regular order.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

THE PRESIDING OFFICER. The previous order, the Senate will resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Penning: McCain/Levin amendment No. 393, to provide authority to carry out base closure round commencing in 2001.

THE PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I see no other Senator here at this moment. I believe there is another Senator who will be here at about 10:30 to offer another amendment, but I would like to submit an amendment for consideration at this point.

AMENDMENT NO. 394

(Purpose: To improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities.)

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

THE PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Mississippi [Mr. Lott] proposes an amendment numbered 394.

Mr. LOTT. 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 today’s RECORD under “Amendments Submitted.”

Mr. LOTT. Mr. President, I am pleased to offer this amendment on behalf of myself, and Senators Warner, Shelby, Murkowski, Domenici, Specter, Thomas, Kyl, and Hutchinson.

This package is the product of the serious investigative and oversight work performed by the relevant committees and other Senators who have devoted time and energy to these issues of satellite exports, Chinese espionage, lax security at DOE facilities, foreign counterintelligence wiretaps, and more. I commend my cosponsors and others for their helpful efforts in this regard.

I have stated that the damage to U.S. national security as a result of China’s nuclear espionage is probably the greatest I have seen in my entire career. And, unfortunately, the administration’s inattention to—or even hostility towards—counterintelligence and security has magnified this breach.

It is simply incredible that China has acquired sensitive, classified information about every nuclear warhead in the U.S. arsenal. But this apparently is precisely what happened.

It is simply incredible that American companies illegally provided information to the Chinese that will allow them to improve their long-range missiles aimed at American cities. But this apparently is exactly what happened.

It is simply incredible that American exports were delivered to certain Chinese facilities that will assist their weapons of mass destruction program. But this apparently is exactly what happened.

It is simply incredible that it took this administration 2 years from the date the National Security Adviser was first briefed by DOE officials on the problem of Chinese espionage at the labs, to sign a new Presidential directive to strengthen counterintelligence at the labs and elsewhere. But this apparently is exactly what happened.

And, after all this, it is simply incredible that the President would claim that all this damage was a result of actions of previous administrations and that he had not been told of any espionage that had occurred on his watch. And, that this was exactly what the President said in a mid-March press conference.

As I have stated previously, the Congress must take several steps to better
understand what happened and how it happened, and to lessen the likelihood of a recurrence of such events in the future.

First, we must aggressively probe the administration to determine the facts. We know much of what happened. But we don't have all the facts, and we certainly don't know why certain events unfolded the way they did. We need to get to the bottom of that.

Several committees are exploring aspects of this scandal, and it is multifaceted: DOE security; whistleblower protections; counterintelligence at the FBI; CIA operations; export controls; illegal campaign contributions; the Justice Department; the Foreign Intelligence Surveillance Act, FISA; DOD monitoring of satellite launches in China; waivers of laws for companies under investigation and its legal activities; and much, much more.

Second, we must take all reasonable steps now to remedy problems we have identified to date. Does this mean the Senate is on some partisan witch-hunt? Absolutely not. I recognize that a full understanding of this issue requires going back decades. For example, the reports recently issued by the Senate Intelligence Committee and the Cox Committee in the House reviewed documents from prior administrations.

But simply saying that errors were made in previous administrations cannot and does not absolve this President and this administration from responsibility. In fact, this administration's record in the area of security and counter-intelligence, in its relations with China, and in several other areas, leaves much to be desired.

As I said before, there are some steps we can and should take now. For example, the Defense authorization bill before us now proposes several important measures regarding Department of Energy security and counterintelligence. Likewise, the intelligence authorization bill includes several legislative proposals on this topic as well.

My amendment is entirely consistent with, and indeed builds upon, those two vital legislative measures. Allow me to describe what this amendment proposes to do.

First, it seeks to address the Loral episode, wherein the President approved a waiver for the export of a Loral satellite for launch on a Chinese rocket at the same time Loral was under investigation by the Justice Department for possible criminal wrongdoing.

This amendment requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It also requires the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

I am absolutely convinced that had these "sunshine" provisions been in effect at the time of the Loral waiver decision, the President would have issued his decision in favor of Loral.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the effectiveness of the DOD program for monitoring so-called "satellite launch campaigns" in China and elsewhere.

For instance, under this amendment, the DOD monitoring officials will be given authority to halt a launch campaign if they felt U.S. national security was being compromised. In addition, the Secretary will be obligated to establish appropriate professional and technical qualifications, as well as training programs, and set the number of such monitors.

Furthermore, to remove any ambiguity as to what technical information may be shared by U.S. contractors during a launch campaign, the amendment requires the Secretary of Defense to review the record of such discussions. Finally, it requires the President to establish a counterintelligence program within the organization responsible for performing such monitoring functions.

Third, my amendment enhances the intelligence community's role in the export license review process. This responds to a clear need for greater insight by the State Department and other license-reviewing agencies into the Chinese and other entities involved in space launch and ballistic missile programs. In this regard, it is worth noting that the intelligence community played a very modest role in reviewing the license applications for exports by Loral engineering.

This section also requires a report by the Director of Central Intelligence on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, based on concerns that China continues to proliferate missile and satellite technology to Pakistan and Iran, this amendment expresses the sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime, MTCR, as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system. Any honest appraisal would lead one to the conclusion, I believe, that China has not demonstrated such a commitment and does not have in place effective export controls.

Now we know, from documents released by the White House as part of the Senate's investigation, that the Clinton administration wanted to bring the PRC into the MTCR as a means of shielding Beijing from missile proliferation sanctions laws now on the books. This section sends a strong signal that such an approach should not be undertaken.

Fifth, the amendment expresses strong support for stimulating the expansion of the commercial space launch industry here in America. As we have seen recently with a number of failed U.S. rocket launches, there is a crying need to improve the performance of U.S.-built and launched rockets. This amendment strongly encourages efforts to promote the domestic commercial space launch industry, including through the elimination of legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the People's Republic of China to acquire U.S. technology of origin to the PRC for launch and suggests that, if a decision is made to phase-out the policy, then launches of such satellites in the PRC should occur.
only if they are licensed as of the commencement of the phase-out of the policy and additional action is taken to minimize the threats of technology to the PRC during the course of such launches.

Sixth, the amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied. This addresses a legitimate concern expressed by U.S. industry about the current export control process.

I note that each of these recommendations was included in the Senate Intelligence Committee’s “Report on Impacts to U.S. National Security of Advanced Satellite Technology Exports to the PRC and the PRC’s Efforts Influencing U.S. Policy.” That report was approved by an overwhelmingly bipartisan vote, not to be used in support of anything whatsoever in these recommendations.

My amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report delivered to the Congress earlier this year. That report, my colleagues may recall, was both informative and deeply troubling in its assessment that the PRC has underway a massive buildup of missile forces opposite our friend, Taiwan.

Annual submission of this report will assist the Congress in working with the administration in assessing future lists of defense articles and services requested by Taiwan as part of the annual arms sales talks between the U.S. and Taiwan.

Eighth, the amendment proposes a mechanism for determining the extent to which then-Secretary of Energy Hazel O’Leary’s “Openness Initiative” resulted in the disclosure of highly-classified nuclear secrets. We already know, for example, that some material has been publicly-released that contained highly-sensitive “restricted Data” or “Formerly Restricted Data.”

While we are rightly concerned about what nuclear weapons design or other sensitive information has been stolen through espionage, at the same time we must be vigilant in ensuring that Mrs. O’Leary’s initiative was not used, and any future declassification measures will not be used, to provide nuclear know-how to would-be proliferators in Iran, North Korea, and elsewhere.

Ninth, the amendment proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees, versus the Office of Personnel Management as is currently the case. I applaud the Armed Services Committee for including additional funds in their bill for addressing the current backlog of security investigations.

Tenth, and finally, the amendment proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE laboratory-to-laboratory exchanges, should such exchanges occur in the future. Counterintelligence experts go along on any and all visits of lab employees to sensitive countries, is a small but useful step in the direction of enhanced security.

Mr. President, I readily concede that this package of amendments will not solve all security problems at the Nation’s nuclear weapons laboratories. Nor will it solve the myriad problems identified to date in the Senate’s ongoing investigation of the damage to U.S. national security from the export of satellites to the PRC or from Chinese nuclear espionage.

These are, as I mentioned before, small but useful steps to address known deficiencies. Most of these recommendations stem from the bipartisan report issued by the Intelligence Committee.

I strongly urge my colleagues to support this important amendment.

In summary, good work has been done by the Cox committee in the House of Representatives. They should be commended for the work they have done in this critical area. They should be commended for the fact that it has been bipartisan. It would have been easy for them to veer into areas or procedures that would have made it very partisan. They did not do that.

The same thing is true in the Senate. The Senate has chosen so far not to have a select committee or a joint committee. The Senate has continued to try to do this in the normal way.

I do not believe we should rush to judgment. We must be sure we understand the full ramifications of what has happened. We should not say it has happened. We should not just this administration or that administration or the other administration. This is about the security of our country. I agree with Congressman DICKS when he quoted former Senator Henry Jackson about how, when it comes to national security, we should all just pursue it as Americans.

This amendment I have just sent to the desk is a further outgrowth of some information we have found through some of the hearings that have occurred. There were some provisions in it that I am sure would have evoked some criticism, and we have taken those out, so that we can take our time and deal more thoughtfully with it over a period of time.

We are going to have to deal with the Export Administration and the fact that law was allowed to lapse back in 1995. But there are some things we can do now. To reiterate, this is what this amendment will do:

First, it requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It will also require the President to notify the Congress whenever an export license or waiver is issued on behalf of any U.S. person or firm that is the subject of a criminal investigation.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called satellite launch campaigns in China and elsewhere.

Third, the amendment will enhance the intelligence community’s role in the export license review process and requires a report by the DCI on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, the amendment expresses the sense of Congress that the People’s Republic of China should not be permitted to join the Missile Technology Control Regime as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system.

The amendment expresses strong support for stimulating the expansion of the commercial space launch industry in America. This amendment strongly encourages efforts to promote the domestic commercial space launch industry. That is why we have seen more of this activity occur in other countries, particularly China and even Russia, because we do not have that domestic commercial space launch capability here. We should eliminate legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch.

The amendment also urges the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied.

The amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report developed earlier this year and was delivered to the Congress.
The amendment proposes a mechanism for determining the extent to which classified nuclear weapons information is handled by personnel of the Department of Energy. It proposes putting the FBI in charge of conducting security background investigations of DOE Laboratory employees versus OPM. It seems to me that really is beyond the capabilities of the Office of Personnel Management. Surely, the FBI would be better conducting the security background investigations. This does not call for putting the FBI totally in charge of security at our Labs, for instance. Something we need to think about more. I had thought the FBI should be in charge, and there are some limitations in that area. That is an area we should think about a lot more. We should work through the committee process. We should work on this together in a bipartisan way about how to do it.

Clearly, the security at our Laboratories has to be revised. We have to have a much better counterintelligence process, and our committees are working on that. Last, the committee proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE Laboratory-to-Laboratory exchanges. These are pieces that I think Senators can agree on across the board. They are targeted at dealing with the problem, not trying to fix blame, not claiming that this is going to solve all the problems. But these are some things we can do now that will help secure these Laboratories in the future and get information we need and give enhanced capabilities to the intelligence communities.

I urge my colleagues to review it. It has been considered by the committees that have jurisdiction. We have provided copies of it to the minority, and we invite their participation. I believe this is something that can be bipartisan and can be accepted, after reasonable debate, overwhelmingly. I certainly hope so. I appreciate the opportunity to offer this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished majority leader for this initiative. We have had in his office a series of meetings with the chairman, as he enumerated, and this piece of legislation has been very carefully crafted drawing from each of the committees the work they have done thus far.

The Senate Armed Services Committee, as the majority leader has said, has taken an active role in addressing the issues raised in the second section of our report, which is on each desk. In there, we have a subtitle (D) related to this subject. We are bringing this together.

I thought it was important—and I consulted with the majority leader this morning—to lay this down so all Senators could know exactly what we are talking about. Our distinguished colleague, the ranking member, has sent it out to the various Departments and agencies of the Federal Government for comment. In the course of the day, as I am sure my colleagues from Michigan will agree, we will basically try to allow Senators at any time to address this particular amendment by Senator LOTT and, indeed, the provisions that we have in our bill.

This is an important subject. It is a timely subject. All Senators hopefully will strive to achieve bipartisanship because we recognize that this problem goes back several administrations, although I have my own personal views as to how this should be accounted for. I find very disturbing—in other words, why corrective measures were not brought about more expeditiously. But time will tell.

Also, I believe it is important to recognize that the United States and America in the next millennium will be faced with an ever-growing and ever-important nation, China. We as a nation must remain engaged with China, whether it is on economic, political, human rights, or security issues. China and the United States are the two dominant leaders, together with Japan and, indeed, I think South Korea, in that region to bring about the security which is desperately needed.

So let us hope that in due course we can, on this bill, put together a bipartisan package. We already have one amendment in there, and it passed our committee with bipartisan support.

Mr. LEVIN. Would the Senator yield while the majority leader is on the floor so I could give a 30-second comment?

Mr. WARNER. Absolutely.

Mr. LEVIN. We welcome the proposal that the United States and America in the next millennium will be faced with an ever-growing and ever-important nation, China. We as a nation must remain engaged with China, whether it is on economic, political, human rights, or security issues. China and the United States are the two dominant leaders, together with Japan and, indeed, I think South Korea, in that region to bring about the security which is desperately needed.

So let us hope that in due course we can, on this bill, put together a bipartisan package. We already have an amendment in there, and it passed our committee with bipartisan support.

Mr. LEVIN. Would the Senator yield while the majority leader is on the floor so I could give a 30-second comment?

Mr. WARNER. Absolutely.

Mr. LEVIN. We welcome the proposal of the majority leader. We have worked very closely, on a bipartisan basis, on the committee on what is in the bill already and to which the majority leader has made reference. We will continue and look forward to working with the majority leader, on a bipartisan basis, on his proposal. The committees of jurisdiction and I are reviewing that. We got it last night. We welcome very much these kinds of suggestions and will address them in the same kind of bipartisan approach that the good Senator from Virginia, our good chairman, has just made reference to.

Mr. LOTT. Mr. President, if the Senator would yield?

Mr. WARNER. Of course.

Mr. LOTT. I just say, I appreciate your comments and your attitude. If we have to knock on, and we need to knock on the doors of the leadership, which made our good Senator from Michigan, the谢谢。
Mr. MCCAIN, the distinguished Senator from Nebraska, May 26, 1999

The PRESIDING OFFICER (Mr. Proxmire). The Senate is in order. The Senator from Nebraska [Mr. Kerrey] addresses the Chair.

Mr. KERREY. Mr. President, first of all, let me say that this piece of legislation being considered right now, in my view, of all the laws we write and all the laws we consider, is the one that is most vital. If we do not have a defense that is able to defend not just the United States of America but our interests, all the rest of it is secondary, in my view.

I am very impressed—I came to this Senate in 1989, and I came to the Senate without the experience of having gone to law school. I was trained in other matters. The longer I am here, the more impressed I am both with the law itself and the power of this law. I cannot help but, as I begin to describe my own amendment, take a little bit of time to describe the connection between the law and things people see in their lives that they may not see as having been caused by the law itself.

We do not have an Army, Air Force, Navy, Marine Corps without this piece of legislation, which is, I think—I don’t know—500 and some pages long, with a report with it as well. This law creates our military. It authorizes appropriations to be made. It authorizes us to go out and get people to serve in our Armed Forces.

We are going into the Memorial Day weekend during which I guess many, if not most, of us are going to be called upon to comment upon the meaning of Memorial Day—what does this day mean to us in our lives.

For me, it is a time to reflect and say that these 1,360,000 men and women who are currently serving our Nation, and the half million Reserve and Guard men and women who are out there as well, are part of a long tradition of American men and women who have given up their freedom, because in the military they have a different code than we have in the private sector. The standards they are held to are different. The expectations are different.

In the military, the command structure is such that if I have command—which I did many, many years ago—if I have command and do well, I get a medal. But if I do poorly, my fitness report will be so bad I will be looking for a private sector opportunity. We have a responsibility we cannot delegate. That imposes upon an individual who is in the military real burdens that are different from what we have in the private sector—real responsibilities that are completely different.

A man or woman who serves us today, who serves the cause of freedom today in our Armed Forces, does something that is much different from most private sector citizens. I begin my comments on this amendment by saluting them, by thanking them for taking what, unfortunately, today is almost a nonmainstream action, and that is becoming a nonmainstream action in our society, saying: We’re willing to sacrifice our freedom; we’re willing to give up rights that most private sector citizens have.

Furthermore, nobody should doubt that in normal training operations it is possible to be injured or to even lose your life. A lot of these training operations are dangerous. So they are risking their lives on a day-to-day basis. Obviously, they are involved today in Kosovo; they are involved in the Balkans; they are involved with containing Saddam Hussein; they are involved on the Korean peninsula; they are forward deployed in areas around the world where we have interests, not just interests that are only of the United States, but interests in values that we hope will spread worldwide.

All of us had the opportunity—I did; I took advantage of the opportunity—to sit and listen to Presidents Kim Dae-jung of South Korea and Vaclav Havel of the Czech Republic and Nelson Mandela of South Africa when each spoke at a joint session of Congress across the way in the House of Representatives, and looked down to every representative of the people and said: Thank you, American people. You put your lives on the line, and we are free in South Korea because of it. You put your lives and resources on the line in South Africa, and we are free there as well. Your efforts enabled us to be free, these three individuals said. Many others have said the same thing.

It is not a cliche that freedom is not free. This piece of legislation, this important piece of legislation, has us supporting 1,360,000 men and women in the military, and half a million Reserve and Guard people who are actively involved in the cause of defending freedom in the United States of America and throughout the world. This is an era of the BRAC process, so we have had a long time to describe the connection between this amendment and on to other matters.

I yield the floor.

Mr. President, I ask unanimous consent that the pending amendment be laid aside.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 395

(Purpose: To strike section 1041, relating to Navy, Marine Corps without this piece having been caused by the law itself.

The legislative assistant read as follows:

The Senator from Nebraska [Mr. Kerrey] proposes an amendment numbered 395.

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

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

The amendment is as follows:

The Senator from Nebraska [Mr. Kerrey] proposes an amendment numbered 395.

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

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

The amendment as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

Mr. KERREY. Mr. President, first of all, let me say that this piece of legislation is so vital. If we do not have a defense that is able to defend not just the United States of America but our interests, all the rest of it is secondary, in my view.

I am very impressed—I came to this Senate in 1989, and I came to the Senate without the experience of having gone to law school. I was trained in other matters. The longer I am here, the more impressed I am both with the law itself and the power of this law. I cannot help but, as I begin to describe my own amendment, take a little bit of time to describe the connection between the law and things people see in their lives that they may not see as having been caused by the law itself.

We do not have an Army, Air Force, Navy, Marine Corps without this piece of legislation, which is, I think—I don’t know—500 and some pages long, with a report with it as well. This law creates our military. It authorizes appropriations to be made. It authorizes us to go out and get people to serve in our Armed Forces.

We are going into the Memorial Day weekend during which I guess many, if not most, of us are going to be called upon to comment upon the meaning of Memorial Day—what does this day mean to us in our lives.

For me, it is a time to reflect and say that these 1,360,000 men and women who are currently serving our Nation, and the half million Reserve and Guard men and women who are out there as well, are part of a long tradition of American men and women who have given up their freedom, because in the military they have a different code than we have in the private sector. The standards they are held to are different. The expectations are different.

In the military, the command structure is such that if I have command—which I did many, many years ago—if I have command and do well, I get a medal. But if I do poorly, my fitness report will be so bad I will be looking for a private sector opportunity. We have a responsibility we cannot delegate. That imposes upon an individual who is in the military real burdens that are different from what we have in the private sector—real responsibilities that are completely different.

A man or woman who serves us today, who serves the cause of freedom today in our Armed Forces, does something that is much different from most private sector citizens. I begin my comments on this amendment by saluting them, by thanking them for taking what, unfortunately, today is almost a nonmainstream action, and that is what I will do to keep the people of the United States safe? How do we keep them secure and try to write laws that accomplish that objective?

With great respect to the committee, there is one provision in subtitle D called “Other Matters” on page 357 that I am proposing to strike. That language provides a 1-year extension of a requirement that I think causes the United States of America to be less safe than it would without this provision. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels, that we have to maintain an active deterrent. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels, that we have to maintain an active deterrent. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels, that we have to maintain an active deterrent. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels, that we have to maintain an active deterrent. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels, that we have to maintain an active deterrent. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels, that we have to maintain an active deterrent. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels, that we have to maintain an active deterrent. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels, that we have to maintain an active deterrent. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels, that we have to maintain an active deterrent. Let me get to it specifically.
launch of a nuclear weapon. One of the things that causes me a great deal of concern in this new era of ours is that I think we in Congress and the American people as well have forgotten the danger of these nuclear weapons. We have been talking about new threats to America. We have a threat in the form of chemical weapons, a threat in the form of biological weapons, a threat in the form of cyber warfare, lots of other things like that, terrorism, that cause people to be very much concerned.

My belief is that the only threat out there that can kill every single American, and thus the threat that ought to be top on our list of concerns is nuclear weapons. The nation that possesses the greatest threat of all in terms of an accidental launch, a rogue nation launch, or a sabotage launch is Russia.

I appreciate the fine work that Congressman Cox and Congressman Dicks did. They presented a report yesterday. I think they have laid out a roadmap that will enable us to change our laws and our security at the very start. It would increase the security of the satellite launches and increase the security, in general, with the transfer of technology through export licenses. I think they gave us a good roadmap, but one of the concerns I have with the report—I think it is unintentional—strike "I think." It is unintentional—it has left the impression that China is a bigger threat to the United States than Russia is. Nothing can be further from the truth.

In China, they prevent the possibility of an accidental launch by saying we are not going to put our warheads on the missile. According to published reports, it would take at least 24 hours, and probably a minimum of 48 hours, from the moment an order was given to launch, to put the warheads on the missiles. In China they have no more, according to published reports, than 13 weapons headed in our direction. They are categorized as city busters. They are not as accurate as the Russians are. They are not as deadly as the Russians are. They are not as likely, as a consequence of organized systems, to be launched in an accidental fashion. Even though they can reach us, even though China is a serious threat as a consequence of their behavior in the proliferation area—and we should not have trimmed in areas of export licenses or satellite launches on Long March or the operations of our laboratories or other areas that would put America at risk—the threat assessment today says that the No. 1 threat to us is the threat that is posed by Russia as a consequence of their having strategic weapons that could reach the United States in a matter of hours and could reach the United States in a devastating fashion not through intentional launch, but accidental launch, rogue nation launch or sabotage launch.

I think that part of the problem in all of this is, again, that we have been lulled into a false sense of security that, well, maybe these nuclear weapons aren't that big of a problem. Let me say that in the former Soviet Union, that may very well have been the case, because the economy was much stronger than it is today. They had a much greater capacity to control those weapons systems that they have.

One of the reasons, the biggest reason that I want to change this is that I believe we are forcing Russia today to maintain a level of nuclear weapons beyond what their financial system will allow them to maintain. They are currently required at START I levels to have 6,000 strategic warheads. Again, according to published reports from their own military people, they would prefer to be at a level of 1,000 or lower, because they simply don't have the resources. I can go into some rather startling problems that are created as a consequence of that, but they simply don't have the ability, the resources to allocate to maintain those 6,000 warheads as we do. Ours are safe. Ours are secure. We have redundant switching systems and all kinds of other protections to make certain that we don't have an accidental launch, to make certain that there is no rogue transfer, to make certain that there is no terrorism that could take over one of these sites and be used either against the United States itself or against some other country.

One of the baseline problems that we have as Americans is that we are the most open society on earth. We are the most successful society measured by our economy, measured by our military, measured by even our democracy, which can be a bit frustrating from time to time. We take sides on issues worldwide, which I think we have to do if we want to continue to fight for the freedom of people throughout this world. But as a consequence of all those things, there are lots of people on this Earth who hate America, who have in their hearts a desire to do significant damage to us. It is a problem created from our own success. So as we try to keep our country safe, one of the things that I believe we need to think about when it comes to Russia is, is it possible for somebody who hates America, who is willing to do damage to America and willing to die in the act of doing it—what kind of risk is there as a consequence of a policy under law that requires Russia to maintain a nuclear force that is higher than either they can afford or they want to maintain? We need to test this under several scenarios in length here, but many years ago, sort of a Stone Age time for me, I was trained in the U.S. Navy SEAL team. I do not argue that I was an exemplary special operations person. I had a relatively short experience in the services before I was injured, so I didn't have enough time to become really good at it. But you always have these sort of imaginary fantasies that you are still 25 years of age, and there are times when you sort of think that way.

I believe it is possible for somebody who is well trained and well organized to raid a silo site of a Russian missile in the Russian wilderness and take that site over. You will have a scenario on the opposite side that says that it can't be done. I believe it can be done.

One of the things that you have to do when you are planning, writing a law to defend the people of the United States of America, is you have to think about that small possibility and you have to plan for it. We don't expect that the Russians were high probability going to come through the Fulda Gap during the 40-plus years of the cold war, but we defended against it, and it was an expensive defense because it was possible that it could happen.

Mr. President, I believe it is possible for a small band of discontents or terrorists to raid a silo site of a Russian missile in the Russian wilderness. I believe that there are soldiers today in Russia who are poorly trained, who are sparsely equipped, and who are irate at not having been paid in well over a year in some cases. I think they are vulnerable and easily overwatched, and as a consequence, willing to cooperate in things that would put the United States of America at risk.

What you have to do is sort of then say to yourself: What would happen? Imagine what would happen if that were to occur.

Well, I again have to underscore with a story why I think we are lulled to sleep by nuclear weapons. In the Senate Select Committee on Intelligence, on which I have the honor of serving as Chairman and as the ranking minority member, on which I have the honor of serving as the sort of thing to worry about.

I find that not only alarming but illusory of the general problem. We are not thinking about this threat. We are not imagining what could happen in a worse case scenario and, as a consequence, we are sort of allowing ourselves to be dragged along with yesterday's policy, not thinking about how we can do this differently to subdue this threat to the people of the United States of America, and I believe, by the way, in the process, freeing up resources that could be used on the conventional side where
May 26, 1999

CONGRESSIONAL RECORD—SENATE

10919

there is much more likely scenarios where American men and women are going to be called on to defend the cause of freedom and fight for the cause of freedom.

A single Russian rocket could be launched over the top of the world from the north, and it would go across the Arctic pole, and in less than an hour it could be in over Chicago. On a bad day, it might come within 100 yards of its target. On a good day, it would probably come within 10 to 15 yards of its target. I am talking about something about which, again, people will say this is alarmist.

It is not an alarmist scenario. This is what nuclear weapons do. We have sort of forgotten that, in my view. Back in the 80s, during the cold war, all of us understood the danger of nuclear weapons. It's a fact that I think we do. I think we have forgotten what kind of damage they can do.

A single nuclear weapon would vaporize everything. The surrounding air is instantaneously heated to a temperature of 10 million degrees Celsius. It looks brighter than the sun and shoots outward at a few hundred kilometers per second. It would be sufficient to set fire to anything in Chicago that is combustible at a distance of 14 kilometers. Anybody within 80 kilometers would be blinded as a consequence of the blast.

After the fireball, the blast effect force follows, traveling out from ground zero. Those within 3 kilometers, who had not already been killed, will die from the percussive force. At 8 kilometers, 50 percent of the people will be killed, and every building within 2 kilometers will be completely destroyed. Major destruction of homes, factories, and office buildings would occur out to 14 kilometers.

In the farthest reaches of the immediate blast zone—encompassing everything in Chicago—structures would be severely damaged, and 15 percent of the people in Chicago would be dead, 50 percent would be injured, and most survivors would suffer second- and third-degree burns.

This is the damage that would be done from a single Russian nuclear weapon exploded above an American city. This is just one city.

Again, I point this out not to be alarmist but to say that this is a real threat. This is not an imaginary threat. This weapons system exists. There are 6,000 of these in Russia today that were needed in the cold war; they were needed in a deterrent strategy that the Russians had developed. We have drawn down and, they have drawn down to the 6,000 level—a bit higher than that still today. They are drawing down to that 6,000 level.

But, again, if you ask either our intelligence or the Russians directly, they will tell you they don't have the resources to maintain even 1,000. They don't have the resources to maintain 1,000, let alone 6,000-plus, and in the kind of secure environment the people of the United States of America will need in order for themselves to be safe and secure as a consequence.

I tell the story out of what I think is a loss of focus on the danger of nuclear weapons. The American people have been lulled into a false sense of security as a consequence of our elected leaders repeatedly telling them the threat no longer exists. In the Presidential campaign of 1996, the President correctly kept saying that for the first time in the history of the Nation we are not targeting the Russians and they are not targeting us.

Well, you can retarget in a couple of minutes, max. This retargeting task is going to be a fairly simple one, according to the President pointed out, and I think correctly. It caused people to sort of lull into a sense that, gee, this wasn't a problem. If we are not targeting them and they are not targeting us, then, I don't have to worry about this threat any longer; thus, we can sort of stop worrying about nuclear weapons. We can worry about other threats that we have to the United States.

Again, I am calling my colleagues' attention to this problem not because I believe there is going to be a deliberate nuclear attack from Russia, because I don't think that is likely, or even plausible. Indeed, Russia has made extraordinary progress in their effort to transform their economy and political system. Though they have a long way to go to complete the transition, they need to be applauded for it. But this transition is going to take decades—back, forward, stop, go. It is going to take a transition from a command economy to a market economy. In the meantime, they are finding it increasingly difficult to maintain the military infrastructure that they inherited from the collapse of the Soviet Union, including, dare I say, their stockpile of thousands of nuclear weapons—estimated to be close to 7,000 on the strategic side and a comparable amount on the tactical side. There are 14 storage facilities, accounted for in published reports, where they store fissile material. We don't know what is going on inside those buildings. It is a serious problem that our former colleague, Sam Nunn, has said is a threat not coming from Russia's might but from its military weakness.

If a single one doesn't bother you, there was an incident that occurred recently on September 11, 1998. I appreciate that some will say that KERREY is dreaming; this isn't a real danger. I don't think there is a greater danger than an accidental launch of a nuclear weapon at the United States of America. I think it is the most dangerous problem we face, and it is a scenario that could happen. If, it happens, I believe we are going to make a grave mistake. We have developed a different strategy than the old arms control strategy that we have had in the past. I am not going to describe an alternative strategy. I think one is needed, and I think one is more likely to occur if we strike this language from the defense authorization bill and allow the President to go below 6,000, similar to what President Bush did in the early 1990s, getting a reciprocal response from Russia as a consequence.

Let me describe a real time scenario, a situation that happened on the 11th of September—does the Senator want to say something?

Mr. WARNER. I didn't mean to interrupt the Senator, but I am hopeful that we can listen to the important debate. I would like to have the opportunity to respond to the Senator so that Senators following this debate can have from their minds the Senator has given that, regrettably, this stalemate thus far in Russia could move to ratification. Let us proceed, hopefully, in a timely way.

Mr. KERREY. Mr. President, let me describe an event that occurred on September 11, 1998. Maybe colleagues didn't notice it; it was written up with a fairly small amount of attention. There was an 18-year-old Russian sailor who seized control of a Russian nuclear submarine near Murmansk. He killed seven fellow crew members and held control of the submarine for 20 hours. Russian authorities say that there were no nuclear weapons aboard the submarine. But it would not be difficult to imagine a scenario in which a similarly distraught member of the Russian navy might choose to express his frustration by seizing control of a submarine loaded with long-range, nuclear-tipped missiles. It is widely recognized that control of weapons on Russian submarines is much more problematic than even with their ground-based forces.

There was a recent article in the New England Journal of Medicine, which conducted an analysis of the effects of an unauthorized launch against the United States from a—and I emphasize just one—Russian Delta IV submarine. This submarine is capable of carrying 16 SS-N-23 missiles. Each of these missiles is equipped with four 100-kiloton warheads. The study examined the consequences of 48 warheads being detonated over eight major U.S. cities. It is
likely that this scenario may not be right. It is likely that they would say we have 64 weapons and will give one in each State in the United States of America—that leaves me 14 more—and they will put a couple in New York, a couple in Florida, a couple in other States. Imagine 64,000 kiloton weapons being detonated within a couple of hours in the United States. That is a scenario that could be very real.

Is such a scenario likely to happen? It is less likely to happen than the sun coming up tomorrow, but it could happen. It is a scenario that we need to think about as we think about the danger of these nuclear weapons. And because we don't think about them, it is not likely that we will consider an amendment like this terribly important. We will sort of drift along, as I think we are doing now, not being aware of what we are going to wait for the Duma to ratify START II. They are threatening not to ratify for every possible reason. I don't know what the next anger point is going to be. I personally don't believe that the ratification of START II by the Duma is necessarily terribly important.

That we need to look for an alternative way to reduce these threats to me, is painfully obvious if you examine the danger that this threat poses to us. When you think about the danger of an accidental or a rogue nation or a sabotage launch, I think you come immediately to the conclusion that, my gosh, we have far more than we need to keep America safe, and the Russians clearly have far more than they need not only to keep their country safe but to reduce this risk of accidental launch. They do not control their weapons in the same way that we do. They don't have the capacity to control them in the same way that we do, as well.

Imagine, I ask my colleagues; put it on your radar screen. You have a Delta IV submarine with 64 100-kiloton weapons that could be in the United States in 2 hours. They are not like the Chinese nuclear weapons. The Chinese nuclear weapons take several days to get together. Again, part of the published reports is that they have 13 or so aimed at the United States—aimed at our cities. That is a whole lot more than as the Russians, or as deadly as the Russians, and nowhere near as likely to be launched either through an accidental launch or through an organized effort to come through sabotage and take over a single facility, or to take over one of these submarines that are much more at risk as a consequence of their lax security.

If you do not think the scenario is possible, I would like to quote the words of a Russian Navy captain following this particular incident with the Russian sailor that I described earlier on the 11th of September 1998. He said, "It is really scary that one day the use of nuclear arms may depend on the sentiments of someone who is feeling blue, who has had family members die or who is on the wrong side and who does not feel like living." The probability of this today is higher than ever before.

The news has been filled recently with stories regarding nuclear weapons. Unfortunately, the stories have been causing us to be concerned about our security relative to the Nation of China. The findings that China, over the past 20 years, has methodically stolen U.S. nuclear secrets from our National Laboratories are very disturbing, to put it mildly. We were very lax in our security in our Laboratories. We are very lax in our security with our export control licenses. We are very lax in our security in monitoring satellites that are being launched on the Long March system of the Chinese, and as a consequence, the United States of America suffers. There is no question that is true. But U.S. security has suffered against a nation with considerably less capability than Russia and considerably less risk of an accidental launch as a result of the way the two nations organize their weapon systems.

In the uproar surrounding this story, I fear that we may be losing touch with reality concerning the size of the threat we face in China relative to the far greater Russian nuclear threat. Press accounts indicate that China may have no more than 20 land-based nuclear missiles capable of reaching the United States.

Also, again, according to the media, as I said, Chinese nuclear weapons aren't kept on continual alert. Their nuclear warheads and liquid fuel tanks are stored separate from their missiles. Again, it would take them a considerable amount of time to fuel, to arm, and to launch these weapons. That just one of these weapons would cause immense pain and devastation to the United States of America is not an obvious threat. But, again, it is a much smaller threat than the threat of an accidental rogue nation, or a sabotage takeover of a Russian site that could be launched with a devastating impact against the United States of America.

Also, according to the media, China may have no more than 20 land-based nuclear missiles capable of reaching the United States. Also, again, according to the media, as I said, Chinese nuclear weapons aren't kept on continual alert. Their nuclear warheads and liquid fuel tanks are stored separate from their missiles. Again, it would take them a considerable amount of time to fuel, to arm, and to launch these weapons. That just one of these weapons would cause immense pain and devastation to the United States of America is not an obvious threat. But, again, it is a much smaller threat than the threat of an accidental rogue nation, or a sabotage takeover of a Russian site that could be launched with a devastating impact against the United States of America.

As of January 1999, my colleagues, with reference to this issue—I remember campaigning for the Senate in 1988. In 1988, you had to know all of this stuff. You had to know all of these in numbers, because arms control advocates were asking you, and opponents of arms control were asking. The freeze was going on. The MX missile was being debated. It was a hot issue in 1988.

In 1999, it is not a hot issue. It is not on the radar screen. You have to hunt around to find someone who cares about it and asks you about it and express a concern about what I, again, consider to be the most dangerous threat to the people of the United States of America.

I repeat that this is the only threat that could kill every single American. Just a single Delta IV submarine that I talked about earlier—you put 64 100-kiloton weapons on top of 64 sites in the United States of America, and you soften no longer the strongest economy on Earth.

We would have considerably more, to put it mildly, than 4.2 percent unemployment. We would not be screaming along with an economic recovery. The stock market would react. I would hazard a guess, rather adversely to that piece of news. There would be devastation and destruction and considerable loss of life, and the United States of America would be set back a considerable amount of time and would not be as safe and as secure as we once were, and the world, as consequence, would suffer the loss of our leadership.

A single Delta IV submarine owned by the Russians in a very insecure environment, in my judgment, would set the U.S. back considerably.

I keep citing it only because I believe that we have taken nuclear weapons, unfortunately, off our radar screen, and we don't think about this much. I say to the distinguished chairman and to the ranking member, Senator LEVIN, and Senator SMITH, who is the chairman of the Strategic Subcommittee, that I know each of you are very concerned about this. I am talking about the general population. I would hazard a guess that if one of these new media outlets that does polls all the time did a poll and asked the question about whether the Chinese nuclear threat is a greater threat to the United States of America than the Russian nuclear threat, it is likely to say that the general population would say yes, given what they have heard recently in the news.

China may evolve into a serious military threat to the United States in the future. They are unquestionably a proliferator of weapons, and all of us should be dismayed and angry at the lax security that we have discovered through the Cox report and other reports over the last 20 years, and should move with legislation and action to tighten up and make sure that we reduce that threat. But the Chinese threat is nowhere near the danger that the Russian nuclear threat poses to the people of the United States of America.

What I am attempting to do with this amendment by striking the floor that we have imposed for 3 years in a row in the defense authorization bill—this provision that prohibits the United States from going below START I force levels until START II enters into force—is that I am suggesting that this floor increases the threat to the United States of America because we are waiting for the Russian Duma to ratify
Mr. WARNER. That is correct. We interrupted the Senator from Nebraska that I had much more to say on this matter, and it may be that I am not able to agree to a time agreement and have the vote at 11:45. I would like to be able to do that. Maybe what I should try to do is abbreviate my comments and give the chairman a chance to respond briefly, if he chooses to do so.

I see the chairman of the subcommittee is here. He may have some opposing points of view that he would like to offer. I want to give him a chance to do that. I think it is highly unlikely that I will be able to agree to a vote immediately after the BRAC vote at 11:45.

Mr. WARNER. Mr. President, are we under a time agreement, are we not?

The PRESIDING OFFICER. There is no time agreement.

Mr. WARNER. That is correct. We want to give the Senator as much latitude as we can. We will find such time as I have here, but the Senator desires. I am just anxious to frame this issue, because the Senator has given a brilliant speech, as he always does. I do not say facetiously. I enjoy listening to my good friend and colleague and fellow naval person. But I was listening, and he is making a good speech for balance, and he is making a good speech for balance. He may have some opposing points of view that he would like to offer. I want to give him a chance to do that. But I was listening, and he is making a good speech for ballistic missile defense, which is splendid. I hope that we are going to draw on this RECORD for future debates on ballistic missile defense systems. I take up the proposed act of Senator COCHRAN's bill now that has become law.

But the point I wish to make is that this provision, which the Senator wishes to strike, has been in five successive defensive bills. It is in there in accordance with the administration's wishes to try to show to Russia that we mean business about getting START II ratified. Were we to strike it, it is this Senator's opinion—I think it is shared by the Secretary of Defense, and others—I would worry about the efforts to get START II ratified.

We have here the distinguished chairman of the Subcommittee on Strategic Forces. All I would ask is, if we could just have a few minutes to frame the debate of Senators of both sides following it. I think they can come to some sort of closure in their own minds on this issue.

Mr. KERREY. Mr. President, I appreciate that. Why don't I take another 5 or 10 minutes?

Mr. WARNER. We interrupted the Senator. Would he yield for an additional question on procedure?

Mr. KERREY. Yes. Mr. LEVIN. I believe this debate will take longer than 35 minutes, and there is no time agreement on this debate. There are others who want to speak on both sides.

I address this to the chairman, because this seems to me likely to take more than 35 additional minutes. Since the debate is scheduled to restart on BRAC at 11:45, I wonder whether the chairman might want to delay that for perhaps 15 minutes or half an hour.

Mr. WARNER. Fifteen minutes. We have such great cooperation from all. We have a string of Senators ready to be here at 11:45. Let's say we will conclude at 12 noon; is that agreeable?

Mr. LEVIN. I am not suggesting we have a time limit of 12 noon. I am suggesting if we delay the beginning of the debate on BRAC at 11:45, I hope at least there is a chance that this debate could conclude by then. If it does, we could vote on this amendment immediately after BRAC.

I don't think the Senator from Nebraska is willing or should be willing to agree to a time agreement yet because he has not heard the debate on the other side.

I suggest the debate on BRAC begin at noon—we change the unanimous consent into a focus of Senators following it. Eventually I do not want to get into necessarily arguing that. I am saying that within a matter of hours it is possible for the United States of America to suffer an attack the likes of which I think very few people are imagining.

It is a real threat. It is not an imaginary threat. It is a real threat, and it is a threat that is getting larger, not a threat that is getting smaller. It is not the old threat. The old threat—and I appreciate what I think the administration's stated policy says. They prefer repealing the bill's general provisions that maintain this prohibition first enacted in 1998, but maybe the administration supports this amendment and maybe they don't support the amendment.

I believe this floor makes it less likely that we will consider an alternative to arms control as a method to reduce this threat. I am willing to look at alternatives such as star wars for which I voted. The strategic defense system is not in place today. I don't know when it will be in place.

In the meantime, the capacity to control Russia's nuclear system is declining and putting more and more Americans at risk as a consequence.

This is the third year, as I understand it, that this provision has been here.

Let me talk about strategic arms reduction. It has been the leading edge of our effort to try to reduce the threat. Back in the cold war, it was considered to be the only way that we will do it. I am not going to go through all the details of the history, but the Strategic Arms Reduction Treaty was signed between the United States and the Soviet Union, START I, in 1991 and entered into force in 1994. It commits both sides to reducing their overall force level to 6,000 deployable warheads by December of 2001. Both sides are well on the way to meeting this deadline. The START II treaty signed in January 1993 and requires both the United States and Russia to deploy no more than 5,300 warheads by no later than

May 26, 1999

CONGRESSIONAL RECORD—SENATE 10921

START II. We are still, in my view, in the old way of thinking about how to deal with nuclear weapons and how to reduce the threat of nuclear weapons and keep the people of the United States of America safe.

Let me provide a little bit of history of arms control.

Again, the chairman of the committee asked for some time to respond. Earlier, I was asked if I was going to wrap this thing up at 11:45. I say to my friend from Virginia that I had much more to say on this matter, and it may be that I am not able to agree to a time agreement and have the vote at 11:45. I would like to be able to do that. Maybe what I should try to do is abbreviate my comments and give the chairman a chance to respond briefly, if he chooses to do so.

I see the chairman of the subcommittee is here. He may have some opposing points of view that he would like to offer. I want to give him a chance to do that. I think it is highly unlikely that I will be able to agree to a vote immediately after the BRAC vote at 11:45.

Mr. WARNER. Mr. President, are we under a time agreement, are we not?

The PRESIDING OFFICER. There is no time agreement.

Mr. WARNER. That is correct. We want to give the Senator as much latitude as we can. We will find such time as I have here, but the Senator desires. I am just anxious to frame this issue, because the Senator has given a brilliant speech, as he always does. I do not say facetiously. I enjoy listening to my good friend and colleague and fellow naval person. But I was listening, and he is making a good speech for ballistic missile defense, which is splendid. I hope that we are going to draw on this RECORD for future debates on ballistic missile defense systems. I take up the proposed act of Senator COCHRAN's bill now that has become law.

But the point I wish to make is that this provision, which the Senator wishes to strike, has been in five successive defensive bills. It is in there in accordance with the administration's wishes to try to show to Russia that we mean business about getting START II ratified. Were we to strike it, it is this Senator's opinion—I think it is shared by the Secretary of Defense, and others—I would worry about the efforts to get START II ratified.

We have here the distinguished chairman of the Subcommittee on Strategic Forces. All I would ask is, if we could just have a few minutes to frame the debate of Senators of both sides following it. I think they can come to some sort of closure in their own minds on this issue.

Mr. KERREY. Mr. President, I appreciate that. Why don't I take another 5 or 10 minutes?

Mr. WARNER. We interrupted the Senator. Would he yield for an additional question on procedure?

Mr. KERREY. Yes. Mr. LEVIN. I believe this debate will take longer than 35 minutes, and there is no time agreement on this debate. There are others who want to speak on both sides.

I address this to the chairman, because this seems to me likely to take more than 35 additional minutes. Since the debate is scheduled to restart on BRAC at 11:45, I wonder whether the chairman might want to delay that for perhaps 15 minutes or half an hour.

Mr. WARNER. Fifteen minutes. We have such great cooperation from all. We have a string of Senators ready to be here at 11:45. Let's say we will conclude at 12 noon; is that agreeable?

Mr. LEVIN. I am not suggesting we have a time limit of 12 noon. I am suggesting if we delay the beginning of the debate on BRAC at 11:45, I hope at least there is a chance that this debate could conclude by then. If it does, we could vote on this amendment immediately after BRAC.

I don't think the Senator from Nebraska is willing or should be willing to agree to a time agreement yet because he has not heard the debate on the other side.

I suggest the debate on BRAC begin at noon—we change the unanimous consent into a focus of Senators following it. Eventually I do not want to get into necessarily arguing that. I am saying that within a matter of hours it is possible for the United States of America to suffer an attack the likes of which I think very few people are imagining.

It is a real threat. It is not an imaginary threat. It is a real threat, and it is a threat that is getting larger, not a threat that is getting smaller. It is not the old threat. The old threat—and I appreciate what I think the administration's stated policy says. They prefer repealing the bill's general provisions that maintain this prohibition first enacted in 1998, but maybe the administration supports this amendment and maybe they don't support the amendment.

I believe this floor makes it less likely that we will consider an alternative to arms control as a method to reduce this threat. I am willing to look at alternatives such as star wars for which I voted. The strategic defense system is not in place today. I don't know when it will be in place.

In the meantime, the capacity to control Russia's nuclear system is declining and putting more and more Americans at risk as a consequence.

This is the third year, as I understand it, that this provision has been here.

Let me talk about strategic arms reduction. It has been the leading edge of our effort to try to reduce the threat. Back in the cold war, it was considered to be the only way that we will do it. I am not going to go through all the details of the history, but the Strategic Arms Reduction Treaty was signed between the United States and the Soviet Union, START I, in 1991 and entered into force in 1994. It commits both sides to reducing their overall force level to 6,000 deployable warheads by December of 2001. Both sides are well on the way to meeting this deadline. The START II treaty signed in January 1993 and requires both the United States and Russia to deploy no more than 5,300 warheads by no later than
December of 2007. The Senate ratified START II in 1996, but the Russian Duma has failed to ratify it.

Section 1041 of this authorization bill extends for another year the limitation on retirement or dismantlement of strategic nuclear weapon systems until the START II treaty enters into effect. Let me put this another way: The bill we are debating allows a foreign legislative body the final say on U.S. nuclear force levels. I do not believe this is how we should set our defense policies. Our military decisions should be based solely on what we need to protect and maintain our national security interests.

While I understand this provision was originally intended to encourage Russian ratification of START II, I think it is time to begin to rethink our strategic nuclear policy. For too long, the United States has assumed the Russian nuclear policy has become completely detached from the military requirements of defending America, and is now being used simply as a bargaining chip with Russian politicians.

Ironically, this is occurring at a time in which the Russian military is having problems maintaining its current force levels. The Russians foresee a time in the near future, when drastic cuts will have to be made. In fact, Russian Defense Minister Igor Sergeyev has said publicly he sees the future Russian strategic nuclear arsenal in terms of hundreds, not thousands, of warheads. There are even some U.S. analysts who have calculated within 10 to 15 years Russia will be able to maintain a force no longer than 200 warheads.

I believe this is clearly in the Russian interest, and in the interest of the United States to achieve reciprocal reductions in forces, and I am disappointed the Russian Duma has chosen domestic politics over its best interests. However, it is just as clear that it remains in our interests to work with Russia to find new ways to reduce the number of nuclear weapons in a parallel, reciprocal, and verifiable manner.

We have a historical precedent to show that an adjustment in our nuclear forces, based solely on an evaluation of our defense needs, can help achieve the goal of reducing nuclear dangers. There is a precedent for this. On September 27, 1991, then President George Bush announced a series of sweeping changes to our nuclear force posture. After assessing our national security needs, Bush ordered all strategic bombers to deactivate all ICBMs scheduled for deactivation under START I, and he canceled several strategic weapons development programs.

On October 5—just one week later—President Gorbachev responded with reciprocal reductions in the Soviet arsenal.

President Bush acted, not out of altruism, but because it increased U.S. national security. In his announcement, he said:

If we and the Soviet leaders take the right steps—some on our own, some on their own, some together—we can dramatically shrink the arsenal of the world’s nuclear weapons. We can more effectively discourage the spread of nuclear weapons. We can rely more on defensive measures in our strategic relationship. We can enhance stability, and actually reduce the risk of nuclear war. How is the time to seize this opportunity.

I believe the same is true today in 1999. The longer we wait to act—the more years in which we extend this legislative restriction—the more likely it is that one of these weapons will fall into the hands of someone willing to use it to kill American citizens.

In addition to endangering the safety of the American people, our continued insistence on staying at START I levels is costing the American taxpayer. They are paying more to be less safe.

Secondly, the cost of maintaining our nuclear arsenal vary widely. The Pentagon contends the total cost is in the neighborhood of $15 billion a year. A more inclusive figure would put the cost in the area of $20 to $25 billion. This represents a significant portion of our yearly national security spending. For now, it continues to be necessary to maintain an effective, reliable nuclear force—a force capable of deterring a wide array of potential adversaries.

But if, as our military leaders have indicated, we can maintain that deterrent capability at much lower force levels, I am concerned we are wasting precious budgetary resources. The Congressional Budget Office conducted a study in which it found we could have between $12.7 billion and $20.9 billion over the next ten years by reducing U.S. nuclear delivery systems within the overall limits of START II.

But the Pentagon and the Armed Services Committee have already recognized that potential savings exist in this area. The bill before us allows the Defense Department to decrease the number of Trident Submarines from 18 to 14—producing a significant cost savings in our deterrent.

I am sure further savings could be realized with further cuts. I am certain our military has the ability to determine the proper formula in which we can reduce our nuclear arsenal, save money, and still maintain a healthy triad of delivery systems that will maintain our deterrent capabilities. I am confident much of this planning has already occurred.

I am also confident the distinguished members of the Armed Services Committee would be able to find ways in which to redirect these savings into other defense priorities such as preventing the proliferation of weapons of mass destruction, combating terrorism and narco-trafficking, or improving the readiness of our conventional forces to confront the challenges of the 21st century.

My amendment does not mandate any reductions in the U.S. strategic nuclear arsenal. It simply eliminates the provision in this bill requiring us to maintain our forces at START I levels—a level that is unnecessarily high.

The greatest danger facing the American people today is Russian nuclear weapons. We have been given a moment in history to reduce this threat. Rather than acting on this opportunity, we are preparing once again to tie our own hands. The rapid pace of change in Russia means we must prepare now for our role in the United States Senate to debate for another year whether or not to seize this opportunity. We know what our relationship with Russia is
today, we can predict, but we cannot know what it will be like in a year, or two, or ten. Circumstances may never again be this favorable for reducing the threat posed by nuclear weapons. We must act. If we do not, history may judge us harshly for our failure.

I see the distinguished Senator from New Hampshire go, and, of course, the chairman of the subcommittee. I think what I will do is yield the floor and allow my friend to speak for a while, and listen to what is likely to be his considered and well-spoken words.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleagues. I indicated I am more than happy to have the Senator from Nebraska finish his remarks, but if he chooses to have me proceed now, I will be happy to do that.

Section 1041 of this bill, which is in question here in the amendment of Senator KERREY, does prohibit the reassignment of strategic delivery systems unless START II enters into force. The amendment by the Senator from Nebraska just strikes that entire section, section 1041.

For the last several years, the Defense Authorization Act has included a provision limiting the retirement of strategic delivery systems. Recently, it has specifically prohibited reductions below 18 Trident submarines, 50 Minuteman II ICBMs, 30 Peacekeeper ICBMs, and 71 B-52s. This year the provision has been modified to allow the Navy to reduce the number of Trident submarines from 18 to 14. This change was made after close consultation with the U.S. Strategic Command, the Navy, and the Office of the Secretary of Defense. On April 14, 1999, the Strategic Subcommittee conducted a hearing on this matter. We did agree to reduce the number of Tridents from 18 to 14, with my support.

The overall intent of the provision is to send a signal to Russia, that if they want the benefits of START II, then they ought to ratify the treaty. I think this is where I part ways, respectfully, with my colleague. This really is a unilateral implementation of START II— or to make even deeper reductions that would fundamentally undermine the arms control process and our national security.

I believe I am correct, the Senator supported START II. If he is going to make unilateral reductions as part of our policy, I do not think it leaves much incentive for the Russian side to do what they have to do to get to START II.

But section 1041 is a very flexible provision. Since it must be renewed each year, there is ample opportunity to take into consideration proposals by the administration and to make our force structure adjustments as necessary.

This was demonstrated this year in the way the Armed Services Committee responded to the Navy's proposal, which was to retire four of the oldest Trident submarines.

With all due respect, the adoption of the Senator's amendment I believe could be interpreted as a sign that Congress no longer supports the policy of remaining at START I levels until START II enters into force. It seems to me the Senator is advocating that explicitly, but I could be wrong. I note that the administration does not support such a change in policy and, indeed, the administration's budget request fully funds the forces at the levels specified in the section in question that the Senator wishes to strike, section 1041.

The provision does not preclude the administration from making any changes in U.S. force structure that it is currently planning to make. Section 1041 does not require the administration to retain any strategic delivery system that it otherwise would retire. It is clear that the principal objective of this amendment is to encourage unilateral arms reductions outside the framework of existing arms control agreements.

My concern is this is a very dramatic departure from existing U.S. policy. Essentially, this approach would amount to an abandonment of, or certainly a significant deviation from, the formal arms control process.

I may support a change in U.S. policy that would basitize strategic force posture on a unilateral definition of U.S. military requirements rather than on the arms control framework, but I believe that as long as formal arms control agreements govern our force posture, we ought to adhere to a policy of not unilaterally implementing such agreements.

Also, just as a bit of a side discussion here, the issue of what has happened in the last two years may be an alarm bell that these agreements with the Russians—were the Soviets, now the Russians—may not be the major issue before us if things keep going.

One has to remember that an agreement, START I, START II agreements with the then Soviets, now Russians, for arms control reductions between two countries in a bilateral world, could very well next expand to something beyond just the bilateral agreements with China and perhaps to Syria and Libya and even Iran, or some other nice countries out there that are now, thanks to the Chinese, going to be receiving a lot of our secrets, if you will, nuclear weapons. That furthers the case for not unilaterally reducing these systems without the Russians agreeing first.

I therefore urge my colleagues to oppose the Kerrey amendment.

Mr. President, I yield the floor.

Mr. KYL. Mr. President, I just spoke with Senator KERREY. I know he will want to say something in response to Senator SMITH and what I will have to say. I will take my 5 minutes right now with his indulgence.

I appreciate the spirit of his amendment. In fact, I just advised Senator KERREY I regretted very much having to speak in opposition to his amendment because I admire him as vice chairman of the Intelligence Committee on which I sit. We agree on a great many things. In fact, we are introducing legislation as cosponsors today on another matter.

But on this matter, I do differ with his approach because it to me reflects the approach to defense preparedness, to national security, that has been characterized, as Charles Krauthammer has said, as "peace through paper" rather than peace through strength, which Ronald Reagan made popular and which we think helped to win the cold war—the notion, in other words, that treaties should define what the United States of America does to provide for its defense rather than the United States defining what it must do to provide for its defense and then seek through treaties to limit what other countries might do and what we might do in the future as a part of that but following what our initial determination is with respect to necessities for our national security.

This is true with respect to the START I and START II levels of nuclear weaponry, our strategic deterrents. The START I levels are where we are right now, and historically the administration and the Congress have taken the view that we need to maintain our START I levels as long as that is the prevailing status of treaties, and that is precisely where we are today.

START II has not been ratified by the Russian Duma, and until it is and until Russia begins to comply with its obligations under START II to bring the number of warheads permitted under START II down to levels authorized by START II, we have viewed it important not to unilaterally bring our levels from START I down to START II, because holding out the possibility that we would stay at START I has been an effective way for us to deal with the Russians.

Bell, speaking for the administration, has testified that it has been helpful for us to let the Russians know that we are going to maintain our forces at the current levels. While we are willing to reduce them to START II levels, it is going to require concomitant action by the Russians for us to do that. In other words, if the Russians are prepared to go from START I down to START II, then the United States will be prepared to do that. But until then, we should not be taking the action unilaterally.

As a matter of fact, I was going to offer an amendment to this bill which would ensure that our Trident forces...
would not be reduced, because that is also permitted under this bill. The Trident submarine forces are the most robust part of our triad of strategic deterrence because they are the most secure. Our submarines are nearly impossible to track, so they are clearly the most survivable leg of the triad. The majority of our boats in the fleet can carry the D-5 missile, the most advanced missile we have.

What I have focused on here is trying to make sure that our country maintains our START I level capability and that we do not begin to erode that, simply because it is expensive to do as long as Russia is not willing to reach those same levels.

An example of why this is important is that if we were to reduce the Trident force, for example, we would be relying upon the B-52s—as a matter of fact, our plan, and I hope our American citizens appreciate that the current defense plan is to use an 80-year-old B-52 bomber into the future as part of the triad for our defense. This is relying upon a very old and not very survivable system, which is why I think we have to maintain the Trident system.

Our vulnerable land-based ICBMs are the other leg, and they are also quite vulnerable to attack. We ought to be maintaining rather than giving up our Trident forces.

Were it not for arms control considerations and a desire for the United States to implement the START II agreement that has not even been ratified by the Russian Duma, I do not think we would be taking the step that is being suggested by the Armed Services Committee, which I applaud and the even larger or further step that Senator Kerrey takes to have it apply to all of our strategic forces.

I have been concerned for a long time about the administration's desire to protect our national security primarily by relying on arms control measures, and I said this has been described by Charles Krauthammer as “peace through paper.” Let me use the words of the administration. Under Secretary of State John Holum explained the administration philosophy in 1994. This is a revealing explanation. He said:

The Clinton administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing development of theater defenses for those cases where arms control is not yet successful.

That is exactly backward. First, you develop your security forces, and then, to the extent that you can do so, you cut back on those through arms control treaties that are agreed to and implemented by the other side. But what you ought to do is stand up by saying arms control is going to drive your development and deployment of national security measures. It is exactly backward.

Arms control is not a new idea. In 1139, the Catholic Church tried to ban the crossbow. Like a lot of other well intentioned, well-meaning measures, it did not work. The Kellogg-Briand treaty—I know the Senator from Virginia, the distinguished, esteemed chairman of the Armed Services Committee, is not quite old enough to remember that in 1929 it outlawed war. Well, it does not work. Peace through strength works. Then you do what you can with arms control.

The main point I want to make is that our defense planning should proceed on the basis of assessing the threat, evaluating alternative means to defeat the threat, and funding the requisite weapons systems and force structure. We should not permit arms control agreements to drive our defense planning and structure. It is particularly true with respect to the START II treaty which this Senate ratified in December of 1995. Despite our action, the Russian Duma has refused to take action on it. The likelihood it will happen is still uncertain. START II has become a political liability in Russia in spite of its advantages to them.

As I said before, I would apply this not only to the amendment offered by Senator Kerrey but also to the language in the Senate bill which would permit the administration to withdraw our nuclear Trident force down to 14 boats. I quoted Robert Bell who stated the provisions in law requiring the maintenance of the U.S. forces at START I levels are helpful in convincing the Russians that the only way that U.S. force levels will decline is if the Russian Duma ratified START II. While I understand he is going to be taking a new position soon, Bell is the President's Special Assistant for Arms Control and Defense Policy.

I was going to offer an amendment to highlight my concern about a provision of the Defense authorization bill that I believe undermines the strength of America's strategic nuclear deterrent. The specific provision that I am concerned about is paragraph (2) of section 1041 of the bill, which would allow the Clinton administration to reduce the number of Trident nuclear submarines operated by the U.S. Navy from 18 to 14 boats. Unfortunately, I fear the acceptance of this cut by the Defense Department was driven primarily by a desire to conform to prospective arms control agreements rather than a hard-nosed assessment of the best way to respond to current threats, and the best means of compelling Russia to meet its commitments to reduce its nuclear arsenal.

The Trident force, armed with the nuclear-tipped submarine-launched ballistic missiles, forms a critical part of the United States nuclear triad, which also includes long-range bombers and land-based intercontinental ballistic missiles. When deployed at sea, Trident submarines are nearly impossible to track, making them most survivable leg of our nuclear triad. Furthermore, the Trident fleet carry America's most modern missile, the D-5, and our most advanced nuclear warhead, the W88.

The bill before the Senate calls for the maintenance of U.S. nuclear forces at a level that closely approaches the limits imposed by the START I treaty. The bill, however, allows the Administration to reduce the number of Trident submarines and instead to rely more heavily on the current fleet of aging B-52 bombers and more vulnerable land-based ICBMs to maintain U.S. nuclear forces at START I levels.

I do not believe a reasonable person could argue that placing greater reliance on the venerable fleet of B-52 bombers, which are approaching one hundred years old, is the most survivable and survivable U.S. nuclear deterrent. Were it not for arms control considerations and a desire to implement the START II agreement that has not even been ratified by our Russian treaty partners, I do not believe we would be taking this step.

As many of my colleagues know, I have been concerned for some time about the Clinton administration's desire to protect our nation's security primarily by relying on arms control measures in a philosophy that Charles Krauthammer aptly describes as “Peace thru Paper.” Under Secretary of State John Holum explained this philosophy during a speech in 1994, stating:

The Clinton Administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing development of theater defenses for those cases where arms control is not yet successful.

Of course, as I said before, arms control is not a new idea. After all, in the year 1139, the Catholic Church tried to ban the crossbow. Like so many other well intentioned arms control measures, this one was doomed to failure from the start. And who can forget the Kellogg-Briand treaty, ratified by the U.S. in 1929, that outlawed war as an instrument of national policy. This agreement and others spawned in its wake left the United States and Britain unable to deter and unprepared to fight World War II. Yet despite these and many other notable failures, the Clinton administration still looks to arms control as the best way to safeguard our security.

The main point that I want to make is that our defense planning should be a level that closely approaches the threat, evaluating alternative means to deter and defeat the threat, and funding the requisite weapons systems and force structures. We should not
permit arms control agreements to drive our defense programs and force structure. This is particularly true with respect to the START II treaty, which the Senate ratified in December, 1995. Despite the Senate's action, the Russian Duma has refused to take action on the accord. The likelihood that it will do so is highly uncertain. START II has become a political liability in Russia in spite of its advantages to them.

Adherence to START I warhead limits, as called for by the Senate in its Resolution of Ratification for the START II treaty, and retention of the Trident fleet at 18 boats, gives us the best leverage we are likely to have to persuade Russia to move toward ratification and implementation. And the Clinton administration agrees with this plan. Conducting tests on new warhead designs stolen from our nuclear labs and missile technology sold by the Clinton administration. The Cox committee had concluded that these thefts and missile technology sold by the Clinton administration. The Cox committee had concluded that these thefts enabled the PRC to design, develop and successfully test modern strategic nuclear weapons. These thefts, primarily from our national laboratories, began in the 1970s, continued in the 1980s and 1990s and almost certainly continue today. The Cox report concludes by saying, "These thefts enabled the PRC to design, develop and successfully test modern strategic weapons." Furthermore, I would point out to my colleagues that rogue states and gangster regimes are also working hard on nuclear weapons and the means to deliver them. As the Rumsfeld Commission noted last year, the strategic threat to the U.S. from rogue nations is growing rapidly. And one need only look at last summer's launch of a North Korean missile that overflowed Japan that has sufficient range to reach the United States for validation of the Rumsfeld Commission's conclusions.

Mr. President, I have offered an amendment to retain the Trident fleet at 18 boats. We should remember that the world remains a dangerous place and should size our nuclear forces accordingly. As I have outlined before, the Trident fleet is vital to the maintenance of our strategic nuclear deterrent. This is too important a step to be entangled in a bureaucratic administration in its pursuit of its own interests at the expense of national security. We should decide what is necessary and not care what the Russians think about it. I am not going to read all through it. I will do it later because I see the distant horizon. I am not going to read all through it. I will do it later because I see the distant horizon. I am not going to read all through it. I will do it later because I see the distant horizon.

Mr. KERREY. Mr. President, let me say that although we reach different conclusions, I completely agree with the Senator from Arizona. I do not think we should tie our defense policies to arms control agreements. I do not think we should do anything other than assess the threat and then try to plan our force structure in a way that achieves that threat, that keeps that threat as low as is possible. We should not cut corners. We should not get tied up in ideological knots.

We should decide what is necessary to keep Americans safe. I do think that it is much more likely that will occur if the U.S. military is as strong as we can possibly make it. There are significant new threats in the world that need to be met. I support the budget that has been proposed here.

I supported earlier the rampup in pay and other benefits. I think all that needs to be done. I think we have less in our intel budget than is necessary to both collect and analyze and disseminate the information to our warfighters and national policymakers. What we are doing, as I see it, with this proposal is saying we are not going to do anything that might be in our interest, that might keep our country safer, because the Russians have not ratified START II. We are letting the Russians decide what our force structure is going to be.

We have been told by former General Habiger, who was the head of START II, that he thinks the United States of America will be safer and more secure if we went below START I levels. That is his assessment. He did not care what the Russians think about that. He thinks America would be safer and more secure if we did. I am not going to read all through it. I will do it later because I see the distant horizon. I am not going to read all through it. I will do it later because I see the distant horizon. I am not going to read all through it. I will do it later because I see the distant horizon. I am not going to read all through it. I will do it later because I see the distant horizon. I am not going to read all through it. I will do it later because I see the distant horizon.

Senators, let me set the record clear about the administration's position. Senator LEVIN, for the record, in the Armed Services Committee, on the 3rd of February, asked General Shelton: Would you oppose inclusion of a provision in the Fiscal Year 2000 Defense Authorization Act mandating strategic force structure levels—specific numbers of Trident Submarines, Peacekeeper Missiles and B–52 bombers?

He said: Yes, I would definitely oppose inclusion of [that].
And a further statement of the administration about their attitude towards the defense authorization bill said:

The Administration would appreciate the bill's endorsement of our plan to reduce the Trident submarine force from 18 to 14 boats...

But they go on to say:

"We prefer repealing the bill's general provision that maintains the prohibition, first enacted in the FY 1998 Defense Authorization Act, against obligating funds to retire or dismantle any other strategic nuclear delivery system below specified levels unless START II enters into force. The Administration believes this provision would unnecessarily restrict the President's national security authority and ability to structure the most capable, cost-effective force possible.

They have announced no intent to go below START I levels, but they have indicated they prefer not to have this prohibition in there.

The PRESIDING OFFICER. If the Senator will withhold, we have a previous order at this time to begin debate on amendment No. 393.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. I ask unanimous consent that I be allowed to speak on the Kerrey amendment. Did the Senator from Nebraska want additional time as well?

Mr. KERREY. After the other amendment is disposed of, we will come back to it, and I will have time then.

Mr. DASCHLE. If it would be appropriate, I ask unanimous consent to address the Kerrey amendment at this time.

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

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Nebraska for his advocacy and his leadership on this issue. This is probably one of the most important debates that we are going to have this year with regard to nuclear proliferation. This amendment could be one of the most important amendments that we will have the opportunity to vote on this year with regard to nuclear proliferation. So his advocacy of this issue and this amendment is greatly appreciated. I am very impressed with his command of the facts as we consider its advocacy this morning.

Much of the current debate on national security issues these past several weeks has focused on two issues, as we all know: Kosovo and the alleged Chinese espionage of our national weapons laboratories. That concentration is very understandable.

In the first instance, the courageous men and women who make up America's military forces are risking their lives daily in the Federal Republic of Yugoslavia to reverse the genocidal policies practiced by that country's leader. That is a just cause.

For the sake of hundreds of thousands of refugees made homeless by Milošević's reign of terror, as well as the future of NATO, we simply cannot afford to fail.

As for the safety of our nuclear secrets, this, too, is an issue of vital national security. It is alleged that for the last two decades the Chinese Government has systematically engaged in efforts to gain access to some of our most important nuclear weapons scientists and the knowledge they possess.

Although all agree that classified information has fallen into the hands of the Chinese Government, it certainly remains unclear who is involved and exactly how much of our national security suffered as a result of these activities. The administration, Congress, and law enforcement agencies are vigorously exploring answers to these troubling questions.

But as important as these issues are, as I noted just a moment ago, I submit there is an issue of equal or greater importance to America's immediate and long-term national security interests, and this amendment addresses it. The issue is the U.S.-Russia relationship and the fate of tens of thousands of nuclear weapons, and hundreds of tons of nuclear weapons material possessed by each side.

The Kerrey amendment recognizes the importance of that relationship. The Kerrey amendment proposes that the United States take a small step to improve this relationship by acknowledging that the Russian nuclear arsenal is shrinking, and adopting the view of the Joint Chiefs of Staff that our security will not be jeopardized if we do the same.

I strongly support this amendment and ask my colleagues to join me.

It is difficult to point to a period of time since the end of the cold war when relations between the United States and Russia have been under greater stress. Protests and public opinion polls in Russia demonstrate that anti-American feeling is on the rise in that country. The tension in this critical relationship has grown as a result of both Russia's internal economic and political troubles and actions by this Government.

At the very time the U.S.-Russia relationship is under unprecedented stress, the need to work with Russians to reduce the threat posed by nuclear weapons and the spread of nuclear weapons material and expertise has never been greater.

Nearly a decade after the fall of the Berlin Wall, the United States and Russia still possess roughly 12,000 strategic nuclear weapons, thousands of tactical nuclear weapons, and hundreds of tons of nuclear weapons material.

Even more alarming, both sides keep the majority of their strategic nuclear weapons on a high level of alert—something I addressed in past comments and, for the life of me, cannot understand.

And reports are growing that Russia's government lacks the resources to properly maintain and control its nuclear weapons, nuclear materials, and nuclear know-how. Consider these recent events.

In September of 1998, roughly 47,000 nuclear workers protested at various locations around Russia over the Atomic Energy Ministry's failure to provide them their wages for several months. Russian Atomic Energy Minister Adol'mov told the workers that the government owed the ministry over $170 million and had not provided a single ruble in two months.

Again late last year, Russian radio reported that the mayor of Krasnoyarsk-45, one of Russia's closest nuclear cities, imported clear material to build thousands of bombs is stored, warned that unless urgent action was taken, a social explosion in the city was unavoidable.

More recently, guards at nuclear facilities reportedly left their posts to forage for food. Others have been reluctant to patrol facility perimeter because they did not have winter uniforms to keep them warm on patrol.

At some nuclear facilities, entire security systems—alarms, surveillance cameras, and portal monitors—have been shut down because the facilities' electricity was cut off for non-payment of bills.

According to recent testimony by senior Pentagon officials and statements by senior Russian defense officials, Russia's nuclear stockpile is faring no better than the workers hired to maintain and guard it. According to Assistant Secretary of Defense Ted Warner, Russia's force of roughly 6,000-7,000 strategic nuclear weapons will be dramatically reduced regardless of whether Russia ratifies START II.

By 2005, according to Warner, "[Russia] will be hard pressed to keep a force of about 3,500 weapons * * * and by about the year 2010, they will be hard pressed to even meet a level of about 1,500 weapons." Russian Defense Minister Igor Sergeyev recently stated that Russia is "likely to have no more than 500 deployed strategic warheads by 2012 for economic reasons." Finally, in this weekend's newspapers comes the latest evidence of Russia's nuclear troubles. Under the headline, "Russia Faces 'New Chernobyl Disaster,'" the London Sunday Telegraph reports,

What a Russian energy minister has called a Chernobyl in slow motion is unfolding in [Russia's] far north where nuclear submarines are falling to pieces at their moorings and a decaying nuclear power station has refused Russian commission aid to buy vital safety equipment.

According to the Russian chief engineer at the nuclear plant, "We are in despair."
Mr. President, while U.S.-Russia relations approach their nadir and Russia struggles to keep the lid on its nuclear forces and workers, what has been the response of the majority of the United States Senate?

Unfortunately, for the last several years, a majority of the Senate opted to let the United States government from responding by making modest reductions in our forces. A majority in the Senate has prevented the U.S. government from reducing our nuclear forces below the START I level until Russia has ratified START II. This majority has chosen to include a similar provision in this year’s defense authorization. This provision further damages U.S.-Russia relations, locks us in a nuclear weapons level not needed for our security, and drains much-needed resources away from higher priority defense programs. Senator KERREY’s amendment wisely strikes this provision.

As not only, but also, our relationship with the Russian government and Russian people is at a low point. Russians fail to understand our actions on several fronts—from NATO enlargement to ballistic missile defense. As Russians look at the inevitable decay of their own strategic nuclear forces, they question why the United States insists on holding firm at weapons levels Russia can never hope to match, let alone exceed.

As for whether mandating by law that we retain 6,000 strategic weapons, our senior military leaders—current and former—have decisively expressed their opinions on this issue. In testimony before the Senate Armed Services Committee earlier this year, General Hugh Shelton, chairman of the Joint Chiefs of Staff and this country’s senior military leader, opposed just such a requirement. According to General Shelton, we would definitely compromise any language that mandates specific force levels.” General Eugene Habiger, former chief of all U.S. strategic nuclear forces, agreed with General Shelton and went farther. General Habiger stated, “There is no need to stay at the START I level from a military perspective.”

The Republican decision to keep our strategic weapons levels at an artificially high level also has budgetary ramifications. The Congressional Budget Office estimates that keeping U.S. strategic nuclear weapons totals at START I levels will cost the Defense Department $370 million in FY2000 and nearly $13 billion over the next 10 years. These costs are incredibly scarce, both in the Defense Department and in other areas of the government. We should spend every nickel necessary to ensure a strong defense. But we shouldn’t spend a nickel on weapons systems the military tell us they do not need.

For all of these reasons, I oppose the provision in the underlying bill. I support Senator KERREY’s amendment to strike this provision and restore a modicum of sanity to an increasingly troubled state of affairs. I ask my colleagues to do right by this important relationship, by our senior military leaders, and by the U.S. taxpayers who foot the bill for all we do. I ask for our colleagues to strike out on the Kerrey amendment. I yield the floor.

AMENDMENT NO. 393

The PRESIDING OFFICER (Mr. Roberts). Under the previous order, debate will now begin on amendment 393.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand that Senator WARNER may wish to speak on the Kerrey amendment for perhaps 5 minutes before we move to the BRAC amendment. If so, we are trying to reach Senator—Mr. President, I withdraw that. Are we now on the BRAC amendment?

The PRESIDING OFFICER. We are now on the amendment No. 393.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Nevada.

Mr. BRYAN. I thank the Chair, and I thank my colleague from Michigan.

I rise today as a strong supporter and original co-sponsor of the amendment offered by my colleagues, Senator MCCAIN and Senator LEVIN, to consolidate our defense infrastructure and authorize an additional round of base closures.

For months, Pentagon officials, military leaders and key Members of the House and Senate have painted a picture of an American military force seriously compromised by years of decline or flat-budgets.

No one questions that the integrity of our force structure must be fortified, and I strongly support efforts to divert greater funding to modernization and readiness priorities—funding which, in my judgment, is critical if we are to continue to maintain the most powerful and proficient military force on the planet.

And I think we are all cognizant of the grave retention and recruitment problems prevalent throughout the military and the serious morale impacts of this lack of funding. These are real problems in our military.

Every recent defense-related appropriations measure—including last year’s omnibus appropriations bill, the FY 1999 supplemental bill passed by this body just last week, and the legislation that is before us today—has included billions of dollars that the Pentagon did not request nor want. Unquestionably, a large part of the problem has been the insistence of the Congress to continue the time-honored practice of forcing the Pentagon to purchase aircraft it does not want, to build ships it does not need, and to maintain systems that have long outlived their usefulness.

And every dollar that we spend on these wasteful and unnecessary programs and infrastructure is a dollar that we cannot spend on such critical needs as readiness and quality of life packages for our military personnel.

Last year, a bipartisan coalition of Senators, led by Senator MCCAIN, and others, offered a proposal supported by the Secretary of Defense and the entire Joint Chiefs of Staff, to shut down military bases that had outlived their usefulness and to save the Pentagon billions of dollars. And Remarkably, the Senate said no.

I am hopeful this body will not make the same mistake twice.

The manner in which we fund the Department of Defense borders on the absurd, and continues to undermine our credibility with the American people when it comes to our ability to exercise fiscal responsibility.

I am confounded by a Congress that on one hand bemoans the state of readiness of our military, and fights tooth and nail to add billions of unrequested dollars to the Pentagon’s budget, and yet refuses to heed the advice of our senior leaders and make sensible changes to our defense infrastructure.

We micromanage the Defense Department to the point where we tell the generals and the admirals not only how many ships and planes they need to provide for our national security, but also where to place these ships and planes once they are built.

It is armchair quarterbacking at its worst.

Two years ago, the Congress passed—with great fanfare I might add—a balanced budget agreement that put in place a series of tough spending caps, requiring the Congress to reform its free-spending ways and make the tough decisions that are necessary to maintain fiscal responsibility.

Over the past two years, I have watched countless members of Congress duck, dodge, and evade those tough spending decisions as part of a systematic effort to sustain programs that have no justification and no purpose other than to divert funding from other more critical defense needs.

The examples are boundless. Last year, we included a $45 million down payment on a $1.5 billion amphibious landing ship that the Navy told us they had no need for by a Congress that has deemed unnecessary and unimportant.
And unless the pending amendment is passed today, the Senate will continue to shun the advice of our military leaders, and divert precious dollars away from readiness and modernization programs to support an infrastructure that is clearly in excess of our needs.

Today, we have a modest, bipartisan proposal offered by Senators McCAIN and LEVIN, supported by the Secretary of Defense and the Joint Chiefs of Staff, that would unquestionably save billions of dollars that could be used to improve readiness, enhance pay, retirement, family housing, and other benefits for our military personnel, and bolster our national security.

For three consecutive years, the Secretary of Defense and the Joint Chiefs of Staff have asked us to allow the Pentagon to close those military bases it believes no longer hold operational value.

And for three years, the Congress has punished this political football, refusing to make the tough choices that we promised the American people we would make just two years ago.

Senator after Senator has come to the Senate floor to lament the lack of adequate funding for our Nation’s defense.

We have heard that the readiness of our forces is at severe risk, that we do not have the funding we need to invest in the weapons technology of tomorrow, and that personnel problems threaten the integrity of our force structure, both at home and abroad.

This Senator believes those concerns are real and legitimate. Just last week, my colleagues approved some $13 billion from the Social Security trust funds to address some of these needs. I do not question the urgency in addressing and modernization, readiness and personnel shortfalls.

With that in mind, I cannot understand how the Senate, with a clear conscience, can fail to adopt the amendment that is pending before us, which was requested by the Joint Chiefs of Staff and which would save an estimated $3 billion a year.

Not just this year, but $3 billion every year, for years to come.

My colleagues, Senator LEVIN and Senator MCCAIN, have already bases it believes no longer hold operational value.

In that letter, the Joint Chiefs characterize an additional round of base closures as “absolutely necessary.”

Not just a “good idea.” Mr. President, but “absolutely necessary.”

While legions of men and women have courageously stepped forward to defend this Nation and serve their fellow Americans, the Congress has continued to shortchange readiness and quality of life programs to finance questionable programs and weapons systems unrequested and in some cases outright opposed by the Pentagon.

There is no greater national security issue at stake than the readiness of our military and our ability to respond to global threats.

Mr. President, the amendment before us is politically unpleasant, but fiscally prudent and imperative and I urge my colleagues to support it.

Mr. President, I yield the floor and ask unanimous consent that the remainder of time be allocated to the Senator from Michigan, who controls the time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the distinguished chairman, and I thank the distinguished Presiding Officer for taking my place while I make these comments.

Mr. President, I rise to again state my opposition to the BRAC amendment as it is proposed. Let’s get it clear. I understand that my colleagues who are offering this amendment are very sincere in their efforts to address the problem of an excess infrastructure, certainly within the Department of Defense.

Let me be absolutely clear that I agree with the assertion that there is excess infrastructure. I have no quarrel with that. But let me be equally clear that until I am confident we can focus the BRAC where there is excess infrastructure and until we can ensure that any savings from such a BRAC—a lot has been said about the savings—will go toward improving readiness, reducing, or procurement, as opposed to funding the numerous expeditions this administration continues to assign our military, such as Bosnia and Kosovo, I can’t support any additional rounds of BRAC at this time.

Let me explain in a little bit more detail. “They” all understand that there is too much infrastructure for the current force strength. “They” know they need to act to reduce it. But the political costs are too high, and “they” know the blame for not having another BRAC can be easily passed off to others. We heard a lot of talk about “they” from the proponents of BRAC. Unfortunately, the readiness of our Armed Forces suffers because “they” are unwilling to act. I would like to get to the definition of who “they” are.

Most people who follow the excess military infrastructure issue—the BRAC issue, if you will—would say that “they” are the U.S. Congress. Senator after Senator has come to the floor without really arms waving, but with some pretty tough commentary, pointing the finger at the Congress as being “they.” However, let me also point out that a strong case can be made that “they” also are the civilian and uniformed leadership of the Department of Defense.

I am not trying to pick on anybody. I just want to share the responsibility in a fair way. Of course the Congress must approve the additional funds of BRAC, and therefore the responsibility is clearly on the shoulders of the Senate and the House. I accept that responsibility. The distinguished President does as well. Every Member of the Senate Armed Services Committee and the comparable committee in the House does as well. But the leadership of DOD has not shouldered the responsibility, in my personal opinion, to adequately prepare for future BRAC rounds. They could, by requiring each service to develop a prioritized listing of bases and facilities that are in excess, or the generic description of same, more especially in regards to the mission of the base.

I know what they are going to say. Their defense is such as, that would be impossible because of the politics of it; it would bias any future BRAC rounds, and therefore they should not be done until a BRAC is authorized. I say “they” I am talking about the DOD. “They” in this particular instance further state that it would be impractical to categorize the facilities by mission since most facilities are multifunctional, and therefore any future BRAC should, as in theory they have in the past, include all military facilities regarding the BRAC criteria.

If we are talking about BRAC, everybody is going to be on the same criteria. Everybody is on the table.

Of course, most bases and facilities are multifunctional. After all, they all train, they all have administrative functions, they all have public works tasks, but they all have a clear, primary mission.

Additionally, it is a bit disingenuous for the Department of Defense to say that all bases would be included, all are on the chopping block for consideration in any future BRAC round. That is rather disingenuous it seems to me, even if, for example, the service academies would be on the table, or the Norfolk Naval Base, or Andrews Air Force Base, or Fort Hood, or Camp Pendleton were on the table for BRAC consideration. That is not reasonable. That is not going to happen. It is not reasonable to expect that those, or other key facilities where we must have a primary mission, would be seriously considered for closure or for realignment.

It is not unreasonable to expect that a similar listing of definable excess capacity could and should be developed and be the focus of future reductions of infrastructure rather than, as I have said before the “the” approach in regard to BRAC.

Many of my colleagues have heard me voice my concern over what I call...
“BRAC purgatory.” That is, quite simply, what every city in America with a military presence goes through every time a BRAC round is mentioned. What that means in real terms is that the city or the community involved spends a lot of money from their very limited budget to hire so-called “experts” or “consultants” to help to really protect their base from any future BRAC round.

If we can focus BRAC on the primary mission of bases and generically define what we need, and what we don’t need, we will remove any community from “BRAC purgatory.” We will let them off the BRAC hook if their facility is not on the excess infrastructure list. We are going to save a lot of communities from “BRAC purgatory,” and we are going to free a lot of headaches and a lot of money.

I am equally concerned that the Department has failed to develop a strategy for the next round of BRAC. Let me emphasize “strategy.” You just can’t do a BRAC and put bases on the chopping block. A specific infrastructure strategy is required for at least three reasons.

First, as the military approaches the optimum infrastructure, great care is going to have to be made. It will be required to prevent the cutting of the essential infrastructures.

Second, since the military missions and roles are changing—and, boy, are they changing—for example, the Air Force sees itself becoming an expeditionary force rather than a garrison force, and that is happening; the Army, Navy, and Marine Corps are all searching for a new mission and a new role—I think the Department of Defense-wide assessment of the types and the number and the location of the military facilities needed to support the national strategy must be developed. That is strategy there.

Third, both the Quadrennial Defense Review and the National Defense Panel strongly recommended consolidation and joint basing for the military to optimize their capability in an atmosphere of reduced budgets and reduced force structure military environment.

In isolation, each of those three requirements represents a difficult, a complex, and a contentious undertaking within the military and the Department of Defense. However, when taken as a collective mandate to shape the future infrastructure needs of the military, such an important imperative cannot possibly be accomplished within the guidelines and just a simple BRAC. It seems to me that the Department of Defense has to have the courage and will to oversee the services and direct actions be taken that would set the correct approach to reducing our excessive infrastructure to match our future military needs. They should do that—not a BRAC commission.

The third action that DOD must find the will to take is defining the savings associated with BRAC and establishing a way to funnel those monies into readiness, modernization, the production of war-fighting programs. In the April 1998 Department of Defense report on BRAC, they admitted that, “by their very nature, estimates of savings are subject to some uncertainty. That is probably the under-statement of this whole debate. The Department further stated that, “No audit trail, single document, or budget account exists for tracking the end use of each dollar saved through BRAC.”

Let me repeat that. Senator after Senator has come to the floor and said: Look at the money we are going to save in regard to BRAC. Then they look at the problems with modernization, and procurement, and readiness. Yet no audit trail, no single document, no budget account for tracking the end use of each dollar saved through BRAC. However, they assured Congress that, “The Department is committed to improve its estimates of costs and savings in future rounds of BRAC.” “Oh, we are going to get it right next time.”

It seems to me it takes courage to solve that problem, and it takes a dedicated effort to set up the processes to track and direct the BRAC savings into the promised accounts. And it will take more than a “trust me, it will be much better next time” assurance before many Members of Congress will let the reported savings, the estimated savings, the reported savings of another round of BRAC simply remain unaccounted for, be lost in the bookkeeping of the Department of Defense, or, in fact, if there are savings, if we can account for savings, they end up in such missions as Kosovo or Bosnia—which have to be funded, by the way, and which we are pressured in regard to emergency funding.

That is the proper way to fund the final act of courage on the part of the uniformed and civilian leadership of DOD—I use the word “courage” in quotes here—that directly impacts the future rounds of BRAC politics of the last round.

A lot has been said about this. I understand it. I am not going to rehash that today. But based on a recent memorandum from the Secretary of the Air Force, it seems to me there is some acquiescence to such pressure to not really carry out the BRAC action directed in the last round. BRAC is a hard sell in Congress under normal times and under the purview of motives. But when actions are taken that clearly disadvantage others and violate the BRAC process for political gain, BRAC is a “no sell” in Congress.

For the Department of Defense to simply say, as it did for Congress to authorize additional rounds of BRAC is an easy way to avoid the responsibilities for actions that must be taken by the Department of Defense well in advance of any congressional action.

To me, the Department of Defense can go a long way to helping us in regard to the BRAC process if they simply develop the fortitude and the decisionmaking to start the process now to correctly and accurately shape and define the infrastructure—not to simply put everything on the table to save money but be required to support the military of the 21st century even if they risk pressure from the White House or Capitol Hill. Without such a strategy, I cannot support another BRAC round that has a poorly prepared and inadequately staffed approach to reducing the excess infrastructure.

I urge a “no” vote from my colleagues on this matter.
The Air Force will have reduced the number of fighters and other small aircraft by 53 percent since 1989, but the base structure for those aircraft will be only 35 percent smaller. The Navy will have 33 percent more hangers for its aircraft than it requires.

And on and on.

Secretary Cohen’s report to us documents substantial savings that have been achieved from past base closure rounds. It has been argued that those savings can’t be audited. What the CBO says about that argument is that firm measures of BRAC savings that were requested by the Congress do not and, indeed, cannot exist. That is because BRAC savings are really avoided costs. They are the difference between what the Department of Defense actually spent and what it would have had to have spent in the absence of the BRAC actions. Because the latter is never actually observed, the figures for BRAC savings that the Department of Defense provides will never be firm measures; they must always be estimates.

Then the CBO says—talking about the Department of Defense report on BRAC rounds—that the report’s basic message is consistent with the CBO’s own conclusion: Past and future BRAC rounds will lead to significant savings for the Department of Defense. That is to say, it seems to me, is the heart of the measure.

This is a Congressional Budget Office letter, which I ask unanimous consent to have printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL Budget Office,
Washington, DC, July 1, 1998.

Hon. Carl Levin,
Ranking Minority Member, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear Senator: Section 2623 of the National Defense Authorization Act for Fiscal Year 1996 requests a report from the Department of Defense on the costs and savings associated with the four previous rounds of base closures and realignments. The legislation also requires the Congressional Budget Office (CBO) to review that report. The enclosure fulfills that requirement. In addition, I have enclosed a copy of CBO’s response to a letter of April 17, 1998, from Senators Daschle and Lott and Congressman Gephardt.

Please contact me if you have any questions. The CBO staff contact is Lauri Zeman, who can be reached at (202) 226-2900.

Sincerely,

[Signature]

JUNE E. O’NEILL, Director.

Enclosures.

REVIEW OF THE REPORT OF THE DEPARTMENT OF DEFENSE ON BASE REALIGNMENT AND CLOSURE

The Congressional Budget Office (CBO) has completed its review of The Report of the Department of Defense on Base Realignment and Closure, as required by section 2624(g) of the National Defense Authorization Act for Fiscal Year 1996. CBO finds that the report provides a clear and coherent summary of why the Department of Defense (DoD) believes that BRAC reductions are necessary. Moreover, the report’s basic message is consistent with CBO’s own conclusions: past and future BRAC rounds will lead to significant savings for DoD. Nonetheless, the report is useful primarily as a summary of DoD’s position, rather than as an analysis of BRAC issues. Although the roughly 2,000 computer-generated tables that accompany the report contain most of the specific data on past BRAC rounds that the Congress requested, the main text provides little analysis of the number and types of installations that might be closed in the event of future BRAC rounds.

DATA PROVIDED BY DoD’S REPORT

DoD’s report provides most of the data requested by the law. Yet there were a few instances in which the department was unable to locate specific data or lacked information systems that were flexible enough to organize the data in the form that the Congress requested. For example, DoD was unable to locate the cost and savings estimates that it had originally given to the BRAC commissions, and its analysis of those data is not necessarily representative. The CBO staff contact is Lauri Zeman, who can be reached at (202) 226-2900.

DoD’s report provides most of the data requested by the law. Yet there were a few instances in which the department was unable to locate specific data or lacked information systems that were flexible enough to organize the data in the form that the Congress requested. For example, DoD was unable to locate the cost and savings estimates that it had originally given to the BRAC commissions, and its analysis of those data is not necessarily representative. The CBO staff contact is Lauri Zeman, who can be reached at (202) 226-2900.

The report also omits any specific information about the number of bases that might close as the result of future BRAC rounds. One explanation is that DoD may have been unwilling to make such projections because doing so might appear to prejudge the results of the BRAC process.

In addition, the firm measures of BRAC savings that were requested by the Congress do not—indeed cannot—exist because BRAC savings are really avoided costs: they are the difference between what DoD actually spent and what it would have had to have spent in the absence of BRAC action. Because the latter is never actually observed, the figures for BRAC savings that DoD provides will never be firm measures, but must always be estimates.

THE COST OF IMPLEMENTING PREVIOUS BRAC DECISIONS

CBO did not attempt to verify DoD’s estimates of the one-time costs of implementing past BRAC actions. One-time costs (which include the costs of transferring or separating personnel, moving equipment, and constructing new facilities) represent actual expenditures and thus are easier to track than savings. Based on its current financial data, DoD concludes that the actual costs of implementing past BRAC decisions will be very close to those that it projected at the start of each round. DoD’s initial estimate was that it would cost $23 billion to fully implement the four BRAC rounds; today, that estimate is $22 billion.

Although DoD might be capable of estimating the costs of BRAC decisions very accurately early in the BRAC process, CBO finds that the costs between DoD’s initial BRAC cost estimates and the current ones may be, in part, a self-fulfilling prophecy. The Congress appropriates funds for one-time implementation costs based largely on DoD’s budget estimates. Because those BRAC funds are in designated accounts and cannot be used for non-BRAC purposes, BRAC one-time expenditures contribute to some extent to match the funds available.

In addition, not all BRAC-related costs are included in the $22 billion estimate. For example, DoD estimates unanticipated costs when services at DoD facilities, such as equipment maintenance, are temporarily disrupted by BRAC actions. The $22 billion figure also excludes any environmental cleanup or caretaker costs that DoD might incur after 2001, when the implementation periods specified by the Congress for the past four rounds is expected to be complete. Payments made to assist communities and workers adversely affected by base closures are also omitted. (DoD estimates that those costs, which are paid by the Department of Labor, DoD’s Office of Economic Adjustment, the Economic Development Administration, the Department of Commerce, and the Federal Aviation Agency, totaled about $1 billion as of 1997.)

THE SAVINGS FROM PAST BRAC ROUNDS

Consistent with current BRAC budget documents, DoD’s report indicates that when the past four rounds are fully implemented, they will provide annual recurring savings of about $5.6 billion (in constant 1999 dollars). That figure appears to be reasonable. By comparison, CBO estimates that savings could be about $5 billion annually.

However, DoD’s report does not document how the services and defense agencies derived their new estimates of BRAC savings. In their BRAC budgets. Because reductions in personnel costs account for over 80 percent of estimated BRAC savings, using those personnel numbers ensures that DoD’s new estimate of savings will not differ widely from the estimates in the BRAC budget documents. Because the new analysis depends on those budget estimates it cannot be used to verify them.

DoD’s use of audits to verify BRAC savings also suffers from serious weaknesses. For example, the DoD Inspector General’s audit of 1994-1995 BRAC actions did not exceed DoD’s budget estimates by about $1.7 billion over the six-year implementation period. Yet almost all of that $1.7 billion in additional savings came from a few special situations in which the effects of BRAC actions were confounded with those of imposed budget cuts, reductions in workload, or reductions in force structure. An audit can compare what DoD spent at different bases before and after BRAC actions, but—unlike modern computer models—cannot disentangle the effects of BRAC from those of other factors.

ESTIMATES OF EXCESS CAPACITY

DoD’s report indicates that the department will have excess capacity of over 20 percent of its U.S. forces by completing the four BRAC rounds. In its analysis, DoD compared the size of specific types of forces or workloads (measured, for example, by the number of aircraft or personnel) with the size of the base structure that supports those forces or workloads (measured by the square feet of buildings or of apron space at airfields). DoD then estimated the amount of excess capacity by calculating the percentage reduction in the base structure that

Footnotes at end of review.
would result in the same ratios of forces to base structure in 1999.

That approach is reasonable and, at least in the aggregate, yields a credible estimate. Yet it may not provide good estimates for particular categories of installations. The DoD’s estimate of excess capacity for different categories of bases would be more credible if they were tested using a wider variety of indicators of size and structure.

The department’s use of 1989 as a baseline may also be inappropriate for some types of installations. On the one hand, that approach may understate the size of the required base structure—DoD might have had excess capacity in 1989, or it might need fewer bases today because it has consolidated service programs into defense-wide activities. On the other hand, the approach could underestimate the amount of capacity required if some types of base support are truly a fixed cost, required regardless of the size of the force.

THE COSTS AND SAVINGS FROM POSSIBLE FUTURE BRAC ROUNDS

According to DoD’s report, additional BRAC rounds in 2001 and 2005 would, together with the estimated costs of future BRAC rounds before 2011, reduce the annual savings from those bases by $0.1 billion every year after 2011. In addition, the report implies that the cumulative savings from those rounds would outweigh the one-time implementation costs before 2011. To make those estimates, DoD assumed that the annual profile of costs and savings for each of the two proposed BRAC rounds over their six-year implementation periods would match the average profile for the 1993 and 1995 BRAC rounds combined, adjusted for inflation.

Those assumptions are reasonable for planning. DoD may not be able to provide better estimates until the specific bases that would be affected by proposed future BRAC rounds are identified. Yet savings from future rounds could be less than DoD predicts if the excess bases that have not already been closed are those for which closure costs would be relatively high or if recurring annual savings relatively low. Such a pattern could also extend the time required before the savings from the additional BRAC rounds would outweigh the costs. Yet even in that case the ultimate savings from future rounds could still be significant.

IMPROVING ESTIMATES OF COSTS, SAVINGS, AND FUTURE SCENARIOS

DoD’s report provides a clear summary of the department’s perspective on BRAC issues and on the need for additional base closures. But it provides little new evidence or insight into those issues. A more substantive report would have provided documentation for the estimates of BRAC savings that were submitted with the budget for fiscal year 1999 and a more detailed analysis of capacity issues.

In the future, DoD plans to keep better track of BRAC documents and of expenditures and savings. Yet it could also improve the department’s ability to assess BRAC costs. For example, DoD could extend its efforts to track the costs of BRAC rounds beyond the six-year implementation periods and into the long-term caretaker and environmental costs.

Yet better recordkeeping, by itself, will not assist DoD in identifying the extent of BRAC savings in a period when bases are undergoing large changes in budgets, forces, and workloads unrelated to BRAC. Instead, formal statistical techniques are needed to disentangle the effects of BRAC and non-BRAC factors on expenditures. In addition, DoD could improve the credibility of its savings estimates or the forecasting assumptions and methodologies used to generate them. The DoD Inspector General’s audit of the savings from 1993 BRAC actions revealed that the services and defense agencies were often unable to explain how they derived the savings estimates submitted in their budget documents. The Congress might want to require DoD to accompany all future BRAC budget exhibits. Such a requirement might encourage DoD to place greater emphasis on the quality and consistency of its estimating procedures.

In addition, DoD could provide better insight into capacity issues by developing a master plan for its base structure. Such a plan might be based on explicit estimates of requirements rather than assuming that the ratio of forces to base structure that existed in 1969 remains appropriate. For example, the plan could use standards reflecting the number of acres of land that combat units need for training or the number of square feet of office space an administrative worker requires. Those standards could be developed that are appropriate to different types of forces and for forces stationed in the United States and overseas.

DoD’s report provides most, but not all, of the information that the Congress requested. As noted above, it does not provide data that would require projecting the specific outcomes of future BRAC rounds. In addition, DoD was unable to locate some of the requested data, including the original cost and savings estimates that it gave to the BRAC commissions.

DoD’s Analysis of Excess Capacity. DoD’s report determines excess capacity based on the change in the ratio of forces to support bases. Yet since that approach is not unreasonable, the resulting estimates of excess capacity depend heavily on what specific indices are used for the size of the forces and of their supporting bases. In addition, that approach can underestimate or overstate the current level of excess capacity for particular types of bases depending on whether DoD had too many or too few bases of those types in 1969.

Overseas Base Capacity. DoD’s capacity analysis does not provide a basis for overseas forces or bases. The estimates of excess capacity presented in DoD’s report refer to the percentages of excess capacity in the United States. The extent to which there may be a shortage or an excess of bases overseas relative to U.S. forces overseas does not affect the accuracy of those estimates or the need for base closures within the United States.

Savings from Past BRACs and Future Personal Reductions. CBO found that the methodology used by DoD to show annual recurring savings of $4.1 billion from prior BRAC rounds is relatively weak. Nonetheless, CBO believes that recurring savings from those BRAC rounds will be substantial for the next 20 years, and that the savings may offset any costs associated with future BRAC rounds.
Mr. LEVIN. The heart of the matter, it seems to me, is that our auditors, our budget experts, have said that it is their conclusion that “past and future BRAC rounds will lead to significant savings for the Department of Defense.”

What are those estimates of savings? By 2001, the Department estimates that BRAC actions will produce a total of $14.5 billion in net savings. After 2001, when all BRAC actions must be completed, steady State savings will be $5.7 billion per year. This is just from past base closure rounds, which some Members cannot accept as terms of precise savings.

That is a lot of money, $5.7 billion per year—steady State savings. Is it possibly $5.6 billion or $5.8 billion? Nobody can state with certainty. It is significant.

What can be stated is what the CBO’s conclusion is, that these are significant savings and are similar to the kind of savings that the CBO believes are achieved with base closing.

Last July, I indicated that the CBO’s conclusion is, that we can debate this issue on the floor about audit trails and how precise the estimates are, our auditors, our experts, have reached the critical conclusion that the savings, indeed, are significant.

Earlier this month we received letters from Secretaries of the Joint Chiefs of Staff, from the Chairman of the Joint Chiefs, from the Secretary of the Army, from the Navy, and the Air Force. In his letter, Secretary Cohen says the Department’s ability to properly support America’s men and women in uniform today and to sustain them into the future hinges in great measure on realizing this critical saving that only BRAC can provide.

Our ability to support the men and women in uniform depends on future savings from BRAC rounds.

A letter which we just received, signed by all six members of the Joint Chiefs of Staff, makes their views crystal clear:

Simply stated, our military judgment is that further base closures are absolutely necessary.

Those are pretty strong words and these are our uniformed military leaders. On the Armed Services Committee, we put a lot of stock in their judgment on most issues. Once in a while we may disagree with them, as is our right and our duty, but when the top military leadership, civilian and uniform, in this case, tell us that more BRAC rounds are “absolutely necessary” we should take heed.

General Shelton said in last year’s Department of Defense report:

I strongly support additional base closures. Without them, we will not leave our successors the war-fighting dominance of today’s force.

That is not a political statement; that is a military man’s statement. That has to do with warfighting dominance.

We can argue about audit trails or specifics on this floor, but when the Chairman of the Joint Chiefs says we will not leave our successors the warfighting dominance that we have in today’s force without additional base closures, those are words which have a special meaning, it would seem to me, to all of the Members who have this special responsibility.

We have to face up to this responsibility. A decade ago, after years of prodding by Senator Goldwater and under the leadership of Senator Nunn and Senator Warner, Congress had the vision and the courage to start the BRAC process. Just imagine the financial problems that we would have today if we could not count on the savings from previous BRAC rounds.

If the Senators a decade ago did not succeed in persuading us to start the BRAC process, think of the problems we would have today. Those are the problems we are going to have if we do not continue a process, if we do not discuss the process, if we do not address the infrastructure which is no longer needed.

Mr. WARNER. Mr. President, will the Senator allow me to address the Senate with regard to a unanimous consent request which he and I have shared? I will just present it.

I ask unanimous consent that time until 1:45 today be equally divided on the BRAC amendment between the proponents and opponents, with the vote beginning, as under the previous order, at 1:45 today.

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

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I had discussed the possibility of Senator Kerry coming in. I am committed to the 1-hour time agreement.

We are advised by Senator Kerry he would not be available to utilize that time period after the 1:45 vote. I will be working to determine what we can bring up following the 1:45 vote.

Mr. LEVIN. I thank my friend from Virginia for his efforts to accommodate Senator Kerry. An additional hour is needed for his amendment, but because of his vice chairmanship on the Intelligence Committee which begins meeting right now, he is unable to be here.

Mr. WARNER. The most I can advise the Senate is we will have the vote at 1:45 today on the BRAC amendment. Thereafter, as quickly as I can, I will advise the Senate, after consultation with the ranking member, as to what the next amendment will be.

I yield the floor.

Mr. LEVIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The distinguished Senator from Michigan has 1 minute 14 seconds.

Mr. LEVIN. I yield myself an additional 2 and 1/2 minutes. I will finish and then ask unanimous consent that after I am completed, in 3 minutes or so, Senator Robs be recognized.

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

Mr. LEVIN. Mr. President, Congress likes to ask the Joint Chiefs every once in awhile how much more money they think they need and where should we add it? What are their priorities?

Those are legitimate questions for us to ask. But they are relatively pretty easy issues to address. Our duty as Members of Congress extends far beyond pitching and hitting softballs. We have an obligation to the men and
women in uniform to listen to the Chiefs when they ask us to do something that is difficult.

The Chiefs’ opinions are important to us when following them is easy to do, when they give us their priorities if we can find some additional funds. But now they are asking us to do something that is hard politically to do, and that is to heed their advice, to close some additional bases. I do not know of anybody in the Department of Defense or anybody in this Chamber who likes closing bases. Not many people like going to the dentist or losing weight either. It is just a lot more fun to eat dessert than to look after your health.

But we have an obligation—and it is difficult—in the best interests of this Nation, and for the health of our military, to do what is easiest, but to do what we can.

What is essential has been told to us very eloquently in these letters from the Chiefs, in this letter from the Secretary of Defense, in this letter from the three Service Secretaries. These letters tell us pointedly, dramatically, strongly, forcefully as they can, that it is essential that additional bases be closed. “Our military judgment is that further base closures are absolutely necessary.”

I began my few minutes of comments with that quote and I end them with that quote, because I hope we will all think about that as we make a politically tough decision on how to vote on the pending McCain-Levin amendment. I yield the floor.

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

Mr. ROBB. Mr. President, I thank my distinguished friend and colleague from Michigan for his leadership on this issue, and all of my colleagues who supported us from Arizona for his leadership on this issue. It is a difficult issue.

This year, we have added billions of dollars to improve the readiness of our Armed Forces. It does not take a budget expert to realize how much more we could accomplish for our men and women in uniform if we had the billions in savings that would accrue from just one additional round of base closures in the year 2001.

Last year and the year before that, I argued that not giving the Department of Defense the authority it has asked for to close unneeded bases makes the Congress look shortsighted and indecisive. I argued then that every dollar used to maintain excess infrastructure is a dollar diverted from resources we so badly need to modernize our equipment and to improve the quality of life of our hard-working military personnel and their families.

Sadly, those BRAC efforts failed for nearly the same reasons the emergency supplemental succeeded last year, reasons that have more to do with politics than with making the right choices when it comes to protecting this Nation’s interests, both now and into the next century.

Admittedly, the emergency supplemental had plenty of legitimate emergency spending, emergency spending for our troops, for our farmers, and for hurricane and tornado victims. But it threw fiscal discipline out the window by also spending billions in non-emergency spending. In my view, we have acted just as irresponsibly over the past 3 years by refusing to close bases we no longer need. If we fail to pass this latest BRAC proposal once again, we will have failed not only the taxpayer but also the men and women who comprise the finest fighting force the world has ever known.

I come back to this point, one I have made time and time again, to ask, who is this office of the Secretary of Defense the authority it has asked the Department of Defense to keep open bases it does not need? In the end, we only punish those who most need the benefits of infrastructure savings. First, we punish the Nation’s taxpayers when we fail to make the best use of the resources with which we are entrusted. Second, we punish today’s soldiers, sailors, and marines, because current readiness requires having sufficient reliable resources for equipment, training, and operations. Finally, we punish tomorrow’s force, our future readiness, as we continue to mortgage the research, development, and modernization of the platforms and equipment that will be necessary to keep America strong into the 21st century.

As the Joint Chiefs of Staff have testified, there is no shortage of legitimate programs to apply BRAC savings towards including Navy shipbuilding. Years of relatively low procurement rates have created a shortfall so significant that the Navy’s fleet size will shrink substantially less than the 300 ships of the Navy’s stated goal in the 2020s, if procurement rates of 8 to 10 ships do not start materializing now. The Navy is stretched thin enough right now, with 324 ships. Do we really want to risk not having enough ships to meet our commitments in the next century?

It does not have to be this way. The 300-ship Navy, the Army after next, and the Air Force and Marine Corps of tomorrow can be funded, at least in part, from BRAC savings. The savings from the first four rounds of base closures alone are estimated to be on the order of $25 billion over the next 4 years. It should come as no surprise that scores of studies and organizations such as the Quadrennial Defense Review, the Defense Restructure Initiative, the National Defense Panel, and Business Executives for National Security have all concluded that more base closures are crucial to the future of our Armed Forces.

It is time to put politics behind us. We have an obligation to change the way we do business and to do what is right for our Armed Forces and what is right for the taxpayer. I urge my colleagues to support this critically important amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator PENGELT be added as a cosponsor of the pending amendment.

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

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that Paul Barger, a national defense fellow in the office of Senator DeWINE, be granted the privilege of the floor during the consideration of S. 1059.

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

Mr. SMITH of New Hampshire. Mr. President, at this time, I yield whatever time he may consume to the Senator from Wyoming.

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

Mr. THOMAS. Thank you, Mr. President. I thank the Senator from New Hampshire. I will take just a couple of minutes.

I rise in opposition to the McCain-Levin amendment on base closures. It is a difficult decision for me because I am persuaded there could be some closures that would make us more efficient in terms of our mission in defense. I remember my friend, Dick Cheney, whose place I took in the House, said that defense is not for economic development; it is for defense. I appreciate that, and I believe that.

I was not at all impressed with the last process. I was not at all impressed with the way the administration handled it, so I do not believe that it is appropriate at this time to bring in the politics again of base closure. Frankly, the military ought to come forward with their views as to what is necessary to carry out their mission. That, of course, should be our particular desire.

AMENDMENT NO. 385

Mr. THOMAS. Mr. President, I also rise in opposition to the Kerrey amendment. It seems to me that it would be a mistake to begin to downgrade our position with regard to missiles until START II is agreed to by the Russians. We have already approved that treaty; the Russians have not. I do not think we should weaken our position.
I appreciate the opportunity to share my views on those two amendments. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SMITH of New Hampshire. Mr. President, during the markup of the defense authorization bill in committee, we twice rejected base closure amendments. So it does seem anticiplastic to be out here on the floor again for the very same proposal. But such is the way of the Senate sometimes.

Senators MCCAIN and LEVIN did offer an amendment to have two rounds of base closures in 2001 and 2003. The process was adjusted to ensure that the next incoming President would appoint the commissioners. Everything else was identical to the amendment now being offered, and the amendment was defeated by a vote of 12-8, with members on both sides of the aisle voting one way or the other. Then Senators LEVIN and MCCAIN offered another amendment that called for only one round of base closures in 2001.

The House version of the Fiscal Year 2000 Defense Authorization bill is silent on base closures. Opposition to base closure in the House is much stronger than it is in the Senate, and the Membership has let it be known that they will oppose any base closure legislation in conference, even though the administration proposes these two rounds in 2001 and 2005. We are in a debate on the floor taking a lot of the Senate's time on a proposal that probably lacks the support in both the House and the Senate to get to the President's desk.

There have been a lot of arguments made on both sides. Let me offer a few of my own.

During previous rounds, the Department had the opportunity to reduce the infrastructure to the extent that it believed necessary. That was the purpose of the previous rounds. The bottom line is that the Department failed to do that.

When first announced, the 1995 BRAC round was claimed to be “the mother of all BRACs.” But the outcome was just a whimper; it was a little daughter rather than a mother.

Any purported savings of another round of these closures would not be available in the near-to-medium term for the procurement of equipment and weapons modernization or any other purpose. That is really what we care about. We want money for new equipment. We want money for readiness and morale.

The bottom line, as most of my colleagues know, is that it is going to cost us in the immediate future money that we desperately need right now for readiness. No one disputes that if you close down infrastructure, in the long run it is going to save money. That is obvious. But it takes a long time, somewhere in the vicinity of $3.2 billion right up front to begin the closing, with the environmental issues and all the changes that have to be made: the upfront cost transfer of units and equipment, new facilities at receiving installations, buyouts of civilian employees and environmental cleanup. If we do not have the dollars now to do what we need to modernize our troops, to get the equipment they need, to get them up to the readiness level at which they should be—how will we be able to pay these initial costs?

Arguments that have been made, rightfully so, by Senator INHOFE and others, concerning the politicization of the BRAC process. I know that the administration seriously damaged the base closure process by its handling of the Commission’s 1995 recommendations concerning McClellan Air Force Base in California and Kelly Air Force Base in Texas. We need to let these issues settle. There are a lot of hard feelings left over from that. We need to fully resolve these issues before we attempt another round.

BRAC should be focused on excess capacity, but it should not be an excessively broad approach. We ought to target any future BRAC legislation—we do not want every single installation in America to be in BRAC purgatory. I believe the Senator from Kansas, who is in the Chair now, has used that term. And that is what happens. Everybody gets put in this purgatory and everybody has to hire all these consultants and experts to try to get out of purgatory and hopefully not go to Hell, but hopefully wind up in Heaven, with their heads down their pants.

As the number of worldwide commitments increases for the Armed Forces, we should be considering increasing the size of the Armed Forces. We can make a very compelling case for that. I am willing to make it. Further base closures could preclude that eventually. What we lose, we never get back. For example, if we close a shipyard, imagine how much time and effort and money we would have to expend, and how many lives we would have to jump through to open another shipyard after it has been developed into condominiums along the harbor somewhere. We will never be able to do it. Once it is gone, it is gone.

I think we have to run the team. So I do not think you can break it down. Any purported savings of another round of these closures would not be available in the near-to-medium term for the purpose of some long-term savings that are going to cost us in the long term when there is all this uncertainty out there.

The Senator from Michigan very eloquently, in his statement, talked about the percentage argument—that force structure has gone down 36 percent, personnel has gone down 40 percent, base closings are only down 18 percent. That seems like a fair argument, and it sounds like you ought to be able to put it all together, and there ought to be an even 36 or 40 percent cut in all areas. But that is not the case.

If you use an analogy of a football team, your team may be half the size it used to be, but you still have to have a stadium to play in. So you can reduce helmets and you can reduce personnel and you can reduce support, bandages, or whatever you need for the players, but you still have to have a stadium.

So I do not think you can break it down that simply. It does not matter whether you have a good team or a bad team, or whether you have 75 players as backup or 12 players as backup, you still need to have a certain amount of infrastructure to run the team.

So I say this is very ill-advised. We do not know where we are going. I personally believe that right now, the way things are going in the world, we are going to have to increase, not decrease, our personnel, increase, not decrease, our forces, and if we are going to do all that, we are going to have to have the infrastructure to support it.

So I hope this amendment will be defeated for those reasons alone, not to mention the anguish the communities would have to go through.

I think it is important to understand that the President of the United States is calling up reserves right now, in great numbers, to be deployed. Lord knows where—perhaps Bosnia, perhaps Kosovo; we do not know just where. We do not know what other crisis may break out.

I just think it is a terrible time to throw out taking down infrastructure. What message does that send to the troops out there and to the people who support those troops all across the country in the bases and the infrastructure around those bases? What message does it send to those people if we say, in spite of all of this increase in activity around the world, we are now still going to eliminate more infrastructure, not knowing what we need for the next crisis?

So I say, in a word, a stadium, it is at some point, if it is necessary. We are not saving that much now to do it. As a matter of fact, even in the short term it is costing us. So there is no rush here. I think we ought to just settle down, take a careful look at what we are doing, reevaluate our entire military structure—and in my view, increase the size of our forces—and not rush to judgment here with some additional base closings.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. How much time does the Senator need?

Mr. INHOFE. Five minutes.
Mr. SMITH of New Hampshire. I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The distinguished Senator from Oklahoma is recognized for 5 minutes.

Mr. INHOFE. I thank the Senator for yielding time.

I think just about everything has been said here, but there are some concerns I have that I would state in a little different way than the Senator from New Hampshire has stated them.

One is that we have gone through an artificial downsizing that is not commensurate with the threat that is out there. The myth that has floated around that the cold war is over, there is no longer a threat, is something that finally the American people are waking up and realizing is not true. We are in the process of now not having a threat that we have been in probably in the history of this country, with the diverse types of opposition out there, the proliferation of weapons of mass destruction and abilities to transport those weapons around the globe.

So I say, one of the strongest arguments against a BRAC round at this time is, we have gone through four BRAC rounds. If we take the level of our infrastructure down to meet the level of the force strength, then when we start back up with the force strength, we will not have the infrastructure that is necessary.

So we need to be looking at our re-building process. It would be like going through extensive BRAC processes back in the late 1970s—right before re-building, which is imminent. We are going to have to do it with the new administration.

Secondly, as I think the Senator from New Hampshire articulated so well, we are in a really severe situation right now in terms of readiness. Later on today I want a chance to elaborate on this and talk about the fact that we are now at approximately one-half the level of the force strength that we were in 1991. In other words, we could not repeat our effort in the Persian Gulf war today.

This is being complicated by all these deployments to places where we should not be. We should never have sent a troop or any effort or any assets into Bosnia. It was not done that in Kosovo or Albania, or to Haiti, for all practical purposes, because that dilutes the already scarce military assets we have.

I say this relates to this subject because we have a military system that is hemorrhaging today. This is not something that we can wait until later to take care of. As the Senator from New Hampshire pointed out, anything that comes from a BRAC round, a new BRAC round, is going to cost money, not save money.

Now is when we are going to have to try to do something with our readiness so that if General Hawley has to stand up and say something has happened either in the Pacific theater, North Korea, or the Persian Gulf, Iraq or Iran, we would be able to meet that. We cannot do that today. So this certainly would be ill-timed, even if you believe that it was a good idea to have future BRAC rounds.

I think also we need to look at the budget we are passing. I want to talk about the inadequacy of what we are talking about in our authorization bill. We are increasing by about $9 billion what the President’s budget was. We have had testimony from the CINCs and from others in the field and from the four-stars that this is totally inadequate. We are going to have to have at least a minimum increase of $24 billion each year for approximately 6 years.

Lastly, I would like to remind everybody of what happened in the last round, I believe, in the BRAC process. I was elected to the House in 1986, and that is when we put this idea together. It was a Congressman from Texas, Dick Armey, who did it. The idea was to get politics out of the BRAC process. Through round 1 and round 2 and round 3, there were no politics involved. They were not political decisions; they were rational decisions.

However, in the last round—and we all know what happened: no one is going to question this—the President went out there prior to the 1996 election, to McClellan in California and to Kelly in Texas, in order to get votes and politicize the system.

You might say: Well, this is going to come along after he is gone. I am a little bit concerned about the fact that there is a possibility, a very outside possibility, that Mr. Gore will succeed him. That being the case, he was involved in politicizing this, too.

For those who believe we still have excess infrastructure, I would like to have you consider that maybe we should wait until we see what the new administration is going to look like, what kind of commitments are going to be made. As chairman of the committee that has oversight over the BRAC process, I suggest we wait and not pass this BRAC recommendation today.

Thank you, Mr. President.

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

Mr. SMITH of New Hampshire. How much time does the Senator require?

Ms. SNOWE. Five minutes.

Mr. SMITH of New Hampshire. Is there a UC on the time?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes.

Ms. SNOWE. I thank the Chair.

I gave a lengthy statement last night. I will not go into everything that I referred to, but I think there are several points that need to be reiterated with respect to base closing.

I strongly oppose the base closing amendment that has been offered by Senator McCain and Senator Levin that would initiate another round in the year 2001. We are back to the same assets that have yet to be addressed by the Department of Defense with respect to creating a comprehensive analysis in terms of matching our infrastructure with our assets and the security threat mix that we can anticipate into the 21st century.

This is an analysis, in fact, that has been suggested and recommended by the National Defense Panel in order to have an overall assessment and accounting of exactly what we are going to need with respect to our domestic infrastructure into the 21st century.

I think everybody acknowledges that we are facing different types of threats today, more asymmetric, more unpredictable, more uncertain, far more diverse, regional threats than we have ever encountered before. So as a result, it seems to me we need to have an accounting from the Defense Department as to exactly what are their needs.

They keep telling us over and over again from the previous four rounds that we have achieved and realized billions and billions of dollars in savings. Yet we have been unable to track those savings. In fact, in the reports by the General Accounting Office in 1996 and then again in 1997 and in addition to the Congressional Budget Office reports, all indicate the very same thing.

It is very difficult to ascertain the amount of savings derived from the previous base closing rounds, because the Department of Defense has never established a mechanism for tracking those savings.

I think it is important for us to have that data so we can document what has exactly been saved as a result of those four previous rounds.

When you look at this chart, this is in the General Accounting Office report: Why BRAC Savings are Difficult to Track and Estimate Changes Over Time. DOD accounting systems are not designed to track savings. Some costs are not captured initially; i.e. the environmental costs.

Well, we now find out that they are going to have to spend at least $3 billion more in environmental mitigation than they anticipated.

Savings cannot be fully captured—long-term recapitalization costs. Again, we have found out in terms of sales, they anticipated they would realize $3 billion in sales, and they have only received about $65 million. So that is a great gap between what they projected for revenues of sales and what they actually realized.

DOD components do not have incentives to track savings because budgets may be reduced. Over time events may simplify costs and savings that could not have been known when estimates were developed.

On and on it goes. We have no way of knowing.
Then the Department of Defense has said, well, we have cut back on personnel by a percent so, therefore, we should be reducing infrastructure by 56 percent. Since we haven’t done that, it should be one on one, essentially, we should be reducing our infrastructure. But again, these determinations should not be made by arbitrary percentages but, rather, a documentation of exactly what we need for the future.

We have unpredictable challenges and, therefore, I think we should make those decisions based on the assessment of what should be our military infrastructure for the 21st century. Yet we have not had that kind of accounting.

I hope the Senate will not approve another round until we have the opportunity to have this kind of analysis from the four previous rounds have resisted providing over the years.

In fact, in the 1998 Secretary’s report on BRAC, it said additional rounds of BRAC in the years 2001 and 2005—that would be contingent on two rounds—would be in the years 2008 to 2015, the period covered by the QDR, and $3 billion every year thereafter.

But that is contradicted by the report by the Defense Department in 1999 with respect to BRAC savings. It says with four BRAC rounds between 1995 and 1998, DOD invested approximately $22.5 billion to close and realign 152 installations. So it costs as much to close those bases as what they are projecting for savings from another two rounds in the future.

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

Ms. SNOWE. One additional minute.

Mr. SMITH of New Hampshire. I yield the Senator an additional minute.

The PRESIDING OFFICER. Without objection.

Ms. SNOWE. The real challenge and the problem with these base closing rounds has been the fact that they are costing far more than what the Defense Department anticipated. I think it is important for us to have the information and the verification from the Defense Department as to exactly what they have saved and how much it has cost and what they anticipate in the future. In addition, they have not even completed the four previous rounds. They have yet to be totally implemented. So we could be incurring additional costs.

Of course, the final dimension to the whole problem is all of the contingency operations. We have had 25 contingency operations that have cost the Defense Department more than $20 billion. That has impacted readiness and modernization.

I say to this administration that perhaps if they had more clear objectives with respect to these operations, we could contain the costs, but we should not put pressure on reducing our domestic infrastructure if we are going to have more contingency operations in the future that demand the use of our domestic infrastructure.

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

Mr. HAGEL. I thank the Chair.

Mr. President, I rise to strongly support the McCain-Levin amendment. The arguments that have been made today and this afternoon, I believe, speak rather clearly and directly to why this amendment is worthy of our colleagues’ support today.

I also wish to express my strong support for S. 1059, the fiscal year 2000 Department of Defense authorization bill being debated here on the floor of the Senate.

The first responsibility of our Government is to provide for a strong national defense to protect America’s security interests. The primary responsibility of elected officials is to provide the leadership and the wisdom to ensure it is used in the best interests of the American people.

The percent of the gross domestic product we spend today on defense is lower than what it was just prior to the Japanese attack on Pearl Harbor. At the end of the cold war, there was excitement about the peace dividend that would come, of course, from the decline in East-West conflict as a result of the implosion of the Soviet Union and the reduction in defense spending that, of course, would logically follow.

There was also talk about a new global order. Some suggested that war might be obsolete, thanks to the breakup of democracy around the globe. This all sounded hauntingly familiar to the end of World War I and other periods in the history of the world. But there is a peace dividend. That dividend is the new freedoms and opportunities that have resulted from the peace and stability America and her allies won over the last 50 years.

If we step back for a moment and review Korea, Vietnam, the Persian Gulf, we understand in some rather direct terms what our stand and our allies’ stand in those three areas of the world meant to stability, to commitment, to using our forces in a positive way that, in fact, stood for what was right in the world.

I am a veteran of Vietnam. I served in Vietnam in 1968, and I have heard many times of the stories written and the debate about whether it was a wasted effort in Vietnam. I have responded this way: If America had not taken a stand in Vietnam, aside from how we executed and prosecuted the war—if we had not taken a stand in Korea, Vietnam, and the Persian Gulf, does anyone doubt that the face of Asia, the face of the Middle East would be different than it is today? Of course it would be. Would it be more in the interest of freedom and stability and democracy and market economies than it is now? I don’t think so.

So, you see, it is not only having the ability to protect our interests and preserve freedom and democracy, but the will and the leadership to make that commitment is just as important. There are new challenges and new responsibilities today that we face, as the new dynamic world always provides, as we move into the next millennium.

During the cold war, we confronted our adversary on several fronts. Today, we confront several adversaries on several fronts. One of the concerns that we must be very vigilant about over the next few years is not placing America’s interests in the world in a position to be blackmailed by nations who would threaten those interests by threatening to use a weapon of mass destruction and for us, essentially, not only to be militarily incapable of responding to that blackmail and not having the leadership and the will to say we are not going to do that, that isn’t going to happen. Actions have consequences. Inactions have consequences.

America and her allies have done very well over the last 50 years to help stabilize a very unstable world. Partly, that has been the result of our word meaning something, our commitment meaning something. But if we don’t have the military assets and the resources to be able to call upon that capacity to stop tyranny and war and instability, then in fact we place America in a terrible position and we threaten America’s security through the possibility of blackmail.

We must harbor our national defense resources wisely, of course. But when we do use them, we must follow the principles of the Powell doctrine: Overwhelming force deployed decisively in the pursuit of clear objectives.

Rebuilding our military will not be cheap. America needs to understand that. This bill heads us in the right direction, but much more is going to be required. We must not and we cannot build our military based on budget caps or spending goals. Military spending must be based on the threats and challenges we face in the world today. We must protect our interests and help maintain global stability to ensure our long-term growth and prosperity.

The defense budget must flow from our national security interests, not the other way around. The budget cannot drive our national security interests. Our national security interests must drive the budget. If we must find other means to take those resources and put them in our national security budget, then we must do that. That will require prioritizing our budget, our resources. It will prioritize what we as Americans believe our role in the world to be.

Every year, the nondefense nondiscretionary budget grows. You have
heard the numbers in the last 2 days around here. For the last 14 years, our defense budget has grown smaller. We have reduced our defense budget over the last 14 years. Every year, these other needs crowd out other spending priorities. Nondiscretionary entitlement programs are important, but they do us little good if the military is cut back to the point that our interests are threatened around the world: oil supplies are cut off, seaports are blocked, citizens and corporations abroad are threatened, and our economy declines.

We must look for savings in the DOD budget, of course, push for greater reforms, seek greater efficiencies, and tailor our military for future challenges. But we also must be willing to spend as much as we need to protect our interests in this very uncertain, dangerous world. A strong, capable military is only half of the challenge. We must also have strong, capable political leadership. That leadership must have the respect of the world, so that the world knows that that leadership has a chance to control our military capability that we employ; knowing when and where to use our military. Strong leadership, anchored by clear principles, beliefs, vision, and policy, has always had its own deterrent power.

Dictators fear strong leaders because they know strong leaders will act—despite public opinion polls, focus groups, short-term political gains, or leverage. Leaders understand that actions have consequences, and that inaction has consequences.

Last week, King Abdullah from Jordan was here and spoke rather clearly and plainly to this issue regarding NATO’s involvement in Kosovo. These are difficult times, but so have they always been. If real debate that consume the American electorate next year, and the Presidential politics and this body next year, will be simply: What is America’s role in the world? What leadership do we care to continue? We must recognize that if any other country is to replace America as the world’s leader, that new world leader may not be as benevolent as America has been in this century.

I don’t want that kind of a world to be imposed upon any other 6-year-old and 8-year-old. Richard Haas’ new book, “Reluctant Sheriff: The U.S. After the Cold War,” lays it out clearly. That question about the role of America in the next century is a legitimate question. There should be a relevant debate, with the relevant questions asked: What burdens do we want to carry into the next century? Is it worth taking a disproportionate share of the world’s burdens, which we have always had? I believe so, and here’s why.

Henry Kissinger’s piece in this week’s Newsweek magazine, “New World Disorder,” speaks to this issue. Unexpected events happen in the world daily. For example, last Sunday, a Chinese intelligence ship was sunk in the South China Sea. Supposedly, the Philippine government knew that that is contested. That is how fast flashpoints can bring world powers into conflict. We need to commit ourselves now to rebuilding the U.S. military, reasserting ourselves on the world stage, and accepting the burdens that come with leadership.

Can we imagine Harry Truman, Dwight Eisenhower, John Kennedy, or Ronald Reagan whining about the burdens of leadership, whining about, well, I don’t know what the polls show or the focus groups show. Can we imagine those leaders governing and doing what they thought was in the best interest of our Nation and the world based on the political whims and winds of the times without the measure of leadership of ours can connect the world, so that the world knows that America must continue to serve as the rock to which other democracies around the world can anchor. We must also continue to serve as the beacon of freedom and justice for other nations and other peoples. America has always been inspired hope around the world, but we cannot lead the world without a strong national defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. HATCH. Mr. President, once again we have a BRAC authorization measure before us. And once again the same deficiencies that led to the far-reaching political distortion of the prior, so-called “independent” BRAC commissions, are ignored.

I voted against the first BRAC authorization back in February 1989. At the time, I was one of only eight senators voting against it. I said, it could not avoid political tampering. I was hoping to have been proven wrong. Unfortunately, I was not.

The proposal of my distinguished colleagues, Senators McCain and Levin, is well-intended. There is no question that a properly run BRAC outcome could lead to funds freed up for force modernization, military pay increases, and many other badly needed defense needs, but the least of which is readiness. No, it’s not the motivation of my colleagues that I worry about. Rather, I still question whether this process can be completely objective. Whoever occupies the White House is also likely to be misguided by the same kind of outside pressures and political interests that characterized the previous BRAC discussions.

And, on a more parochial note, I am simply not going to vote to put my home state through this process again. We have proven over and over again that Hill Air Force Base and the other military installations based in my state are efficient, productive, and high quality. I am not going to vote to make them prove it again in a forum where the deck may already be stacked.

So with all due respect to my colleague from Arizona, I cannot support this amendment.

Mr. BUNNING. Mr. President, I have listened carefully to the current debate on the pending amendment which authorizes a round of military base closings commencing in 2001. At this time I do not support a further round of base closings. Therefore, I oppose this amendment for the following reasons.

I have repeatedly asked the Department of Defense, the Military Services, the Commonwealth of Kentucky, and the Kentucky Department of Military Affairs for information and proof that the past rounds of base closings have produced any savings to the Department of Defense or the U.S. taxpayer. After repeatedly asking for this information to prove this point, it has not been provided to me. Therefore, I need to see proof in savings and these savings need to be in “real” terms and without any accounting gimmicks and projected budgetary outcomes based on guesswork.

Many criticize the Department of Defense’s current accounting measures. They say these accounting measures are outrageously biased and that these measures are used in decisions which result in an unjust imbalance between our military base infrastructure and the rest of the military. Just because the Department of Defense is reduced in certain areas by a certain percentage, doesn’t mean that our military base infrastructure should be cut at the same percentage level. The Department of Defense needs to measure any downsizing of our military base infrastructure in a formulaic way rather than just an across the board cut done blindly and foolishly.

Also, I am not convinced that if savings were found from past base closings, that the bases in Kentucky, Pt. Knox and Ft. Campbell, would be protected and strengthened. I have recently been told by the U.S. Army that these bases would not be harmed and that they would benefit from any future rounds of closings. The U.S. Army talked of these bases as being leading posts in their branches. However, I have not seen any new strengths added to these bases from past closings and I have not been told of any specific missions which would be added to those.
bases in Kentucky. I need reassurance from the U.S. Army that these posts will be protected by seeing the future plans for them and the specific missions which would be added to them.

Furthermore, I am not convinced that our military in its current state can do more with less. We are in a tangled mission in Yugoslavia, we have major troop deployments around the Korean peninsula and around Iraq, and we have U.S. troops scattered amongst some 40 other spots elsewhere in the world. Our deployments have increased dramatically over the past decade. If this trend of increased deployments continues, I cannot see the rationality of downsizing our military base structure in the midst of this pattern which seems to have no end.

In conclusion, I have not seen savings from past military base closings. Even if I was convinced there were savings, I am not convinced that the military bases and the soldiers that serve and work at those bases in Kentucky would be protected, that there is an about minimizing our base structure while our soldiers and military do more with less. Also, past base closings have been politicized at the Presidential level and I fear the process may continue down that path again.

Because of these reasons, I oppose this amendment which authorizes another round of base closings.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by Senators MCCAIN and LEVIN authorizing a new round of base closures. As the senior Senator from the state that has suffered the greatest impact from the previous rounds, I believe that the base closure process is deeply flawed and fundamentally unfair.

The first four rounds of base closure occurred too rapidly and too little effort was made to protect local communities from devastating job loss and economic hardship. For those who say that adverse local impact is a necessary consequence of reducing military infrastructure, I would like to describe how this process has affected California where since the first BRAC round in 1988, 29 bases in California have been scheduled for closure or realignment.

Some claim that the process has been streamlined and every effort has been made to expedite the transfer of bases to the local community. I have also heard claims that base closure can be a boon to the community by bringing new opportunities for job creation and economic development.

Now let’s look at the facts. The California Trade and Commerce Agency estimated that the four rounds of BRAC cost 97,337 military and civilian jobs. How many have been created? Less than 17,000. That is a net job loss of more than 80,000 jobs.

The reason we are not seeing job creation or economic growth is because the land is simply not being transferred to the communities as was originally planned. The process is so slow and bureaucratic that years go by before any development can be done on the closed bases.

Again, the numbers prove this. The 29 closed bases represent 77,269 acres of land. The Federal Government has retained almost 25,000 for itself and 30,000 acres have yet to be transferred. That means that local communities have had access to less than 30 percent of the property that should have been made available to them. It is difficult to create jobs or stimulate economic growth without the land to do it.

That is the big picture of how the State of California has been impacted by the base closure process. Here is the impact at the local level.

Every member of this body who has had a major base close in his or her state can tell a base closure horror story, but I believe the magnitude of the story of Long Beach has faced makes it unique. In fact, if Long Beach were a state, it would rank in the top five in terms of the number of jobs lost due to base closure.

The Long Beach Naval Station was closed as part of BRAC 1991. This resulted in the loss of more than 8,500 military and civilian jobs. The direct loss of wage and contract was $400 million with an estimated economic loss of another $1 billion annually.

As the city struggled to deal with this devastating blow, the federal government dealt it another. In 1995, the Long Beach Naval Shipyard was scheduled for closure. The job loss from this action has been more than 4,000 and it has caused another $1 billion in total economic loss.

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property

The city’s woes continued during negotiations with the Navy on the terms of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for $10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded $8.5 million for the property. The same piece of property
money which we need for the men and women in uniform to have the right pay and the right equipment by continuing to close those two facilities lost during a competitive bidding process.

We have to be willing to take the heat. We can no longer just say that the last round was politicized if, in fact, it was cured in the next round. We just cannot eternally and constantly look back at these allegations and debate what may or may not have happened in the 1995 round as an excuse for not doing our duty here in 1999 in terms of saving the money, which is so essential if we are to authorize the defense budget rationally devoted and rationally spent. We are talking here about a significant chunk of money. We cannot waste this money. Our uniformed personnel and our civilian leaders are pleading with us to authorize an additional base closing round.

This amendment assures that it is the next administration—not this one—which will determine whether to proceed with a base closing round. All we would be doing is authorizing it. The next administration would be the one that would be administering this next round. It would not be this administration.

The timetable that we put in here assures every single statutory step, from picking the commissioners to do the work that is necessary to sending in the recommendations. All of that will take place with the new President and not with this President. I yield the floor.

Mr. LOTT. Mr. President, if I could inquire about time. It is 1:30 now; are we scheduled to vote on base closure at 1:45?

Mr. LEVIN. The majority leader is correct.

Mr. LOTT. Mr. President, I have followed the base closure recommendations, the so-called BRAC issues, for many years, going back to my years in the House. We have been down this old BRAC road several times before. I have always been looking to simplify the process. I remember standing in the center well of the House years ago, talking to Congressman ARMSTRONG of Texas. He was talking about his concept. I told him that I thought it was an abdication of responsibility, but if he wanted to pursue it, here is how to do it, and here is how it has to come through the Rules Committee. He took notes copiously and pursued it and it went through.

I think this is one more example where we needed administration avoiding the tough choices. For years, for 100 years, when there was a need to close a base, the administration, the Pentagon, the Department of Defense sent up recommendations of surplus or unneeded bases that Congress, through the authorization process, appropriated from the base closure recommendations and made a decision to close them or not.

Over the years, as it became more and more difficult to close remaining bases or to make tough decisions, these so-called BRAC rounds gained popularity and were pushed and, in fact, passed through the Congress. I don't think this is the way it should be done and I maintain it has not worked well.

In many cases, bases were closed, including several in my State. I go quite often now to those former bases as we continue to work to get new business and industry to come into those facilities. The tough decisions were made. We did our job.

So the first thing I recommended is let's do our job. I discussed that with Secretary of Defense Cohen and he, of course, smiled and said yes, but we probably won't get them closed.

I believe if the case is made and they recommend a surplus, that could be done—maybe not as many as they would like, but the process is there and we should honor that process.

We have had these base closure proceedings in the past. They have been painful. They cause tremendous upheavals in the defense community. In the communities where it happens, millions of dollars have been spent trying to defend against closures or, once a closure decision has been made, trying to find a way to make use of the base.

For such communities, losing a base is more than just an economic loss; it is an emotional loss and a blow to the core of their identity. These are just not nameless, faceless people involved. In most military communities, personnel, line leaders, little league coaches, and scout masters, not just men and women with money to spend. Communities that lose a base lose much more than economic well-being; they lose friends, neighbors, and community leaders. I think it is very important that we remember what this process does to communities and to the people who are involved.

I maintain the ones that we have had in the past have worked pretty well, although some bases are still not fully closed. The environmental cleanups have not happened in other instances. Many of these facilities, now, are just sitting there.

I recommend before we go to another round, if we ever do, of base closures, we ought to let the ones that have already been recommended fully run out the string. Let's see what we have saved.

I am told a good bit of money will be saved this year from the base closures. But if you read the little asterisk down at the bottom, it doesn't include, for instance, environmental cleanup costs.

So if you look at the impact this has had on our communities, on our defense capabilities, it is not just coming from it. I think it is not good judgment to go forward with another round now. Think about what we are doing. Think about the timing.

Here we are at a time when our defense capabilities are being stretched to the maximum steaming time, time our men and women are out on ships and they are on remote assignments, at a time when our troops are in combat this very day, we are talking about closing bases, eliminating housing facilities back here at home.

Also, a side note: Just last week we passed a bill that provided money for construction of more military facilities in Europe, so we are going to be adding a half billion dollars in new construction in Europe. Maybe it is needed. Maybe that says we have acted too hastily in drawing down in Europe. We allowed our facilities—the runways, the air traffic control, and the housing facilities—were deteriorating even there. But at a time when we are going to be spending money in Europe, we are talking about cutting back here at home. Are American servicemembers going to return to find that while the bases overseas are being rebuilt there are ‘For Rent’ signs on the ones they left back home in the United States?

I think, first of all, the whole idea of doing it through a commission is not wise. Second, I do not think we have completed the process of the base closure decisions that have already been made. Third, the timing could not be worse.

Let's look at this more. Let's make sure we can stop the free fall our defense has been going through in readiness, in morale of our troops, in recruitment and retention. It is just one more factor that can serve as a disincentive to our men and women in the military. Some people say, let's go ahead and do it, the Department of Defense wants to do it this way—instead of doing their job, in my opinion—and it probably will not affect me.

I have a list I recommend Senators review before they cast their votes. This list will be available in the Senators' cloakrooms. I will have them on desks. I will have it in my hand. Look at the bases that were on the list that were not closed in the past. These will be the ones that probably would be first choice to be reviewed again. Just in the State of California, you are talking about 15 facilities. It covers the entire country. It covers facilities in almost every State.

When I look down this list, it really scares me, the facilities that could be considered for closing, what it would do in those communities and what it would do to our military capabilities. So take a look at this list before you cast this vote. Maybe sometime in the future we will need to take another look at it.
But I still think there is fallout from the fact that the last closure did become tangled up in political decisions. There is no question that some of the decisions recommended by the BRAC were changed or evaded subsequently. I remember Secretary of Defense Cohen believing very strongly he was not given the information he was entitled to when the Base Closure Commission was acting involving the State of Maine. We need to spend more time thinking about this. We should get over this hump we are at right now of our military capability and the involvement we have now in the Balkans. Maybe another year.

I will tell you what I think we ought to do. Let's try doing it the way it was done for 100 years. Let's try doing it through the normal process. I support comprehensive, the most logical solution. I see is for the Pentagon to identify bases it no longer decides are necessary and submit these findings to us. Show the Congress where the redundancy and obsolescence are. I have full faith that this body is capable of looking objectively at our defense needs and determining whether a base has outlived its usefulness.

Where is accountability in the BRAC process? We in Congress should not be abdicating congressional authority to some ad hoc commission. In this time of severe military drawdowns and austere budget cuts, I think it is all too easy for us to pass the buck and allow a commission, which has no obligation to answer to any constituency, to further the decision. I do not think if we were elected to leave all the difficult choices to a special commission. The average American feels very strongly about our national defense, and its important that the buck stops here when it comes to ensuring our military readiness.

So I urge my colleagues, before they vote, look at this list. Think carefully about what you are doing. Can we be assured this will be done in a totally objective way? What will be its impact on our military right now? I thank the chairman of the committee, Senator Warner, for his thoughtfulness in this area. He has generally, in the past, been supportive of this effort, even when it affected his own State. He has stood up and said, We will do our own part. You have to commend him for that. But he, this time, has said this is not the right time; maybe another day, maybe another way, but not now.

The BRAC commission will do. I hope the Senate will vote against this next round at this time.

I might emphasize, earlier on there was a recommendation we have two rounds, 2001-2005. It was considered we would exclude certain areas and allow the others to go forward. I think the principle of our own State might be exempted and everybody else might have to deal with it— that is wrong. We should not do things that way. We should have a fair, across-the-board policy. I think that is the way we should do it.

I yield to the Senator from Virginia.

Mr. WARNER. Mr. President, it is interesting the leader brings up the old-fashioned way, because when I was Secretary of the Navy, circa 1971, 1972, 1973, I closed the Boston Naval Shipyard and the destroyer base, where Senator Jack Reed and Senator Chafee were very much interested in that. We did it the old-fashioned way. I must say we came down here and we had hearings in the caucus room. Senators Pastore and Pell sat there and grizzled me and the Chief of Naval Operations for the better part of a day. But it worked out. So there is a precedent for doing it the old-fashioned way.

I say to my distinguished leader, I was the coauthor of the first BRAC bill and the second BRAC bill. But the commission concept was predicated on trust and fairness. Regrettably, Mr. Leader, that was lost in the last round when, as you know, in the California and Texas situations, the sticky fingerprints of politics got in there.

Mr. LOTT. Yes.

Mr. WARNER. Therefore, all the communities across the country, once a BRAC process is initiated, they go to general quarters and they hire these expensive lobbyists and all types of people to try to make sure their case is made, should it work its way up through the system, is treated fairly. That is all the next system. Unless there is trust in the system, we cannot achieve a commission concept of closures.

Maybe we can induce the Secretary of Defense to try it the old-fashioned way and give it a shot. I commit to work fairly and objectively if you put it right on the table. I thank the leader for his strong position.

Mr. LOTT. I thank Senator Warner.

Let me point out another instance of another Secretary of the Navy, Senator Chafee of Rhode Island. When he was Secretary of the Navy, the decision was made, and it was very difficult, but the decision was made to basically mothball the Davisville, RI, Seabee base. I think it is still maintained in a state of readiness, but the number of troops and employees were substantially reduced. But he had done his job. We have done our job in the past without a commission.

By the way, right now there are lawyers and members people going around the States saying, get ready, there is going to be another BRAC, you better hire me so I can make sure your case is made. I think that is wrong and I thank you for your leadership on this issue.

Mr. President, I urge the Members to vote against this base closure commission proposal. I have always opposed this procedure. I opposed it in the House in the eighties, even though I remember talking to Congressman Arment from Texas about the merits and demerits and how he could proceed to get it done. He did it quite well.

We have been through not one, not two, but 2½ rounds of base closure commissions. I think it is wrong in principle, because we are abdicating, once again, our responsibility to make decisions about what is best for a strong national defense to a commission. For 100 years, if bases, depots, or facilities needed to be closed, the Department of Defense made recommendations to Congress. Appropriations Committees reviewed the recommendations and made decisions, and bases and facilities were closed. I know of three in my own State of Mississippi that were closed in the fifties and sixties, probably with good justification.

I can remember when the Secretary of the Navy was John Warner of Virginia. Some tough decisions were made, recommendations were made to the Congress, and facilities were closed. The same thing occurred when Senator Chafee was Secretary of the Navy. That system worked for 100 years. Some 15 or 20 years ago, it got harder and harder to get Congress to go along with this and the commission idea came along.

I think we ought to go back and do it the way it was originally intended. Let's do our job. I think when Members say we will never have any facilities closed, history belies that fact.

My next point is, we have been through these 2½ rounds. They were a terrible experience for the communities and for the States involved that have facilities that are impacted. I maintain that we haven't yet quite felt the impact or gotten the benefit of the base closure rounds that have already been done. We still have facilities that have not been completely closed or the environmental cleanup has not been accomplished. We don't know whether we really saved money or not.

We are going to go through another round until we have been able to assess completely how the earlier rounds worked or didn't work, what the cleanup costs were, what the real impact was on the communities.

I must say, the timing is terrible, at a time when we are asking our military men and women for more and more in terms of steaming time, time spent on remote assignments, and, in fact, at this very moment Americans are involved in a bombing campaign in the Balkans.

Just last week we passed legislation providing about half a billion dollars to add to facilities in Europe. At a time
when we are spending more money for facilities in Europe to upgrade or replace facilities that probably we should have already done, we are talking about setting up a process to close them in the United States. I don’t think that is very wise.

It also comes at a time when our readiness is falling, when our retention and recruitment is declining. We are trying to do something about that by adding some money for readiness and for the future needs of the military, to increase the pay for our military men and women. This is not going to cure our little stick in the eye that will affect, I think, adversely, the morale of our military men and women.

Finally, and not the least, I maintain that last time politics got very much involved in the base closure round. Bases that were supposed to be closed in California and Texas found a way to evade that. It was not just one or two States; it happened in several different places. I don’t think the system worked very well.

I don’t think we should do this now. I think we ought to wait and assess what has happened, do it at a time when we are not basically at war. Let’s wait until the next administration comes in. We don’t know whether it will be Republican or Democrat. Let’s take a look at this thing in 2001. If, in fact, we haven’t been able to get rid of some of the excess or unneeded facilities, and if we are not at war, if we have been able to turn around our needs for readiness and the morale and retention of our troops, I will take a look at it. I don’t think this is the right thing to do. I don’t think it is the right time. I think it is wrong in principle.

I could have probably found a way to limit this base closure in a way that would have been responsible, and it would have probably spared my own State, but I thought that was wrong. I don’t think I ought to be trying to find a way to spare my own situation and let others bear the brunt of the decision. We ought to do it all the way or not.

What we ought to do is let the Pentagon make the recommendations and act on them.

Finally, any Members who think this is fine, don’t worry, it will affect somebody else. I have a list here of bases, depots, and facilities that were on the list of earlier base closure rounds that were not closed. These are the likely facilities to be affected. This is not a free vote in isolation, where Members can go and pay the piper. Members can take a look and see how it would impact New York or Michigan or Ohio before casting a vote. Ask yourself when you look at the facilities: Are these excess? Are these unneeded facilities? I think that might affect your decision.

We should defeat this. We should go on and pass this very good defense authorization bill that has been developed by the committee, without this provision in there. Maybe another day, another time, would see it differently or we would need to vote differently, but not here and now. I urge the defeat of the base closure commission amendment.

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

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. McCAIN. Mr. President, I ask unanimous consent to speak on the amendment for approximately 5 minutes. I probably will not take that long.

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

Mr. MCCAIN. Mr. President, all I can assume is that this vote may get being close because a list was distributed, which can only be to try to frighten Members, which has no basis in anything except the imagination of some Senate staffer. It is really unfortunate we have to get into this kind of damn foolishness. I mean really, this is just foolishness. It does not have my State on it, yet three bases were “considered” by BRAC between 1991 and 1995. Whoever is responsible for this really ought to be a little ashamed—a little ashamed, maybe.

The process exists. It was used before. Every single expert, whether they be inside or outside the military—unless they are a Member of Congress—says that we have to close bases. Find me one, find me one military expert, former Secretary of Defense, any general, any admiral, any expert, anyone from a think tank, right or left on the political spectrum, Heritage Foundation, Brookings—find one. Find one who does not say we have too many bases and we have to go through a procedure to close them. This procedure was used in years past.

Strangely enough, strangely enough we have arguments like it costs more money to close bases than it does to keep them open. If that is the case, we ought to build more bases. If that is the case, we never should have closed the bases after World War II. The fact is, that has saved billions and will save billions.

We have young men and women at risk all over the world who are not properly equipped, who are not properly trained, who are leaving the military—11,000 people on food stamps and we have even got the nerve and the political will, some might even say guts, to do the right thing. The right thing is to save money, transfer that money to the men and women in the military who are serving under very difficult conditions with equipment that has not been modernized, with a morale level that we have not seen since the 1970s, and morale at an all-time low. Meanwhile, our commitments grow and grow and grow.

I guess, given this incredible, bizarre list that some intellectually dishonest staffer—intellectually dishonest staffer compiled, we will probably lose this vote. But I tell you, this will not be a bright and shining hour for the Senate of the United States of America.

I yield the remainder of my time.

Mr. WARNER. Mr. President, just to advise the Senate, there is a likelihood the Senator from Washington will be recognized for an amendment at the completion of this vote. It is still being worked on, but we hope to be able to accommodate the Senator.

The pending business, of course, at the end of the vote, would be the Lott amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Do we have any time left on this amendment?

The PRESIDING OFFICER. All time has expired on this amendment.

Mr. LEVIN. I ask unanimous consent for a minute for the Senator from California.

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

Mr. BOXER. Mr. President, I will not be supporting the McCain amendment. I am not supporting it for a very simple reason. I felt the BRAC method was very political. It was hyped as: Oh, this is nonpolitical; it is going to be based on the merits.

I was not at all convinced that was the case. When you really sat down and picked the winners and losers, it was pretty clear that a lot went into that decision that was political.

Second, we have not seen, as the Senator from Maine, Ms. SNOWE, has stated, the kind of savings that were promised because bases were closed and then their missions were recreated somewhere else.

California got hit so hard I could not even begin to tell you the overwhelming economic impact that we have taken. We still have bases, I say to my friends, that are sitting there that have not even been cleaned up and cannot be reused.

So I will not be supporting the McCain amendment. I hope it will not pass. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 393.

The yeas and nays have been ordered.

The assistant legislative clerk called the roll.

The result was announced, yeas 40, nays 60, as follows:

CONGRESSIONAL RECORD—SENATE
CONGRESSIONAL RECORD—SENATE
May 26, 1999

Rollen Call Vote No. 147 Leg.

YEAS—40

Abercrombie Hollings Moynihan
Bayh Judd Morse
Biden Kennedy Reid
Bond Kerry Robb
Bryan Kerry Rockefeller
Byrd Kohl Roth
Chafee Kyl Smith (D)
DeWine Landrieu Santorum
Feingold Leahy Thompson
Gramm Levin Voinovich
Grassley Lieberman Woolsey
HagelLucas Wyden
Harkin McCaин

NAYs—60

Abraham Dodd Lott
Akaka Domenici Mack
Allard Dorgan McConnell
Baucus Derin Mikulski
Bennett Edwards Murtowski
Bingaman Enzi Murray
Boxer Feinstein Nickles
Breuer Fitzgerald Roberts
Brownback Frist Sanchies
Bunning Gorton Schumer
Burns Graham Sessions
Campbell Gregg Shelby
Cleland Hatch Smith (N)
Cochrane Helms Snow
Collins Hutchinson Specter
Conrad Hutchinson Stevens
Coverdell Inhofe Thomas
Craig Inouye Thurmond
Crapo Johnson Torricelli
Daschle Lautenberg Warner

The amendment (No. 393) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I am ready to propound a unanimous consent request. I ask unanimous consent that the Senate now consider an amendment by the Senator from Washington, Mrs. MURRAY, an amendment re: DOD privately funded abortions, that there be 1 hour for debate prior to a motion to table, with the time equally divided and controlled, with no intervening amendment in order prior to the vote.

The PRESIDING OFFICER (Mr. GREGG). Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President, may I propound a request to the chairman?

The PRESIDING OFFICER. If the chairman yields the floor for that purpose.

Mr. WARNER. I will do that.

Mr. GRAMM. Mr. President, as you know, it takes unanimous consent to allow the Murray amendment to come forward. Any person can object, because you have two amendments pending. I have, I believe, worked out an agreement with the distinguished ranking member to have the vote on the reconsideration of the amendment, where there was a tie vote yesterday, occur either at or after the disposition of the Kerrey amendment, whichever is sooner. If that could be added to your unanimous consent request, I think that would be agreeable to both sides. I have no objection to Senator MURRAY bringing her amendment up, I simply do not want to leave this matter pending past 5 o’clock, if we can avoid it.

Mr. WARNER. Mr. President, I wish to accommodate the Senator. I presume you would want 3 minutes for each side to speak to the amendment prior to that vote taking place.

Mr. GRAMM. I would be willing to do that. But, quite frankly, we had a time limit. It has been exhausted. If it would accommodate the body, I would agree to just have the vote.

Mr. WARNER. My understanding is the Senator from Michigan does not desire any time.

Mr. LEVIN. Neither one of us is asking for it.

Mr. GRAMM. I think we have made our cases.

Mr. WARNER. Let me amend my unanimous consent request to incorporate the request from the Senator from Texas.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia, as modified?

The Senator from Michigan.

Mr. WARNER. Reserving the right to object, I just want to see if there is any problem on that relative to Senator KERREY. I don’t know why there would be, offhand, but we are trying to make sure there is no problem. It is fine with me.

Mr. WARNER. Mr. President, I say to my good friend, we have bent over backwards all day to accommodate him. We will continue to do so. Whatever the problem, we will solve it.

Mr. LEVIN. That is fine with me. He has also been very accommodating to us. I just want to see if I can get a signal from Senator KERREY or not. The Senator from Michigan.

Mr. WARNER. Mr. President, I may suggest the absence of a quorum?

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. Mr. President, we will acknowledge the request for the quorum, but I think one Senator seeks recognition for an administrative purpose, and I have no objection to that.

The PRESIDING OFFICER. The Senator from North Dakota.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Tony Blaylock, a legislative fellow from my office, be granted the privilege of the floor for the duration of the defense authorization bill.

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

Mr. WARNER. Might I suggest to the ranking member that another Member of this Committee, desires to address another matter. Rather than putting in a quorum call, I would like to have agreement that the Senator proceed.

Mr. LEVIN. Could we ask the Senator from Colorado about how long his remarks will be?

Mr. ALLARD. Maybe I don’t need to have this special provision we talked about. I talked with the staff of the chairman, and they said all we had to do was file the amendment. I filed the amendment and I am happy. I think we are in good shape. It is there, where we can bring it up immediately.

Mr. WARNER. I will put it in the RECORD as of now that you have done that, if you will address the Chair.

AMENDMENT NO. 396

(Purpose: To substitute provisions regarding the Civil Air Patrol)

Mr. ALLARD. Mr. President, I ask unanimous consent that we lay aside the following amendments for the purpose of introducing my amendment No. 396 and then we would go back to the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, would you describe in two sentences the nature of the amendment so other Senators can be acquainted with it?

Mr. ALLARD. The nature of the amendment is that it strikes a provision dealing with the Civil Air Patrol, brings them under the direct control of the Air Force. We want to strike out that provision and then set up a report and review of an incident that has occurred with CAP through GAO and the Inspector General. Real briefly, that is what the amendment is about.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered. The clerk will report the amendment.

Mr. WARNER. Mr. President, if I could advise the Senator from Colorado, fairness to shape. It is there, Senator INHOFFE, a fellow committee member, has a position, I think, different from yours; is that correct?

Mr. ALLARD. That is correct.

Mr. WARNER. There could be other Senators, many Senators, interested in this Civil Air Patrol issue. I am happy to lay it down, and at such time as we can get a reconciliation of viewpoints, we hope to proceed. How much time do you think you would need so other Senators can have a say?

The PRESIDING OFFICER. The Senator from Virginia would suspend for a second so the clerk can report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself; Mr. Harkin, Mr. Sessions, Mr. Stevens, Mr. Conrad, Mr. Dorgan, Mr. Cleland, Mr. Craig, Mr. Bingaman, Mr. Bryan, Mr. Reid, Mr. Campbell, Mr. Murkowski, and Ms. Snowe, proposes an amendment numbered 396.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 904, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program.

Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall submit to the committees of the Congress a report on the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

Mr. ALLARD. Mr. President, I ask for an hour equally divided.

Mr. WARNER. Fine. I thank the Chair for the guidance. I thought the amendment had been logged in.

Mr. LEVIN. Will the Senator yield?

Mr. WARNER. I yield the floor.

Mr. LEVIN. Will the Senator yield?

Mr. WARNER. Mr. President, I add to the unanimous consent request to proceed to the amendment of the Senator from Washington.

Mr. WARNER. Mr. President, I think we are ready to solve it. Would the Senator have a colloquy with our colleague?

Mr. GRAMM. Yes.

Mr. LEVIN. Mr. President, my understanding is that the Chairman has no objection if at 5 o’clock we have the vote on reconsideration, even though we were in the middle of another debate. I have no objection if he doesn’t.

Mr. WARNER. I have no objection.

Mr. LEVIN. Mr. President, that is probably what was written at 1:30. Post by the Senator on an amendment, and we will go back to the reconsideration. I have no objection to that happening at 5 o’clock.

Mr. WARNER. We have done that before. It may be somewhat inconvenient, but it is important to keep the momentum of this bill going. We have had superb cooperation from all Senators. I would like to make note that we have only had two quorum calls in 3 days.

Mr. President. I now propose a unanimous consent request that the Senator from Washington be permitted to go forward with her amendment at this time, with a 1-hour time agreement, equally divided between the Senator from Washington and the Senator from New Hampshire, and at the conclusion of that hour, there be a motion to table the Senator from New Hampshire and then a rollcall vote. We will get the yeas and nays later.

Mr. GRAMM. We have the 5 o’clock vote on the reconsideration?

Mr. WARNER. Mr. President, I add to that a 5 o’clock vote on amendment No. 392.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I do not have an objection, but I would like to make an inquiry. At some point, I would like to be in a position to do what Senator ALLARD has done, which is to introduce an amendment and then lay it aside for the appropriate consideration. That might be appropriate, after we have taken action on the unanimous consent, or as part of the unanimous consent, that I would be given an opportunity to introduce an amendment and then lay it aside?

Mr. WARNER. Mr. President, I just ask if we could have one variation. At the conclusion of the vote on the amendment of the Senator from Washington, I would be prepared to work out an opportunity for the Senator from Florida to be recognized and lay down an amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Virginia?
Providing for a conditional adjournment of the Senate

Mr. Warner. Mr. President, I ask unanimous consent that the Senate proceed to the adjournment resolution, which is at the desk, and further that the resolution be agreed to and the motion to reconsider be laid upon the table.

The Presiding Officer. Is there objection?

Without objection, it is so ordered.

The resolution (S. Con. Res. 35) was agreed to, as follows:

SEC. 1. Restoration of Previous Policy Regarding Restrictions on Use of Department of Defense Funds for Legal Reproductive Health Care Services

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “(a) Restriction on Use of Funds.—”.

Mrs. Murray. Mr. President, this is the Murray-Snowe amendment that concerns our brave young women who serve in the military and their right to legal, reproductive health care services. I am here today, again joined by Senator Snowe and many others, to offer our amendment to protect military personnel and their dependents’ access to safe, affordable, and legal reproductive health care services.

That is exactly what this amendment is all about—access to safe, affordable, and legal reproductive health care services. That is why the Department of Defense supports this amendment, as does the American College of Obstetricians and Gynecologists. The Department of Defense recognizes that it has a responsibility to ensure the safety of all of its troops, including our women.

Many of you may wonder why Senator Snowe and I continue to offer this amendment year after year. Why don’t we just give up? Let me tell my colleagues, the reason I come to the floor every year during the Department of Defense authorization bill is to continue to educate in the hope that a majority of you will finally stand up for all military personnel.

As I have in the past, I come here today to urge my colleagues to guarantee to all military personnel and their dependents the same standards and guarantees that are enjoyed by all American citizens. These rights should not stop at our border. We should not ask military service women to surrender their rights to safe, legal reproductive health care services because they have made a commitment to serve our country.

Many of our military personnel serve in hostile areas in countries that do not provide safe and legal abortion services. Military personnel and their families should not be forced to seek back-alley abortions, or abortions in facilities that do not meet the same standards that we expect and demand in this country. In many countries, women who seek abortions do so at great risk of harm. It is a terrifying process.

I heard from a service woman in Japan who was forced to go off base to seek a legal abortion. Unfortunately, there was no guarantee of the quality of care, and the language barrier placed her at great risk. She had no way of understanding questions that were asked of her, and she had no way of communicating her questions or concerns during the procedure. Is that the kind of care that we want our service personnel to receive? Don’t they deserve better? I am convinced that they do.

This amendment is not—let me repeat—is not about Federal funding of abortions. The woman herself would be responsible for the cost of her care, not the taxpayer. This amendment simply allows women who are in our services to receive the care they need. This is an expensive, taxpayer-funded, and inefficient system. Not only is there cost to military readiness when active personnel is removed for an extended period of time.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to archaic and mean-spirited health care restrictions. Women in the military deserve our respect and they deserve better treatment.

In addition to the cost and the loss of personnel, we have to ask: What is the impact on the woman’s health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can get her travel to the United States where she can get safe, adequate, legal health care. For many women, every week an abortion is delayed is a risk to her health.

Why should a woman who is serving our country in the military be placed...
at a greater risk than a woman who is not serving in the military?

In making this amendment, I am often struck by how little some of my colleagues know about restrictions on reproductive health care services in many other countries. Many of my colleagues may be surprised to learn that in some countries abortions are illegal, and punishment is swift and brutal—not just against the provider but against the woman as well. In these cases, a back-alley abortion can be deadly. Not only are they risking their own health, but they are also risking their own safety and well-being.

We are talking about women who are serving us overseas in the military. Why should we put our military personnel in this kind of danger?

We are fortunate in this country, because abortion is an extremely safe procedure when it is performed by trained medical professionals. However, in the hands of untrained medical professionals in unsterilized facilities, abortion can be dangerous and risky to a woman’s health. The care that we expect—actually the care that we demand—is simply not universal.

Regardless of what some of my colleagues may think about the constitutional ruling that guarantees a woman a right to a safe abortion without unnecessary burdens and obstacles, it is the law of our land. Roe v. Wade provides women in this country with a certain right and a guarantee. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. However, active-duty servicewomen who are stationed overseas today surrender that right. They have to make the decision to volunteer and to defend all of us.

It is sadly ironic that we send them overseas to protect our rights, yet in the process we take their rights away from them.

I urge my colleagues to simply give women in the military the same protections whether they serve in the United States or overseas. Please allow women the right to make choices without being forced to violate their privacy and, worse, jeopardize their health. This is and must be a personal decision. Women should not be subjected to the approval or disapproval of their coworkers or their superiors. This decision should be made by the woman in consultation with her doctor.

The amendment that is before us simply upholds the Supreme Court decision. It is not about Federal funding. It is not about forcing those who constitute a majority to provide these services. It is simply about the degree to which we recognize the role of women in the military and whether we give them the respect that I argue they deserve.

Mr. President, I yield to my colleague, Senator Snowe, what time she would like to use.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President. I thank the Senator from Washington, once again, providing leadership on this most significant issue.

As she said, it is regrettable that we have to come back to the floor to seek support for our women in uniform who happen to be assigned overseas for this very basic right. I commend her for introducing this legislation once again to repeal the ban on privately funded abortions at overseas military hospitals.

It is unfortunate that this amendment is even necessary. It is unfortunate that we have to be here fighting for it once again. How could this debate be necessary? How can it be that this blatant wrong still needs to be righted? Yet, here we are, once again, having to argue a case that basically boils down to a simple question: Are women who are serving this country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil?

We are fortunate today because the U.S. law denies the right to choose to 227,000 spouses and dependents stationed with our servicemen overseas, and denies the right to choose for more than 27,000 servicewomen who volunteered to serve our country. Though these women are right now overseas our country’s interests, year after year this body denies them access to safe and sanitary medical care simply because they were assigned to duty outside the United States.

In very simple terms, this amendment will allow women stationed overseas that right to privately funded abortions at their local American military facility. It will allow women and their spouses the freedom to consider the medical personnel who are right now overseas our country’s interests, year after year this body denies them access to safe and sanitary medical care simply because they were assigned to duty outside the United States.

I don’t understand why we insist in denying our service men and women and their families the right as Americans. We ask a great deal of our military personnel—low pay, long separations, hazardous duty. When they signed up to serve their country, I don’t believe they were told, nor do I believe they were asked, to leave their freedom of choice at the ocean’s edge. It is ironic that we are denying the very people we ask to uphold democracy and freedom the basic and simple right to safe medical care.

The Murray-Snowe amendment would overturn that ban and ensure that women and military dependents stationed overseas would have access to safe health care.

I want to clarify the fact that overturning this ban doesn’t mean we will be using Federal funds to support a procedure such as abortion. This would allow American personnel stationed overseas to use their own funds for the support of an abortion in a military hospital. It is very important to make that distinction.

As the Senator from Washington indicated, there is also a clause so that medical personnel cannot be forced to perform a procedure with which they disagree.

We had this ban lifted in 1993 restoring a woman’s right to pay for abortion services with her own money. Unfortunately, that ban was reinstated back in 1995. I think it is important to understand what choices women are left with under our current policy.

Imagine a young servicewoman or the wife of an enlisted man living in a foreign country where language is a barrier. She finds herself pregnant and, for whatever reason, she has made a very difficult decision to terminate her pregnancy and she wants to have that procedure done in a military hospital and she is willing to pay for her own funds. Under current U.S. law, she won’t be able to do that. She won’t be able to go to a base hospital near her family and friends. She won’t be assured of the same quality care that she could receive here in the United States. She won’t be able to even communicate under some circumstances because language might be a barrier.

So what are her choices? She must either find the time and the money to fly back to the United States to receive the health care she seeks, or possibly endanger her own health by seeking one in a foreign hospital, or she may have to fly to a third country, again where the medical services may not equal to those available at the military base—if she can’t afford to return home.

What is the freedom to choose? It is a freedom to make a decision without unnecessary government interference. Denying a woman the best available resource for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her. Our men and women in uniform—and the families standing behind them—are our country’s best and most valuable assets. When people sign up for military service, they promise us they will do their best to protect our country and its ideals. We promise them we will provide for them and their families the necessities of life—to provide them with the most advanced and the safest health care available. That is the arrangement. This is the benefit that we make available to them in return for their commitment to serve our country.

Our men and women and their spouses should not be required to give up their constitutional protections,
and the Supreme Court supported right to privacy, and our promise of safe health care to all.

Yet we prohibit women from using their own money—not taxpayers' dollars—to obtain the care they need at the local base hospital. What we are saying to our women in uniform, or to the dependents of others who serve in our military, is: Sorry. You are on your own. So she faces a circumstance that she would not confront were she stationed at Fort Lewis, WA, or Brunswick Naval Air Station in Brunswick, ME, because she could go off base and be guaranteed safe and legal medical care.

The Murray-Snowe amendment is only asking for fair and equal treatment. It is saying to our men and women and their families, if you find yourself in a situation in military hospitals, the military should be paid for the service of safe medical care if you pay for it with your own money. Is that too much to ask?

We owe it to our men and women in uniform. We owe it to them so that they can make the decisions to receive the care they need in a safe environment. They do not deserve anything less.

I urge my colleagues to join in voting for the Murray-Snowe amendment.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, here we go again with the same amendment that comes up every year. The vote is always close. There are a lot of very strong feelings on both sides.

Again, as I have in the past, I rise in opposition to this amendment—this time the Murray-Snowe amendment—which would allow U.S. military facilities to be used for the performance of abortions on demand.

Under current law, no funds may be made available to the Department of Defense for the performance of abortions. The amendment now before the Senate is completely inconsistent with the Hyde amendment, which has been existing law for 20 years. Under the Hyde amendment, no taxpayer dollars may be used to pay for abortions.

The issue here is whether or not you want to basically throw out the Hyde amendment and say that Members are asking for abortions in military hospitals. The Hyde amendment recognizes that millions of American taxpayers believe that abortion is the taking of an innocent life, an unborn human being. Those Members, myself included, who proudly call ourselves pro-life should not be forced to pay for a procedure with our tax money that violates our fundamental and deeply held belief in the sanctity of innocent human life. That is the issue here.

In the 1980 case of Harris versus McRae, the Supreme Court upheld the constitutionality of the Hyde amendment. The Court determined that there is no constitutional right to a taxpayer-funded abortion, no matter how we feel on the issue otherwise—no constitutional right, according to the Harris versus McRae decision.

Current law with respect to abortions at military facilities, then, is fully consistent with the Hyde amendment. This amendment by the Senator from Washington will overturn existing law. The proponents of this amendment, which would overturn current law and allow abortion on demand at military facilities, claim that their proposition is somehow consistent with Hyde. It is not. They say this because, under their proposal, servicewomen seeking these abortions would pay for them. That is true.

This argument, however, evidences a fundamental misunderstanding of the nature of military medical facilities. Abortion is not a part of the medical care the Department of Defense has to provide to our men and women in uniform. We owe it to them so that they have the options to receive the care they need in a safe environment.

There are many like her, but I use her as an example. It is the same message.

The Murray-Snowe amendment is only asking for fair and equal treatment. It is saying to our men and women in uniform. We owe it to them so that they can make the decisions to receive the care they need in a safe environment. They do not deserve anything less.

I urge my colleagues to join in voting for the Murray-Snowe amendment.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, here we go again with the same amendment that comes up every year. The vote is always close. There are a lot of very strong feelings on both sides.

Again, as I have in the past, I rise in opposition to this amendment—this time the Murray-Snowe amendment—which would allow U.S. military facilities to be used for the performance of abortions on demand.

Under current law, no funds may be made available to the Department of Defense for the performance of abortions. The amendment now before the Senate is completely inconsistent with the Hyde amendment, which has been existing law for 20 years. Under the Hyde amendment, no taxpayer dollars may be used to pay for abortions.

The issue here is whether or not you want to basically throw out the Hyde amendment and say that Members are asking for abortions in military hospitals. The Hyde amendment recognizes that millions of American taxpayers believe that abortion is the taking of an innocent life, an unborn human being. Those Members, myself included, who proudly call ourselves pro-life should not be forced to pay for a procedure with our tax money that violates our fundamental and deeply held belief in the sanctity of innocent human life. That is the issue here.

In the 1980 case of Harris versus McRae, the Supreme Court upheld the constitutionality of the Hyde amendment. The Court determined that there is no constitutional right to a taxpayer-funded abortion, no matter how we feel on the issue otherwise—no constitutional right, according to the Harris versus McRae decision.

Current law with respect to abortions at military facilities, then, is fully consistent with the Hyde amendment. This amendment by the Senator from Washington will overturn existing law. The proponents of this amendment, which would overturn current law and allow abortion on demand at military facilities, claim that their proposal is somehow consistent with Hyde. It is not. They say this because, under their proposal, servicewomen seeking these abortions would pay for them. That is true.

This argument, however, evidences a fundamental misunderstanding of the nature of military medical facilities. Abortion is not a part of the medical care the Department of Defense has to provide to our men and women in uniform. We owe it to them so that they have the options to receive the care they need in a safe environment.

There are many like her, but I use her as an example. It is the same message.

The Murray-Snowe amendment is only asking for fair and equal treatment. It is saying to our men and women in uniform. We owe it to them so that they can make the decisions to receive the care they need in a safe environment. They do not deserve anything less.

I urge my colleagues to join in voting for the Murray-Snowe amendment.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, here we go again with the same amendment that comes up every year. The vote is always close. There are a lot of very strong feelings on both sides.

Again, as I have in the past, I rise in opposition to this amendment—this time the Murray-Snowe amendment—which would allow U.S. military facilities to be used for the performance of abortions on demand.

Under current law, no funds may be made available to the Department of Defense for the performance of abortions. The amendment now before the Senate is completely inconsistent with the Hyde amendment, which has been existing law for 20 years. Under the Hyde amendment, no taxpayer dollars may be used to pay for abortions.

The issue here is whether or not you want to basically throw out the Hyde amendment and say that Members are asking for abortions in military hospitals. The Hyde amendment recognizes that millions of American taxpayers believe that abortion is the taking of an innocent life, an unborn human being. Those Members, myself included, who proudly call ourselves pro-life should not be forced to pay for a procedure with our tax money that violates our fundamental and deeply held belief in the sanctity of innocent human life. That is the issue here.

In the 1980 case of Harris versus McRae, the Supreme Court upheld the constitutionality of the Hyde amendment. The Court determined that there is no constitutional right to a taxpayer-funded abortion, no matter how we feel on the issue otherwise—no constitutional right, according to the Harris versus McRae decision.

Current law with respect to abortions at military facilities, then, is fully consistent with the Hyde amendment. This amendment by the Senator from Washington will overturn existing law. The proponents of this amendment, which would overturn current law and allow abortion on demand at military facilities, claim that their proposal is somehow consistent with Hyde. It is not. They say this because, under their proposal, servicewomen seeking these abortions would pay for them. That is true.

This argument, however, evidences a fundamental misunderstanding of the nature of military medical facilities. Abortion is not a part of the medical care the Department of Defense has to provide to our men and women in uniform. We owe it to them so that they have the options to receive the care they need in a safe environment.

There are many like her, but I use her as an example. It is the same message.
today, Mary. You be good kids. You do the right thing. And meanwhile, while you are at school, we will abort your brother or your sister.

That is the message we are giving to our kids. That is the message this amendment is giving to our kids. That is the message this amendment is giving to all Americans—that now we are going to say the taxpayers can support this kind of thing.

I wish the Senator from Washington would come down here on the floor with an amendment that might say we could provide a little help—a little counseling, a little love, a little compassion, a little understanding to this woman who wants this abortion, and explain to her the beauty of life and explain to her what a great opportunity it would be for her to have that child and to have that child grow up into a world where that child could be loved and could be understood and could have the opportunity to perhaps follow her mother’s ambitions and serve in the U.S. military. Perhaps to follow in her mother’s wake and be a mother herself, to enjoy the fruits of the greatest nation in the world.

Let’s not agree to this amendment and vote the spirit of the Hyde amendment and violate more unborn children, intrude into the womb, take the lives of unborn children.

When are we going to wake up? Would it not be wonderful to come down on the floor of the Senate just one year when we did not have to deal with this, when people would respect life and we would be offering amendments to protect life rather than to take it? That is an America I am dreaming of. Mr. President. That is an America I would like to see in the 21st century, not an America of death but an America of life, where we respect life.

Allowing abortion on demand in military facilities would violate the moral and religious convictions of millions and millions of Americans who believe, through their own religious convictions, or in any other way, as I do, that the unborn child has a fundamental right to life, a right to life that comes from the Declaration of Independence, from the Constitution, and from God Himself. Yes, from God Himself. That is where it comes from, and we do not have the right to take it.

For the sake of one or two votes on the floor of the Senate, in a very few minutes we are going to make that decision. Whichever way it goes, we are going to have many more children have to die. How many more children have to die?

When are we going to wake up, America? How much more of this do we have to take? Why are you surprised when your children do something wrong? What kind of message do we send?

This amendment is not about the so-called right to choose abortion that the Supreme Court created in 1993. I disagree with Roe v. Wade. Everybody knows that. I just said that. I introduced S. 907, that would reverse Roe v. Wade, establishing that the right to life comes with conception and protecting that life. I dream of the America of the future when we will respect it.

But, as I said, this amendment is not about the larger issue of abortion; it is about taxpayer funding of abortion. Millions and millions of pro-life Americans, who believe to the very core of our being that abortion is the taking of an innocent life, should not be forced to pay for abortions, not directly, not indirectly, not any way you can define it, with taxpayer dollars.

I urge my colleagues, no matter what their personal views are, to reject this amendment, because to pressure the current law, to vote to protect and be consistent with the Hyde amendment. Let’s get the military involved in protecting America and not taking innocent children’s lives.

I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment Senator Sмrrиn for his remarks. I join him in urging our colleagues to vote “yes” in favor of the tabling motion, to vote “no” on the Murray amendment.

Abortion is not a fringe benefit. People talk about a benefit that other people have. Abortion is the taking of a human life, so it should not be just a fringe benefit that is provided for at Government expense or provided for in Government hospitals. These are military hospitals. They do not have abortionists working in those hospitals. They have not been allowed through Government expense or provided for in Government hospitals. This is a matter of conscience. The Supreme Court ruled in Roe v. Wade that the decision whether to have an abortion belongs to the individual woman. Yet, for American servicewomen, that right to choose is effectively being taken away from them. They are being denied access, even at no expense to the Government, to a safe medical procedure. In most cases, the service woman does not have access to this procedure anywhere else.

American servicewomen have agreed to put their lives on the line to defend this country. But yet we are denying them a basic right that all other Americans have—one that could easily be granted to them at no expense to the federal government. The Murray-Snowe amendment provides that the woman involved would reimburse the government for the full cost of the procedure. In my mind, this is a basic matter of fairness. I would argue that our military women should not be singled out to be unjustly discriminated. I urge my colleagues to oppose the motion to table the Murray-Snowe amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which will at last remove the unfair ban on privately-funded abortions.
CONGRESSIONAL RECORD—SENATE
May 26, 1999

Mr. HELMS. Mr. President, I strongly oppose the Murray-Snowe amendment because it proposes to legalize the destruction of innocent unborn babies at military facilities. And Mr. President, if precious unborn babies are allowed to be slaughtered on military grounds, it will be a stark contradiction to the main purpose of our national defense—the defense and protection of the human lives in America.

Small wonder that the men and women serving in the military are losing faith in the leadership of this country. In fact, Congress recently heard from members of the Air Force, Navy, Army, and Marines who testified about the low morale among U.S. service men and women—which they contribute to a general loss of faith and trust.

Let us not forget, America's military is made up of fine men and women possessing the highest level of integrity and pride in defending their country. These are men and women who have been selfless in dedicating their lives to a deep held belief that freedom belongs to all.

Senators should not mince words in saying that militarydoors should be shut closed to abortionists. I urge Senators to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I remind my colleagues, what this amendment does is simply allow a woman who is serving in the military overseas to use her own money to have an abortion performed in a military hospital at her expense.

I yield 5 minutes to my colleague from California.
The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MURRAY for yielding me this time. It is so hard to know where to begin to respond to the comments made by both of my colleagues who are the leaders in the anti-choice movement and who are using this amendment as a reason to once more come to this floor and to attack a basic constitutional right, that women have been granted, that they do not agree with.

So what has been their effort? It is, in essence, to take away that right bit by bit. I hate to say this: They have made great progress. They have taken away the right to choose in many ways, from poor women in this country, by denying them funding. A woman in the military—cannot exercise this right, even if she does not use Federal funds but locally-raised funds. They no longer teach surgical abortion at medical schools as a result of the action of this anti-choice Congress.

Women in the military, as we now know, are denied the right to go to a safe military hospital. Native American women who rely on Indian health care cannot go to that health care center and obtain a legal abortion.

I want to make a statement, and I sure would like a response: Women in federal prison who need to have this legal procedure get treated better than women in the military overseas. Let me repeat that. Under the laws of this Congress, women in federal prison get treated better than women in the military who are stationed overseas when both need to have this procedure.

Under our rules, if a woman is in a Federal prison, she cannot count on Medicaid. But if there is an escort committee who can take her, she gets that escort committee. What happens to a woman in the military? Suppose you are stationed in Saudi Arabia where abortion is illegal, and you cannot go to your military hospital. You, obviously, cannot go to a clean health facility in Saudi Arabia, so you have two choices: You can go to a back-alley abortionist and risk your life—you are already risking your life in the military—or you can go to your commander, who is usually a man, and confide in him as to your situation which, it seems to me, is a horrible thing to have to do, to tell such a private matter to a commander. Then, if you can get a seat on a C-17 cargo plane, maybe then you can go back, in a situation where you really need immediate attention, and figure out a way to get a safe, legal abortion.

The Senator from New Hampshire and the Senator from Oklahoma say: Well, this is Federal funding. This is not Federal funding. Senator MURRAY has stated that over and over. I compliment her and Senator SNOWE on their tenacity in bringing this back and forcing us to look at what we are doing to women in the military who risk their lives and risk their health because of this anti-choice Senate, we are forcing them to put their lives at risk again. I commend them. This is not a fringe benefit. They will pay. Medical facilities abroad are in a state of readiness. They do not have to turn the lights on when someone comes in for a health care procedure. The lights are on, and they will pay the costs. We all know when we pay our doctors the overhead is put into that bill. That is such a bogus argument. It is amazing that it is even made.

What you are doing in this current policy is telling women in the military they are lesser citizens than all the other women in the country when, in fact, they ought to be treated with even more dignity and respect perhaps than anyone else, because not many of us can say that we go to work every day putting our lives on the line. They can say that. Yet, because of this terrible way we treat these women, they are put in jeopardy.

I will sum it up this way. There are people in this Senate who disagree with the Supreme Court decision, and I say to my friend from New Hampshire, he certainly does and he does not mince words about it and he is very straightforward about it. He says he is proud to be pro-life.

I ask for 1 more minute.

Mrs. MURRAY. I yield 30 additional seconds to the Senator from California.

Mrs. BOXER. I say to my friend, I am for life—lives of children, lives of women, and I say that this policy puts lives in jeopardy, puts lives on the line in a way that is arbitrary, in a way that is capricious, in a way that treats women, and I say that this policy puts women, and I say that this policy puts women who serve in the American military. That is what it comes down to.

The Senator from New Hampshire said this does not abide by the Hyde amendment. The Hyde amendment, as important as it is, does not override Roe v. Wade. The Hyde amendment limits abortions to those procedures that are paid for by the servicewoman out of her pocket at a cost that is assessed for the procedure itself. There are no taxpayer dollars involved in this. This amendment is clear.

Secondly, the Senator from New Hampshire says this does not abide by the Hyde amendment. The Hyde amendment, as important as it is, does not override Roe v. Wade. The Hyde amendment limits abortions to those procedures that are paid for by the servicewoman out of her pocket at a cost that is assessed for the procedure itself. There are no taxpayer dollars involved in this. This amendment is clear.

We are talking about the other universe of possibilities out there. Senator BOXER of California really poses an interesting challenge to us: Two women, under the supervision of the Government of the United States of America, both of them pregnant, both of them wanting to end the pregnancy with a procedure. In one case, we say if you have the money, we will escort you to a safe and legal clinic in America for the performance of this procedure. In the other case, we say if you have the money, you have to fend for yourself; if you don’t, you go to a military hospital.

What is the difference? The first woman is a prisoner in the Federal Prison System. For her, we have an escort committee. But for the woman who has volunteered to serve the United States to defend our country and she is in the same circumstance, we say: You’re on your own; go out in this country, wherever it might be, and try to find someone who will perform this procedure safely and legally.

Whether you are for abortion or against it, simple justice requires us to apply it equally and not to discriminate against those women who are serving in the American military. That is what it comes down to.

The Senator from Oklahoma said abortion is not a fringe benefit. He is right. But health care is a fringe benefit that most Americans enjoy, and many hospitalization insurance policies do not cover them when it comes to the women who serve in the U.S. military. Abortion is not a fringe benefit; abortion is a constitutional right. If that
constitutional right means anything, we should support the Murray-Snowe amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Washington has 4 minutes 12 seconds.

Mrs. MURRAY. Mr. President, I yield 3 minutes to the Senator from Pennsylvania. I retain the last minute for myself.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. I thank my colleague from Washington.

I support this amendment. I believe a woman should have a right to choose, and under the circumstances involved here, if the woman is going to seek an abortion, she should not be compelled to come back to the United States. Having an abortion in many foreign spots poses very material risks. This is a common sense abortion amendment which ought to be adopted.

WAR CRIMES TRIBUNAL INDICTMENT OF SLOBODAN MILOSEVIC

Mr. SPECTER. Mr. President, I want to comment about another matter very relevant to the pending legislation, that is the dispatch from Reuters within the hour that the War Crimes Tribunal has issued an indictment for President Milosevic and that an arrest warrant has already been signed. I think that is very important news, because it not only puts Milosevic on notice but also all of his subordinates, that the War Crimes Tribunal means business, that those who are responsible for crimes against humanity and war crimes will be prosecuted.

I compliment Justice Louise Arbour who was in Washington on April 30, asking a bipartisan group of Senators, including this Senator, for assistance; and we appropriated some $18 million in the emergency supplemental last week.

The next important point is to be sure that we do not permit a plea bargain to be entered into which will exonerate Milosevic as part of any peace settlement.

We ought to be sure this prosecution is carried forward. There is an abundance of evidence apparent to the naked eye from the television reports on atrocities, of mass murders, which can only be carried out with the direction of or at least concurrence or acquiescence of President Milosevic. Those crimes should not go unpunished. There should not be a compromise or a plea bargain which would delegitimize immunity.

I ask unanimous consent that a copy of my letter dated March 30 to the President be printed in the RECORD, where I ask specifically that the extradiction of President Milosevic to face indictments ought to be a precondition to stopping the NATO air strikes; and a copy of my letter of April 30, to the President be printed in the RECORD, that warrants be issued and executed for Karadzic, and that the full impact of the War Crimes Tribunal be carried out, that this is a very important movement, probably worth a great deal more than air strikes or even ground forces, to indict Milosevic, let him know that indictments and proceedings are outstanding, and that those under him who carry out war crimes will be prosecuted to the full extent of the law.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:


DEAR MR. PRESIDENT: If today’s reports are accurate, the evidence shows that Serbian forces’ massacres of Kosovo’s ethnic Albanians constitute genocide and crimes against humanity, which should be prosecuted in the War Crimes Tribunal for the Former Yugoslavia.

There is probable cause to conclude that Serbian President Slobodan Milosevic himself is a war criminal, just as former Secretary of State Lawrence Eagleburger said as far back as 1992.

I strongly urge you to:

(1) Put President Milosevic and his co-conspirators, who carried out the massacres and crimes against humanity, on explicit notice that the United States will throw its full weight behind criminal prosecution against all of them at The Hague;

(2) seek similar declarations from our allies;

(3) turn over all existing evidence to Justice Arbour, the Chief Prosecutor at the War Crimes Tribunal, and make it an Allied priority to gather any additional evidence which can be obtained against President Milosevic and his confederates, so that such evidence might be evaluated at the earliest possible time with a view to obtaining the appropriate indictments.

I anticipate some will say that we should not complicate possible cease-fire negotiations with this focus on President Milosevic and his co-conspirators.

I believe that consideration should be given to whether our goals in Kosovo should include the extradition of President Milosevic to face indictments. If returned, as a precondition to ending NATO air strikes.

That is a hard judgment to make at this point. Many of us in Congress believe that the United States should meet the Serbian atrocities, of mass murders, of Kosovo. Clearly, U.S. forces units in Bosnia are sufficiently strong to apprehend these individuals if given that mission.

While there are always concerns of friendly casualties and ethnic unrest in the surprise apprehension of indicted war criminals, the signal of seriousness that such a move would send to every Serbian official from President Milosevic on down is important enough under present circumstances for you to shift our policy accordingly.

Sincerely,

ARLEN SPECTER, Chairman.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 additional minutes of our time to the Senator from Washington.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

The Senator has 6 minutes 2 seconds remaining.

Mrs. MURRAY. Thank you very much, Mr. President. I thank my colleagues from New Hampshire for his generosity. I truly appreciate it.

I yield 5 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

I commend my colleagues, the Senator from Washington and the Senator
from Maine, for presenting this amendment, on a very important issue, to the body today, and to discuss and to walk through. She has courageously offered this amendment for many, many years, and each year we seem to gain some support. I hope this year we will gain enough support to make this amendment part of the law of our land, because it makes such common sense and good sense.

When we ask women to join our military—and we are truly recruiting them rather vigorously, because we need their strength and their talent and their abilities to help make our military be the strongest and the best in the world—it is just inconceivable that we would say: Come join the military. Put on the uniform. Put yourself in harm’s way. But we are simply not going to let women do that. They are guaranteed to other Americans for medical decisions that should be yours to make. It just makes no sense.

So I urge Senators, regardless of how you might feel about this issue—and good arguments have been made on both sides—to think about this as it truly is—not asking for any new privileges, not asking for any expansion of the law, but simply to allow the women who we are recruiting at this age to serve in the military, to give them the medical options they may need at a very tough time for them.

One other point I want to make is, those who have opposed this amendment over the years have said: We most certainly would not mind except that we do not want this to be at Government expense. Let me remind everyone that this is not at Government expense, that these women are individuals prepared to pay whatever medical costs are involved with the procedures that they may need.

But if we do not change the law to allow this to happen, the taxpayers have to pick up a greater burden in transporting these women, sometimes in transport and cargo airplanes and helicopters back to the United States, which takes time away from their service. I argue that costs substantially increase if we do not change the law. That is where we are today—how one can be paid for by the taxpayers, a doctor paid for by the taxpayers, a hospital paid for by the taxpayers, equipment paid for by the taxpayers, and supplies and special equipment involving abortions—how one would allocate all of this?

We would have to figure out, how many abortions were done and how all the allocations would be done. It simply is not workable. It would not work. The bottom line, as I have been indicating, is that taxpayers would be subsidizing abortions in military hospitals. I think everyone understands that. I do not think there should be any confusion on that, that those who do not support abortion would be subsidizing abortion.

I just want to review, in closing, the current law. Just to summarize, no funds made available to DOD are used for abortions. Under current law, military facilities are prohibited, in most cases, in the performance of abortions. So the amendment now offered from Washington has 2 minutes remaining.

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes remaining.

Mr. SMITH of New Hampshire. Mr. President, I just want to respond to one point that was made on the other side regarding the payback, if you will, the fact that the woman agrees to pay out of her own pocket, therefore, I would assume the issue is that she would reimburse the Government.

But I would ask one to consider the accounting nightmare that would ensue as we try to figure out—we had a doctor paid for by the taxpayers, a clinic, a hospital paid for by the taxpayers, equipment paid for by the taxpayers, and supplies and special equipment involving abortions—how one would allocate all of this?

We would have to figure out, how many abortions were done and how all the allocations would be done. It simply is not workable. It would not work. The bottom line, as I have been indicating, is that taxpayers would be subsidizing abortions in military hospitals. I think everyone understands that. I do not think there should be any confusion on that, that those who do not support abortion would be subsidizing abortion.

I just want to review, in closing, the current law. Just to summarize, no funds made available to DOD are used for abortions. Under current law, military facilities are prohibited, in most cases, in the performance of abortions. So the amendment now offered from Washington has 2 minutes remaining.

Mrs. MURRAY. Mr. President, let me conclude by letting my colleagues know that under current law today, a woman who volunteers to serve all of us and protect all of us and our rights, when she goes overseas to serve us and finds herself in a situation where she requires an abortion, which is a legal procedure guaranteed by the Constitution in this country, has to go to her commanding officer and request permission to come home to the United States, flying home on a C-17, or a helicopter when one is available, to have a procedure that women here in this country who have not volunteered to serve overseas have at their disposal. We are asking a lot of these young women. We should at least provide them the opportunity, as we do under my amendment, to pay for that procedure in a military hospital, where it will be safe, at their own expense. That is the least we should be offering them.

In a few moments we will be voting on this amendment. My colleague from New Hampshire has said the vote is close. Every vote will count. There is no doubt about it. So when you cast your vote today, ask yourself if women who serve us overseas to defend our rights should be asked to give up their rights when they get on that plane and they are sent overseas.

This is an issue which sends a message to all young people today that when they serve us in the military to protect our rights, we are going to be here to defend their rights as well. I urge my colleagues to vote against the motion to table.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 8 seconds remaining.
Mrs. MURRAY. Mr. President, I urge my colleagues to vote against the motion to table and to stand with the women and men who serve us overseas. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to do just the opposite and to support a motion that I am going to make in a moment to table, out of respect for those of us who believe deeply in the sanctity of life and who also understand and are compassionate about young women who are in need of an abortion, or feel that they are in need of an abortion in some way, and who hope we could save that life, that innocent life, and to show compassion for the unborn, which I think is really the issue.

At this point, I move to table the Murray amendment and 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 clerk will call the roll.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 397. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Roll call Vote No. 148 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Breuer
Brownback
Bunning
Baucus
Bayh
Biden
Bingaman
Breaux
Bingaman
Bond
Bingaman
Edward

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Boxer
Bunning
Burns
Campbell
Cochran
Corzine
D’Amato
Domenici
Enzi
Enzi
Enzi

The motion was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

[Amendment No. 396]

Mr. WARNER. Mr. President, the managers are desiring to turn to the Senator from Nebraska who desires adjournment time. Can we enter into a colloquy on this subject?

Mr. KERREY. I think we should be able to finish this up in an hour, I have four people on the code who want to speak. I don’t know if they will all get to the floor. If they don’t, they are aware of what is going on. I have no more than 15 or 20 minutes of closing remarks myself. I think we can wrap it up in an hour.

Mr. WARNER. I realize that what I offered to the Senator is hopefully a reduced period of time. I return, there would be no further debate on this side. That is a fairly generous offer. I thought we were in the area of 40 minutes.

Mr. KERREY. We can do it in 40 minutes and probably less than that.

Mr. WARNER. With that representation, I ask unanimous consent that we proceed to the amendment by the Senator from Nebraska for a time not to exceed 40 minutes under the control of the Senator from Nebraska and, say, 5 minutes under the control of the Senator from Virginia, making a total of 45 minutes. At the conclusion of that, we will proceed to a vote.

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

Mr. KERREY. Mr. President, the Senator from Virginia did not state this. Does this mean there will be no amendments offered prior to the vote on my amendment?

Mr. WARNER. Mr. President, I know of no amendments at this point. I ask unanimous consent that prior to the motion and table there be no amendments in order.

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

Mr. KERREY. Mr. President, again, this amendment strikes language that requires the United States of America to make its determination about how many strategic weapons we will have based upon a decision by the Russian Duma to ratify START II.

Some have described this amendment as encouraging unilateral disarmament. Nothing could be further from the truth. We make unilateral decisions and we decide what our forces are going to look like. On that basis, this entire bill is a unilateral decision. We haven’t consulted with the Russians to determine what our Army is going to look like, how many divisions we will have, how many wings we will have in our Air Force. We have not made any consultation nor have we given the Russians veto over any other part of our defense except for strategic defenses.

There we say that even if, as is the case, we have former STRATCOM commanders—in this case, Eugene Habiger—saying we would be well advised to go to a lower level, it would knock the United States of America safer than we currently are. As a consequence not only of measuring accurately how many nuclear weapons we needed in our triad—the land, sea and air-based systems that we developed over the years—the greatest threat of nuclear attack to the United States of America is not China, is not an authorized launch by the Nation of Russia, it is an unauthorized launch. That risk has increased over the past few years as the Russian economy declines. As a consequence of that decline, they have decreased capacity to control their systems. This is not a small item. This is a significant threat to the United States of America.

In the past, I have not supported an early deployment of the strategic defense initiative, of missile defense. I have come to the conclusion as a consequence of this threat and others that the United States of America should. That is a unilateral decision. We made that decision not based upon what the Russians wanted but what we believed was in our best interest to keep America safe. That is how we ought to make our decisions about what our level is going to be of our force structure for nuclear weapons.

Not only are the people of the United States of America at greater risk as a consequence of forcing the Russians to maintain 6,000 at the end of 2001, but we are laboring under the optimistic scenario that maybe the Russians will ratify START II, in which case we can go to lower levels. But even at START II levels, the Russians would not be to 3,500 warheads until 2007.

We have put an awful lot of our national security chips in the possibility that Russia will be in better shape in 2007 than it is today. These weapons systems are much more dangerous than the weapons systems in the United States. There are serious threats from chemical weapons, from biological weapons, from weapons of mass destruction in that category, serious threats from terrorists such as Osama Bin Laden, serious threats as well that come from cyberwarfare and other sorts of things we are having conferences on all the time. China is unquestionably a threat, especially in the area of proliferation. But none of these, or all of them taken together, constitute, are as big a threat as an unauthorized launch of Russian nuclear weapons.

I hope, regardless of how this amendment turns out, the Senate will turn
its attention to dealing with this threat. I think we are much better off dealing with threats other than the old arms-control strategy. This is not an amendment that says we are going to tie our national security to START I or START II. Quite the contrary, I do not expect START II to be ratified in the next couple of years, if that, if it ever is ratified by the Duma. We should not hold up our national security decisions based upon what we expect or do not expect the Russian Duma to do.

I would like to describe some of these weapons systems so people can understand the danger of them, the kind of destruction they could do to the United States of America. The Russians have in their land-based system 3,590 warheads. They have in their sea-based system 1,122 warheads. They have in their air-based 564.

Just take one of these. Think, if you have a disgruntled, angry group of Russian soldiers or sailors or airmen who say: We have not been paid for a year; we are airheaded; we do not think we have any future; we are suicidal. We are going to take over one of these sites, and we are going to launch. We are not going to blackmail the United States; we are not going to try to get them to do anything; all we are going to do is launch. Because we are angry, and we do not like the direction of our country and we do not like what the United States of America is doing.

Let me just take the SS–18. I am not going to go through the details of where these are, I am not going to describe for colleagues a scenario to take one of them over. I am not going to build a case, but I think I could build a case, that an SS–18 site is not as secure today as it was 5 years ago. That lack of security should cause every American to be much more worried than they are about the threat of China or other things we talk about and put a great deal of energy into describing. The SS–18 is a MIRV’d nuclear system. It has 10 warheads on each one of its missiles, and each one of these warheads has 500 to 750 kilotons. If you put one of those in the air and hit 10 American cities—I earlier had a chart showing what a 100-kiloton warhead would do to a city; we do not think we should suffer any illusion of what the consequences to the United States of America would be if 10 of our cities were hit with a 500- to 750-kiloton warhead.

You say it is not likely to happen. Lots of things are not likely to happen that have happened. That is what we do with national security planning. We do not plan for those things that are most likely to happen. We plan for those things that are least likely to happen, because the least likely thing is apt to be the one that does the most damage, and that is exactly what we are talking about here.

You do not have to kill every single American. If you put 10 nuclear warheads, each with 50 kilotons of payload on 10 American cities, I guarantee the United States of America is not the superpower we are today. Imagine the devastation it would do to our economy. Imagine the emergency response that is required. Imagine all sorts of things. This country would not be the same as it is today if that were to happen. It is a terrible scenario. It is one we used to talk about way back in the 1980s.

I remember campaigning in 1988. We had a big portion of our debate about nuclear weapons and the danger of nuclear weapons and what are we going to do to keep the United States of America safe. The most vulnerable of the Russian triad are their nuclear submarines, and they have the SS–18. A Delta IV submarine has 64 100-kiloton warheads on it. You could put 1 in each State and have 14 left over to pick some States you might put 2 or 3 on top of.

This is a real risk. Is it likely to happen? No. The likelihood is low. But low is not comforting when you are thinking about something such as that. Low should not give any American citizen comfort. I just heard somebody say it is not likely to happen; it is a little like lightning is going to happen.

In the State of Nebraska, it is not likely a tornado is going to hit tonight. But tornadoes hit there relatively frequently. We look up at the sky and say, “It is blue; it does not look to me like a storm is coming,” but storms hit out there just like that, and great destruction and devastation has occurred as a consequence. We have been lulled into a false sense of complacency about the Russian nuclear system and, as a consequence, have not tried to figure out an alternative strategy. We need an alternative strategy. The Russian Duma is not going to ratify START II. I am here today to predict that is not going to happen.

We should not in our defense authorization say we are not going to take any action that might make America safer because we want to wait for the Russians to ratify START II. This amendment is described by some opponents as an unilateral disarmament. It is not. It is no more unilaterally disarming than anything else we have in our defense authorization. We do not make decisions about what we are going to do for this Nation’s security based upon what Russia is going to do in any other area of defense.

I cited earlier, I supported missile defense even though some said if we have missile defense, if we have an early deployment of missile defense, the Russians are going to do this, that, or the other thing, including maybe not ratifying START II. We did not make that decision based upon wondering what the Russians are going to do. We need
intercontinental ballistic missiles, and
50 MX Peacekeeper missiles. Congress has
told the Pentagon that we cannot
reduce below that level.
In this year's defense authorization
bill, this provision again is included
with a revision that allows the number
of Trident submarines to be reduced
by six and of the Navy. This is a
good step. It is a good first step, but
more needs to be done to move in this
direction.
As Senator Kerrey has stated, there
is no need to maintain these huge
stockpiles of nuclear weapons. There is
little doubt that Russia will fall well
below START II levels whether or not
the Duma gives its consents and rati-
fies the START II treaty. Edward War-
ner III, Assistant Secretary of Defense,
Strategy, and Threat Reduction testi-
ified that:
In light of the very small modernization ef-
forts [Russia] has underway, and the obsoles-
cence of some of the components of both
their submarines and their strategic mili-
tary forces, Russia will be hard-pressed
to keep a force of more than 3,500 weap-
on. Science analysts in the US take
light of current developments—again, we're
projecting out over the decade—by about the
year 2010, they will be hard-pressed to even
meet a level of about 1,500 weapons.
If this is the case, if our own intel-
ligence people are telling us that re-
gardless of whether the Duma passes
START II, the Russians are going to
have a much lower level of capability,
why do we need 6,000 deployed nuclear
weapons with thousands more in re-
serve? What useful purpose do these
thousands of weapons serve?
If we reduce our stockpiles toward
START II levels of 3,500 nuclear weap-
on, we would still have the ability to
oblit rate any nation anywhere any-
time.
I will repeat that because I want the
American people to understand that this
amendment keeps us strong; it
makes us safer; it makes us stronger.
It is a good step. It is a good first step, but,
more needs to be done.
In conclusion, there are very good
reasons for the United States of Amer-
ica to reduce its nuclear weapons. This
amendment is carefully drawn. It is
carefully thought out. It comes from a
man who put his life on the line in the
military and would do nothing to harm
our national security. As a matter of
fact, he would do everything to make
us stronger. I hope we will follow his lead
and adopt his amendment. I yield back
my time.
Mr. Kerrey. I yield 5 minutes to the
Senator from Michigan.
Mr. Levin. Mr. President, I com-
mend the Senator from Nebraska for
his amendment. What he has done is to
bring back before us and before the Na-
ton a very important issue, which is,
what is the necessary level of nuclear
weapons in our inventory for our own
security.
Do we need as many as we have?
Should we legislatively bake in that
level if we do not need the START I
level or should we at least be free to
consider options to go to what the nec-
essary level is for our security?
The Senator's gift to us and to the
Nation here is that he is bringing be-
fore us an issue which the Joint Chiefs
want us to consider but we have not
yet considered, and that is, what is the
level of nuclear weapons that we need
for our own security and should that be
determined by a legislative level, on
a piece of paper, set in law, or should
that be determined by our security
needs?
If we have a larger number of nuclear
weapons than we need, we do two
things. The Senator from California
has just illuminated those two things.
No. 1, if we have more nuclear weapons
than we need for our own security, we
are wasting valuable resources. That is
No. 1. But, No. 2, what we are doing is
in the best interest of our own security.
He also once again made the point that
our nuclear forces are the primary force
that will deter our response if war ever
breaks out.
Do you know what happened after
that? President Gorbachev responded
in kind. He withdrew all tactical weap-
onss from Warsaw Pact nations and
announced an end to nuclear weapons
in non-Russian republics, removed most
nuclear weapons from Warsaw Pact nations
and announced an end to nuclear weapons
in non-Russian republics.
Do you know what happened after
that? President Gorbachev responded
in kind. He withdrew all tactical weap-
onss from Warsaw Pact nations and
announced an end to nuclear weapons
in non-Russian republics and an end to
classified nuclear weapons in non-Russian
rep red says, the greatest threat to
this Nation is the inventory of nuclear
weapons on Russian soil. The Chinese
threat does not come close. You are
talking dozens in that case and not nearly as accurate. In the case of the Russians, you are talking many, many thousands of nuclear weapons which are not only pointed at us but also the more that are there on Russian soil, the greater the risk that one of them might be lost or not counted and leave Russian soil and get into the hands of a terrorist state or a terrorist group.

So both from a proliferation perspective and from the perspective of the wise use of our resources, we ought to at least be open to consider options of fewer nuclear weapons than the START I level provides for.

We may decide we want to stay at that level. It may be determined that we want to stay at that level. But the Joint Chiefs say that it may not be necessary. They want to consider options that will reduce our strategic forces to the levels recommended by the START I legislative restraint which would be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels.

He went on:

The Service Chiefs and I agree it is time to reduce the number of our nuclear platforms to a level that is militarily sufficient to meet our national security needs. . . . [M]ilitarily sufficient to meet our national security needs. . . .”

General Shelton went on:

The statutory provision that keeps us at the START I level for both Trident SSNs and Peacekeeper ICBMs will need to be removed before we can pursue these options.

So we have the leadership of this Nation’s military—civilian and uniform—urging us not to have a restraint in law that will make it difficult for them to pursue options which they need to pursue in order to avoid the waste of resources, options which will allow us to be militarily sufficient and not to promote proliferation in Russia.

The PRESIDING OFFICER. The time has expired.

Mr. LEVIN. I thank the Chair, and I again thank my colleague from Nebraska.

Mr. KERREY. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator for offering this amendment. I am very hopeful that the Senate will adopt it.

I strongly support this amendment, and I commend Senator KERREY’s leadership on this important issue of nuclear arms control. His proposal is a significant step in moving forward on the stalled process of nuclear arms reductions. Now more than ever, given the present climate of tension in the world, it is critical now for the United States to reactivate arms control discussions with the Russians. It is also critical that we demonstrate to the international community our willingness to engage in continued nuclear arms negotiations.

This initiative offers us a major opportunity to break the current impasse that is preventing significant reductions in the stockpiles of nuclear arms. In addition, it can help to revitalize the START II debate in the Russian Duma and move us toward greater cooperation in this critical global security issue.

At the Senate Armed Services Committee Hearing on Military Readiness on January 5, I pressed senior military officials about spending priorities in the armed services, and questioned the need for maintaining strategic forces at the START I level. In response to my inquiries, the Chief of Naval Operations, Adm. J.L. Johnson, agreed that he would prefer to reduce the number of Trident submarines from START I levels, and see some of the money currently used to maintain strategic forces at old levels reallocated to meet current and more critical needs. This amendment will give us the opportunity to do so in better parts of our strategic arsenal as well.

As Senator KERREY noted, history demonstrates the benefits of this kind of initiative in arms control, and the impact that can be made by a modest but significant step. In September 1991, President Bush ordered that 1,000 U.S. warheads scheduled for dismantling under START I be taken off alert, before that treaty was every ratified. This action resulted in a reciprocal response from the Russian side. I commend the Senator for initiating it just one week later, designated thousands of Soviet nuclear warheads for dismantling and took several classes of strategic systems off alert.

Three years after the Senate ratified START II, we still have not moved closer to the goals in that important treaty. Russia has yet to ratify this treaty, and a move by the United States toward meeting our START II goals may encourage the Russian Duma to take up its ratification, and move us closer to the creation of START III.

This is an important time in our relationship with Russia. Earlier this year, we passed a bill calling for the creation of a National Missile Defense System, conditioned on an amended ABM treaty negotiated with Russia. The best way that we can move toward a new ABM treaty and work to improve global security is by demonstrating to our Russian allies that we are committed to arms control—and an effective way to demonstrate this commitment is by passing this amendment.

Moving closer to implementation of START II will also provide significant savings for the American taxpayer. This amendment will open the door to savings in the cost of upkeep for many unnecessary weapons. In addition, the tritium in these weapons can be recycled, eliminating the need for production of new tritium and the associated production costs.

This amendment is a constructive effort to breathe new life into the stalled arms control negotiations, move us closer to achieving the goals of START II, and send a strong signal to Russia and the international community about our commitment to these goals. It will strengthen our ability to cooperate with Russia to combat the growing threat of rogue nuclear states, and to build a more comprehensive global security system. Reducing our military stockpile, even to START II levels, will not impair our national security in any way, as Admiral Johnson explained to us last January, this amendment is in the best interest of the armed services, and it will help us to meet more critical readiness needs. I hope this amendment will be accepted. I commend the Senator for initiating it.

I yield back the remainder of my time.
Mr. KERREY. Mr. President, does the Senator from Virginia want to speak?

Mr. WARNER. I will speak whenever you have completed. I want to accommodate you. You can follow me, if you so desire; whatever your desire may be.

Mr. KERREY. I would love to hear the Senator’s remarks.

Mr. WARNER. Essex, your pardon?

Mr. KERREY. You can go first. I would love to hear your remarks.

Mr. WARNER. You are thoughtful to say that, because I enjoyed listening to yours but I, regrettably, think you are wrong in this instance and I will move to table your amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I say to my good friend from Massachusetts, a fellow member of the Armed Services Committee, we have in this bill—you are ranking on that committee—the removal of those submarines as sought by the President and the administration.

The essence of what I have to say is that Congress expressed a willingness to do that. Hopefully, this legislation will go through, become law. It seems to me, if the administration has further reductions in the arsenal, let it come before the Congress. That is the procedure that I would follow.

So I just say, in opposition to this amendment, the amendment would strike section 1041. Section 1041 renews and modifies the provision that has been enacted in the defense authorization bill each year for the last 5 years. This is a measured, balanced, and needed provision which, in my view, all Members of the Senate should support. It simply prohibits the retirement of certain strategic delivery systems unlesslasses into force. Essentially, this provision seeks to prohibit unilateral compliance with the reduction of U.S. inventory implementation of the START II treaty and make clear to Russia that the benefits of our mutual arms control agreements can only be realized through mutual implementation of those agreements.

This year, the Secretary of Defense and the Navy requested we modify the limitation to permit the retirement of four of the older Trident submarines. The Secretary, however, made it very clear that the administration was not advocating any unilateral implementation of START II. The Armed Services Committee reviewed the Secretary’s recommendations to reduce the Trident force from 18 to 14 submarines and agreed to authorize such reduction. Section 1041 of the pending bill does, in fact, allow retirement or conversion of these four submarines.

In keeping with the administration’s policy not to unilaterally implement START II—and that is the policy; I assume the Senator from Nebraska agrees with that—the Secretary also made sure that the fiscal year 2000 budget request fully funded all remaining operational strategic nuclear delivery systems, including the 50-keeper intercontinental ballistic missiles deployed at the F.E. Warren Air Force Base. The Armed Services Committee supports this decision, and there is nothing in this bill that prohibits the Secretary from implementing any planned reduction to our strategic forces.

Section 1041, which the Kerrey amendment would strike, simply reinforces the administration’s policy of remaining at START I force levels until START II enters into force. To strike this provision would send a signal that the Senate no longer supports this policy. This would be a dangerous and unnecessary signal to send, one that could undermine the integrity of the arms control process.

Since section 1041 does not prohibit any planned changes to U.S. strategic forces, it would appear that the supporters of this amendment are really interested in some form of unilateral arms control that goes beyond the administration’s policy. At a time when our relations with Russia and China are quite uncertain, I say to my dear colleagues, now is not the time to consider unilateral reductions in our strategic forces.

The United States and Russia are now hopefully nearing full implementation of the START I agreement. The administration has worked very hard to get Russia to ratify START II. If the Senate votes to eliminate section 1041, this action could be interpreted as a sign that the Senate is giving up on START II. Unless my colleagues are willing to abandon the arms control process, I suggest that they not support the pending amendment. Indeed, the administration acknowledged that section 1041 provides significant leverage over Russia to get them to ratify START II.

Mr. President, in closing, let me simply reiterate that section 1041 of the pending bill was crafted with the Secretary of Defense’s views firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And, since the provision expires at the end of the fiscal year 2000, we will have an opportunity next year to review any new recommendations coming from the administration. For the time being, it would send a very bad message to strike this important provision. I urge my colleagues to oppose the Kerrey amendment and support the bill.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I regret that Senators are on opposite sides of this issue, but we have offered this amendment because I believe our current strategy to deal with the threat of nuclear weapons is flawed in many serious ways.

First of all, this amendment has the support of the Chairman of the Joint Chiefs and Secretary Cohen. They have not announced any intent to go below the START I levels, but we are not asking for unilateral disarmament. We make decisions about how many men and women we are going to have in our forces, how big our Navy is going to be, how big our Army is going to be, our Marine Corps, our Air Force is going to be. Sometimes it goes up, sometimes it goes down. Nobody accused President Bush of unilateral disarmament at the end of the cold war when he drew our defense forces down.

I happen to believe we have gone too far. I support reinvigorating our Armed Forces. I don’t support giving the Russian Duma a veto over that decision.

That is basically what this is all about. I do not know whether the President would exercise the authority, but in my view this amendment would allow the President to make a decision independently and unilaterally in violation of the START II. Unless my colleagues are interested in some form of unilateral arms control, they should support the language in this law, maintaining a level of nuclear weapons that we need. I have heard knowledgeable patriots who have served their country, who have spent a great deal of time on this subject, say to me that we are, as a consequence of this law, maintaining a level higher than they think necessary to keep the people of the United States of America safe, spending money that is needed in other areas, especially in the conventional area, forcing the Russians to maintain a level of nuclear weapons higher than their economy gives them the capacity to control, and dramatically increasing the risk of an unauthorized launch as a consequence.

That is the new risk. In the old days when we had arms control agreements—and I am not as optimistic about arms control agreements any longer. The Senator from Virginia asked if I supported the policy inherent in this language. I frankly do not believe START II is going to be ratified by the Duma. And even if it is, it has been overtaken by events, in my judgment. Even at that level, the Russians would be required to maintain a force structure of nuclear weapons that their economy does not allow them to safely maintain.

I think we would see continued deterioration and continued increased risk to the people of the United States of America not from a hypothetical risk here. All of our armed services have been vaccinated now against anthrax. The Chairman knows there are conferences about all kinds of new threats that are very real and very present. But there is no threat more today than the threat of Russian nuclear weapons. There is no threat that would arrive here faster, that would arrive here more accurately and more deadly than any one of a number of weapons systems that I could describe in the Russian nuclear arsenal.

In my view, what this does, quite the contrary to unilateral disarmament, is...
it allows the United States of America to decide what is in our interests. If I had reached my conclusion that we ought to have 10,000 nuclear warheads in our arsenal, that was in our interests, I would be on the floor arguing that we ought to; that rather than having a 6,000 floor, we ought to say that arms control is not going to work at all. If the Russians were doing something that caused me to conclude that I thought we ought to have a higher level, I would argue for that.

I am arguing that the United States of America should make its own decisions when it comes to nuclear weapons. And right now, in my view, that decision would cause us to go below the statutory floor that we currently have and a further benefit would occur as a consequence of this amendment.

Again, I have a great deal of respect for the chairman and admire his work and agree with him on lots of things that are in this bill, but I come to the conclusion for this amendment because I believe very passionately that it will make the people of the United States of America safer and more secure if it is adopted.

Mr. WARNER. Mr. President, I say in reply that this section was crafted with the views of the Secretary of Defense firmly in mind. Nothing in this proviso prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And since the provision expires at the end of the fiscal year 2000, we will have the opportunity in the next year to review any new recommendations coming from the administration.

A year from now we will have more clarity, hopefully, of the relationship with Russia, of the relationship with Russia and, indeed, this Senator’s concern about North Korea and its advancements in missile technology. So I think we can focus on the superpowers but this, in my judgment, talks to the entire strategic defense of the United States of America.

The PRESIDENT pro tempore of the Senate from Nebraska.

Mr. KERREY. Mr. President, I appreciate that very much, although the only reason I was referencing Secretary Cohen and General Shelton’s support, as Senator LEVIN indicated earlier and put in the record, there has been some indication that perhaps the administration doesn’t support eliminating this artificial floor. They do. They have no plans—they have not indicated that they intend to go any lower than this. But they have put in the record at the Armed Services Committee, in response to Senator LEVIN’s question that they support this amendment. They support eliminating this artificial floor.

Mr. WARNER. Mr. President, I yield back the remainder of my time.

Mr. GRAMM. 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 agree to amendment No. 395. The yeas and nays are ordered. The clerk will call the roll.

The motion to reconsider the vote by the amendment No. 392 was rejected byYEAS—51

NAYS—49

Abraham (ND) Akaka

Alward

Ashcroft

Bayh

Bennett

Bond

Brownback

Burns

Byrd

Campbell

Collins

Collins

Craig

Crapo

Dodd

Domenici

Dorgan

Durbin

Edwards

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—51

Abraham

Alford

Ashcroft

Bayh

Bennett

Bond

Brownback

Burns

Byrd

Campbell

Collins

Collins

Craig

Crapo

DeWine

Domenici

Rusi

NAYs—49

Akaka

Allard

Ashcroft

Bayh

Bennett

Bond

Brownback

Burns

Byrd

Campbell

Collins

Collins

Craig

Crapo

Del. Wiien

Domenici

Rusi

Feingold

NAYS—49

Abraham

Alford

Ashcroft

Bayh

Bennett

Bond

Brownback

Burns

Byrd

Campbell

Collins

Collins

Craig

Crapo

Del. Wiien

Domenici

Rusi

Feingold

The motion to reconsider the vote by the amendment No. 392 was rejected.

Mr. GRAMM. Mr. President, I ask unanimous consent to vitiate the roll-call vote on the amendment, and I ask for a voice vote.

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

The question is on agreeing to amendment No. 392. The amendment (No. 392) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair. Mr. President, it is the desire of the managers and the leadership to continue to work on this bill and make good progress.

The pending amendment is the amendment by the distinguished leader from Mississippi, Mr. LOTT; am I not correct? I am fairly certain.
The PRESIDING OFFICER. Actually, the pending amendment is the Allard amendment.

Mr. WARNER. Fine. Mr. President, we are then ready to proceed.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 96

Mr. ALLARD. Mr. President, the amendment I am offering with Senator HARKIN and a number of other people is now before the Senate.

I ask unanimous consent at the start that Senator GRASSLEY be added as a cosponsor to the amendment.

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

Mr. WARNER. Mr. President, if the Senator would yield?

The PRESIDING OFFICER. Does the Senator yield?

Mr. ALLARD. I yield for an inquiry.

The PRESIDING OFFICER. The Senator from Colorado has the floor and has yielded to the Senator from Virginia for an inquiry.

Mr. WARNER. I thank the Chair.

I am very anxious to structure this so all Senators have an opportunity to speak on this important amendment. I have spoken to Senator HARKIN, and he desires 20 minutes.

Mr. ALLARD. That is correct.

Mr. WARNER. That is the amount of time he will require. It may be that we have to go off this amendment for a short time, but I have assured him that we would not, of course, vote, and we would come back on the amendment to give him the 20 minutes.

But I inquire of the Senator from Colorado the time that he desires, and the distinguished Senator, Senator INHOFE, the time that he desires.

Mr. INHOFE. Ten minutes.

Mr. WARNER. I would guess about 15 minutes is what I would need.

Mr. WARNER. Why not give 15 minutes to each side; 20 minutes for Senator HARKIN.

Is there any other time that you know of, I ask my distinguished ranking member?

Mr. LEVIN. We do not know of any other time.

So we are clear then, we will not close off debate on this until Senator HARKIN has an opportunity to come back and claim his 20 minutes.

Mr. WARNER. Mr. President, I have assured him. In order to protect all parties—Senator STEVENS may wish to speak to this—I ask unanimous consent that we have 1 hour, divided 20 minutes under the control of the distinguished Senator from Oklahoma, and 40 minutes, which would include the time for Senator HARKIN, under the control of the Senator from Colorado.

Mr. ALLARD. That would be fine.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, in order to protect Senator HARKIN, which I know the Senator from Virginia is determined to do—

Mr. WARNER. Yes.

Mr. LEVIN—and I am determined to do, if he is unable to be back here by the time the 40 minutes is utilized, we would then go to some other matters and protect him?

Mr. WARNER. That is exactly right.

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

The Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I ask that the Chair let me know when I have reached the 15-minute mark.

The PRESIDING OFFICER. The Senator will be so informed.

Mr. ALLARD. Mr. President, the amendment I have offered, with Senator HARKIN, and others, dealing with the Civil Air Patrol is the more appropriate scheme of defense authorization, probably not that big a measure. But for the Civil Air Patrol, its members, the job they do, it will prevent a huge and unfortunate change.

This amendment contains a provision that would force the civilian, volunteer, locally controlled Civil Air Patrol wings into a more rigid and centralized Air Force command structure.

My fellow sponsors of the current amendment and I feel this forced change would hamper the patrol, hinder their activities, and hurt, ultimately, results.

The Air Force fights wars. Their structure and administration are designed for fighting wars. The Civil Air Patrol, a nonprofit civilian service organization, is fundamentally different.

The Patrol was started to watch our borders during war time. But now their focus is search and rescue, counterdrug operations, and humanitarian efforts.

Last year, the patrol saved 116 lives through their search and rescue operations. In 1998, they also flew 41,721 hours in support of counterdrug operations. Over the last 4 years, the Patrol membership has increased 20 percent, and the youth cadet program has increased its membership by 30 percent.

Newspaper are full of stories about Patrol efforts to find downed planes, lost hikers, and others, or emergency flights to provide supplies, transport people, and shuttle other vital items.

After the recent tornados in Oklahoma, Patrol wings flew damage assessment missions for relief authorities.

In January, the Colorado wing found two missing hikers in Mesa Verde park in Colorado. In April, they flew search and rescue looking for the Miller family of Iowa. As the Omaha-World Herald said on Tuesday, May 11, "When a small plan goes down in the unforgiving mountains of southwest Colorado, the story seldom ends well." But the Patrol kept at it, doing what they have been called on to do time and time again.

The Air Force conducted a week long review of the Patrol at national headquarters. The Patrol's operations were examined. They deemed to be irregularities. The Civil Air Patrol has responded to the review, point by point. They have shown a willingness to deal with the Air Force by instituting some of the proposed measures, as an incentive by negotiating on the others.

But from my understanding, the Air Force, however, does not wish to negotiate in a sincere manner.

While I understand Air Force Secretary Peters position, I do not believe the only option on the Civil Air Patrol was to do it the Air Force Way. I would prefer to do it the correct way.

And so what is the proper congressional response now? This section of the defense authorization is certainly not the answer. The provision that we are proposing is reasonable. But the amendment could very well be a "fix" for something that is not broken, or a surgical amputation instead of a band-aid.

There have been allegations of financial impropriety and safety lapses. I am willing—in fact, I am eager—to have these fully investigated.

The amendment before us mandates a Department of Defense Inspector General audit on the financial and management structure of the Civil Air Patrol, and requires them to present the report, with recommendations, to the congressional defense committees. The amendment likewise calls for the GAO to investigate and make recommendations on the CAP management and financial oversight structure, as well as the Air Force's management and financial oversight structure of the Civil Air Patrol and their recommendations for improvement. Both reports are due by February 1, 2000, so that we can consider the reports and recommendations for next year's authorization. For the amendment does not overwhelmingly change the makeup and leadership of the Patrol, without hearings, congressional oversight, or joint party consultations. It allows us to take an informed and reasoned approach to dealing with the allegations.

The Civil Air Patrol is not some loose-cannon. It is not some rogue agency. The Patrol is already an auxiliary of the Air Force. Their financial practices are overseen by the Air Force. Air Force personnel must sign off on Patrol expenditures and billing. Air Force personnel work at Patrol headquarters, with daily access to financial records, and these records are all public information.

I do not know the motives for this attempt to subsume the Patrol into the Air Force after all these years. If the desire is merely to react to charges of impropriety, then the language as it stands is obviously excessive, and our amendment is the far better approach.

But if I don't know the reason why, I certainly know reasons why not to allow this language.
May 26, 1999

I worry the Patrol will lose its local control.

It is very important in States such as Colorado that we have immediate decisions when a plane goes down. Because we live in a State that has a lot of rough terrain, the weather changes quickly and dramatically, it is important that decisions be made quickly. With our local decisionmaking process, those decisions do get made properly and we can get out and save peoples' lives, in States such as Colorado, through the efforts of the Civil Air Patrol. It will sour those locally based volunteers who make up the overwhelming majority of the wings, who donate their time and energy and often equipment. Many of the assets of the Civil Air Patrol are gifts the Patrol received from donors willing to give to a charity like the organization. How can we justify the Air Force wresting control of these items away from the local volunteers? How can we justify the added expense of substituting high-ranking, paid, benefit-earning Air Force personnel for unpaid, volunteer Civil Air Patrol leadership? How can we justify doing it with so little discussion, so little oversight, so little recognition of the severity of the action?

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I yield myself such time as I may consume.

I rise in opposition to this amendment. I want to say that there is no one of the 100 Members of the Senate who has been historically closer to the CAP, who has participated in CAP activities than I have. There is not a year that goes by that I do not talk to the troops and those who are being promoted, those who have achieved really great things and have made great contributions to society. I also, just 2 weeks ago, could very well have been the product of a search by the CAP, had I not been able to glide my plane into an airport. So I understand that. I have been on various patrols where we go out, I know the valuable contributions that the Civil Air Patrol makes to this Nation every year, search and rescue, youth cadet program.

However, we are concerned with the continuing streams of allegations coming from the Air Force and from members of the Civil Air Patrol that senior members of the CAP have engaged in inappropriate, and in some cases, illegal activities. I will outline a few of the allegations that have been brought to the committee by either the Air Force or former members of the CAP.

I have some documents to include as part of the RECORD that I will want immediately following my remarks, but these are just some of the accusations that are out there. I know that the Senator from Colorado is just as concerned about these as I am.

One individual was charging the cost of his flying hours to the Civil Air Patrol counterdrug account when he was actually flying to visit his daughter. A second accusation: One CAP wing charged both its home State and the CAP counterdrug budget for the same mission, essentially receiving double reimbursement for the same activity.

Here is a good one: The southeast regional commanders conference was held on a cruise to Nassau paid for by CAP headquarters. After the conference, some individuals requested and received a per diem, even though the cost of the cruise had been paid for by the CAP and, thus, by the taxpayers. I have often thought—I suggested this to the Secretary from Colorado—what kind of a position would we be in, would I be in, as chairman of the Readiness Subcommittee of the Senate Armed Services Committee if I sat back and let these charges go unanswered? I could just impose the “90 Minutes” or some news account of this talking about the cruise to Nassau that was paid with taxpayers’ money and then double dipping on top of that.

We have numerous other types of reports concerning missing equipment. Seventy percent of one wing’s gear, communications gear, computers, etcetera, cannot be accounted for; 77 percent of another wing’s gear is missing. The most extraordinary of all, however, is a letter we received from one former member alleging that Federal laws and Federal aviation regulations relating to aircraft maintenance were being violated, and quoting from that letter, “the lives of our cadet”—these are juveniles—“members were being jeopardized.”

We are talking about human lives here. Because of these accusations and because the Civil Air Patrol is an auxiliary of the Air Force, receiving virtually all of its funding—some 94 percent of the funding for the CAP comes from the Air Force and the headquarters at the Air Force installation—the leadership of the Air Force requested that the committee pass legislation to grant the Air Force the necessary authority to ensure responsible management of the Civil Air Patrol.

That is exactly what this legislation does. This is in our mark that is before us today.

I do urge my colleagues to oppose this amendment. However, should it pass, I hope that the Secretary of the Air Force will refer the allegations to the FBI and seek to sever the Air Force’s ties with the CAP. We can’t hold the Air Force responsible for an organization that hasn’t have any authority to supervise. I do not know whether there is any other example anywhere, Mr. President, where you have the responsibility statutorily borne by some agency and they have no authority to police or discipline the behavior of that entity.

I ask unanimous consent that a letter to me from General Ryan, Chief of Staff of the Air Force, making this request be printed in the RECORD. And I ask that the internal memorandum that outlines many other examples, which I would be glad to share with the Senator from Colorado and with the Senate, should this debate pursue, be printed in the RECORD immediately after the letter from General Ryan.

There being no objection, the material in business to be printed in the

From: AF/DXON
Subject: Special Project Team Assessment of Civil Air Patrol

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY OF THE AIR FORCE

As you know, I traveled to Maxwell AFB, AL from 18-25 April 1999 as part of the Special Project Team. The Deputy Secretary of the Air Force, Assistant Secretary for Financial Management, and Chief of Staff chartered to assess Civil Air Patrol (CAP) processes. Our purpose was not to perform a full-blow inspection of either CAP’s administrative headquarters or the units in the CAP national chain of command. Nevertheless, in just a couple days time the team discovered a number of practices that convinced us of the Air Force need for greater oversight of CAP activities. I will cite a few examples that are of particular concern:
CAP recently conducted its Southeast Region Conference on board a Caribbean cruise ship with the National Commander and National Director in attendance. Our auditors discovered that executives for this meeting even though the cost of the cruise was inclusive of meals.

Senior corporate leaders travel by first class, and receive what could be regarded as generous salaries. Certain senior corporate employees are receiving full military retirement pay in addition to their salaries. CAP units flew over 41,000 hours on "counter drug" missions, which were reimbursed, from appropriated funds. We are aware of several irregularities where personal travel and maintenance flights were charged to counter drug, as well as one wing that charged several counter drug missions to both the Air Force and the state.

Several CAP wings cannot account for over 70% of the communications equipment purchased for their units with funds that were reimbursed with Air Force appropriated funds.

Members and former members complain that they lack adequate accountability and effectiveness of the CAP Inspector General program. Members were refused membership renewal coincidental to raising complaints about an employee who, according to the maintenance (safety) practices, and an assault. A flight check ride pilot was ostracized from her unit for restricting a CAP pilot from solo flight privileges. In each case, the affected members went to their IGs who deferred to command action.

Because this assessment was never intended to be an inspection, the observations made should be viewed only as symptoms. The team also observed truly excellent programs at certain wings and more generally at the administrative headquarters. Talented and dedicated volunteers and employees in many cases provide safe and valuable programs to cadets and the country as a whole. The CAP National Board seemed to satisfy a major concern by agreeing in principle to comply with OMB Circular A-110. Nevertheless, the Air Force should attempt to gain visibility through representation on an overseeing Board of Directors to assure that CAP's faith in the independence and effectiveness of the CAP Inspector General program is not diminished.

The Board of Directors would operate at the macro level and provide the SECAC with a more generalist approach to oversight. Where the responsibility lies, who was culpable for some of these actions. I know the Air Force has some oversight on some of the equipment.

Now, maybe we don't have the Air Force doing what their responsibility should be. So if that is the case, then there might be enough blame here to go around to everybody. I think the only way, as Members of the Senate, we can begin to sort this out is if we have hearings, we ask for a report from the General Accounting Office, and ask the inspector general to give us a report, so we have some facts on which we can work.

For that reason, I am continuing to push my amendment. I hope the Members of the Senate will support me. A number of my colleagues also come from mountainous States where the Civil Air Patrol is vital and their re-estabishment policy, see if they are following through with their goals, if they are doing what they have promised to the Congress and to the Air Force, and give a report on those incidents. And we ask that this be given in a timely manner so that next year when we come back in and this bill is before us then we can go ahead and look over the report and, hopefully, maybe take some action or two based on the report and put something reasonable and responsible forward.

I have some real concerns about saying, OK, we are going to turn over total control to the Civil Air Patrol, take it away from being a voluntary nonprofit organization. That is almost like a chapter 11 in the real business world. When you take over the board of directors, you completely change everything.

I don't think it is that serious. I don't think we ought to put the Air Force in control of the board of directors. But I do think there are some things that we need to investigate. For example, on the cruise issue brought up by my esteemed colleague from Oklahoma, I think, before we move ahead with an amendment as drastic as what is in the defense authorization bill before us, that we ought to have some hearings, that we ought to, as Members of Congress, spend some time and delve into the actual facts. I don't think we can do this without having some agency do some reporting for us. That is why in the amendment that I have put forward, I ask the GAO to look at the financial structure—this is an area my colleague has suggested where there could be some problems—and report back to Congress whether or not there are abuses. And also in the amendment, I have the Inspector General, who can look at the administrative aspects of it, how they established policy, see if they are following through with their goals, if they are doing what they have promised to the Congress and to the Air Force, and give a report on those incidents. And we ask that this be given in a timely manner.
All I am saying is that if the Air Force is going to continue to be responsible for the behavior and the actions of the CAP, they be given some oversight, some ability to get into the books and check these things out. It is my understanding that the account that the Senator from Colorado has is not an accurate account of the cruise. I will repeat the accusation.

The Southeast Region Commanders Conference was held on a cruise to Nassau. Now, this is a cruise paid for by public funds. CAP funds, which came from the Air Force. After the conference, some individuals requested and received per diem, even though the cost of the cruise had been paid for by taxpayer money. I just think this is so outrageous. In fact, the Civil Air Patrol personnel who was wanting to stop this from happening was so opposed to it that he refused to go on the trip himself. He canceled out.

All we are saying is that if they are going to be responsible for this, we are going to have to, in some way, give them the authority to oversee it. After a while, I am going to be giving a talk on what I find to be offensive about this whole bill that we are discussing today. It is primarily that we are not funding adequately our whole military, certainly in the area of readiness. Our service Chiefs, our four-stars, and our CINCs all got together and said, in order to meet the minimum expectations of the American people, and to meet our national requirements, our mission requirements, we would have to have $17.4 billion a year more for the next 6 years, plus the amount for pay increases and retirement. That comes to about $24 billion. The amount of increases here is only $9 billion—totally inadequate.

I am supporting this legislation because it is the very best we can do. I say to the Senator from Colorado, we are looking everywhere to pick up a million dollars here and a little bit there; we want to do it. In spite of that, General Ryan recommended, because of his affection for the CAP, an additional $7.5 million. That should demonstrate his feelings about the CAP. We were not able to save the Air Force a real amount. We kept the same levels as the previous year because we have problems in modernization, quality of life, force strength, and there is no place that isn’t bleeding and hemorrhaging right now. So that is my concern.

I would hate to be in a position to deny the Air Force the right to at least look at the books and have an opportunity to stop this type of abuse if they are going to be responsible for their actions. Right now, they are responsible. That is why I said if this should pass, I think the Secretary of the Air Force really needs to refer these accusations to the FBI and sever the ties of the Air Force. CAP doesn’t want that. They have had a very good relationship all these years. I think there may be a little bit of bad blood. Perhaps they have not exercised the proper behavior and don’t want the oversight. But I can’t think right now of any example in Government where someone is responsible for someone else and yet has no authority over their behavior.

I yield the floor.

Mr. ALLARD. I thank the Senator from Oklahoma for yielding. In response to the Senator from Oklahoma, I agree that funding for our military has been dismal, particularly in light of the fact that this administration has continued to have more deployments than President Bush and President Reagan put together. Yet, we have cut defense from time to time, and I am very sympathetic to and voted for increased funding for the Department of Defense. I understand there are problems with the Air Force, but I think this is where the Civil Air Patrol, with their voluntary program, helps with the budget; they don’t hurt the budget.

If we have shortages at the Air Force, as far as adequate funding for oversight, it seems to me that taking over the whole program is going to require more personnel, more time, and it is going to cost the Air Force more.

It seems to me that the responsible thing to do at this particular point is, first of all, get our studies and facts in order and then find out if we can’t come up with a commonsense resolution that has some reasonable oversight by the Air Force and still keep this a voluntary organization. The strength of it is the voluntarism. I hate to take that away from it. I think we save the Air Force money.

So that is why I believe it is important that we go ahead with the amendment that I am proposing, because I think in the long run the Air Force can benefit. We just have to get the oversight problems taken care of. We can do that. Once we get the facts before us—and that is what my amendment does—then we can move forward.

I thank the Senator for yielding.

Mr. INHOFE. Mr. President, who has the floor?

The PRESIDING OFFICER. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLARD. Mr. President, I yield 3 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLARD. Mr. President, I yield 3 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. SESSIONS. Mr. President, I think it is time to reevaluate the way the Civil Air Patrol is supervised. I am inclined to think that the Air Force justifies and makes a good case for tighter accountability and for maybe more direct ultimate control over how the Civil Air Patrol operates. But, as Senator ALLARD has eloquently discussed, it is a popular volunteer agency that we don’t want to become too bureaucratic, else we may lose the popularity that is involved with it.

I hope before we vote on this—I suspect the vote is set for tomorrow, is that correct, not tonight?

Mr. ALLARD. I am not sure whether it is going to be scheduled for tonight or tomorrow. I haven’t heard one comment from the floor manager in that regard.

Mr. SESSIONS. I was hoping that perhaps we could get with the Air Force one more time, and maybe they would be more amenable to improving this amendment to give them maybe more certainty or more prompt resolution of it and get this matter settled. I think that is going to be important.
I want to maintain the vitality and the attractiveness of the Civil Air Patrol and the many thousands of volunteers that we would like to increase accountability. We want to increase their responsibility to professionally manage every dollar. They are an agency that receives our funding, and we have every right to expect rigorous accountability. I would like to develop a system in which the Air Force feels comfortable. I think we are close to that. Maybe we can reach that.

Mr. INHOFE. Will the Senator yield for a question?

Mr. ALLARD. I ask unanimous consent that my time be allocated to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. Smith of Oregon). Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. I hope before this is over the Senator from Alabama is on my side. So I don’t mind using my time to ask the question.

I ask the Senator. I know there are a lot of demands on time. Was the Senator from Alabama in here when I made my remarks concerning the accusations of those things that have taken place with the CAP?

Mr. SESSIONS. I am aware of some of those allegations.

Mr. INHOFE. I ask also if he is aware of what this does. It takes an entity that is 94 percent paid for by taxpayers’ funds and gives some authority of oversight as to the expenditure of that 94 percent of funds that are being used. That is essentially what the amendment does.

Mr. SESSIONS. I favor that. I certainly favor full investigation of every allegation of wrongdoing. I believe that Senator ALLARD’s amendment calls for that. I think the difference would be: Are we prepared tonight to make the final decision about how this reorganization of the Air Force should we get a GAO report and an IG report first?

Mr. INHOFE. All right. I also want to make sure—

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

Mr. INHOFE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 7 minutes and the Senator from Colorado has 5 minutes.

Mr. INHOFE. Let me yield myself whatever time I may need.

I say to the Senator that in my remarks I commented that there isn’t a Member of the 189 Members of the Senate who has worked closer on an active basis, actually flying with and teaching and working with the CAP, than I have. I have attended every ceremony that they have had—unless there is someone in the chamber from—like a state of Oklahoma, because of my strong support for their group.

My problem is this wonderful group has a few bad apples in it, and there is no way to get at those bad apples. Here we have General Ryan suggesting that if we increase the appropriateness to them for this CAP—a program by $7.5 million that we had to deny when the Senator and I were sitting in the Armed Services Committee.

This is a time that we can’t afford to be throwing away any money when we have all the readiness needs, when we have modernization needs, when we have force strength needs, and quality-of-life needs, and all of these things that need to be funded in this particular area. I just do not want to be in a position where I am passing an amendment to take away the authority of the Air Force in this case which is using public funds to fund this entity and taking away their ability to in some way dictate what is going on there if they are going to be responsible for it.

Here they are responsible for some of this activity, such as the one individual that was charging the cost of his flying hours to the CAP counterdrug account when he was actually flying to visit his daughter, or one CAP person charged his time both to the home State and the CAP counterdrug budget. So he is double-dipping. Those are public funds they are getting—funds that could be used to buy spare parts, funds that would keep us from having to cannibalize engines, funds that would keep us from having to keep these guys working 16 hours a day repairing aircraft that are broken down.

I think we are looking at so many issues. That is why we discussed it at some length in our committee, because we can’t allow these abuses to take place and tell the Air Force, Your hands are tied; you have responsibility for their actions but you don’t have any enforcement.

Mr. SESSIONS. I appreciate and respect the insight of the Senator from Oklahoma, because he has stood steadfastly for good defense, and he knows this issue exceedingly well.

Again, I think maybe we can reach a compromise that would give us some opportunity to review the reorganization and the structure.

Mr. INHOFE. Reclaiming my time, let me throw out a suggestion. We can maybe pass this as a mark that dictates at this time. If there is any kind of abuse, we can change it. Anything we do can be changed. That is what we are trying to do right now. These abuses are not things that just happened in the last 6 months. They have been happening over a long period of time.

We talked about doing something about this in the last three authorizations. We haven’t done it. We put it off the table. Now, if we have an opportunity to do it. All we are doing here is allowing us to at least have some ability to monitor what is going on and stop some of these things.
to me, as with any other problem that comes before this Senate, we can go through the same channel as any other agency that can have hearings—public hearings; we can have a GAO study, and an inspector general study to have some basis in fact with which to work. Once we have all the facts, we can put together some reasonable recommendations.

At this point, to turn total control over to the Air Force is a rather draconian action until we get the facts. I hope I can sit down with the chairman of the committee and the chairman of the subcommittee, whom I respect dearly, and work out a way to make it accountable without having to turn over total control to the Air Force.

I am afraid we will lose the volunteer aspect. I think that is one of the real values of the Civil Air Patrol. The volunteer aspect used to go down to young students, high school age. They learn to work the radio; they learn to be part of a team; they get experience with flying, and eventually they may very well apply to the Air Force Academy or the Navy to fly. I think it is a great recruiting mechanism with lots of advantages. I think it all boils down to the volunteer organization.

My hope is we can work out a plan that would bring accountability to this very serious problem yet maintain the volunteer aspects of the organization and local control.

Mr. WARNER. Mr. President, I leave it to the experts on this.

Mr. INHOFE. The amendment merely gives oversight.

Here is the problem: I appreciate the voluntary aspect of it; unfortunately, the voluntary aspect of this only funds about 5 percent, and about 95 percent is public funds, for which we are responsible.

Before the esteemed chairman of the committee arrived, I talked about how strapped we are. I believe the bill we are debating today is inadequate in terms of proper funding, but it is the best we can do, so we support it.

I can think of military construction projects right now that would love to have a little extra funding, and it does relate to our security interests.

I am happy to work with the Senator from Colorado on any kind of a compromise that will give oversight of the CAP to the Air Force so that they will have some degree of control.

If 95 percent of the funding of the CAP is taxpayers’ dollars, the taxpayers have to have some degree of control. We have a lot of other anecdotals justifications. I don’t want to get into that. Things like this are going on and things like this will continue to go on in any entity in society that doesn’t have accountability. I can cite some examples in another committee. We served on the Environment and Public Works Committee where one of the agencies has had no oversight over the past 5 or 6 years and was getting out of hand. They have to have oversight.

Those people are dealing with public funds and the public has to have oversight.

My concern is what will happen if we don’t do this. If we don’t do this, as I suggested, the Secretary of the Air Force may decide to sever relations, and then we really have a serious problem with CAP. I think there is not a person in here who is not a strong supporter of the CAP—certainly these three Senators are among the strongest. We are attempting to save it.

Mr. WARNER. Could I say to my colleagues, is it possible we could conclude this debate? We are anxious to bring up another amendment which we hope to vote on tonight.

Mr. ALLARD. I will sit down with my colleagues, both of my colleagues, and go over some of this language. The way I read the language, the Air Force Secretary appoints the national board of directors, and they have total control over the rules and regulations. It looks to me as if they have total control. Maybe I am misinterpreting it.

I am willing to sit down with my colleagues and see if this happens or not, and maybe we can work out a compromise.

With that in mind, I yield the floor so the chairman can move ahead.

Mr. WARNER. I thank my distinguished colleague.

Mr. INHOFE. I make one last comment to the Senator from Colorado. The language where the local units would continue to be run by local commanders is not addressed in this. That doesn’t change. That would remain as it is in the current law.

Mr. WARNER. I thank my colleague.

Mr. President, we will ask unanimous consent that this amendment be laid aside until such time as I bring it up again.

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

Mr. WARNER. At that time, we will have debate by Senator HARKIN for a period not to exceed 15 to 20 minutes, and then we propose to vote, unless good fortune strikes and these able Senators are reconciled.

The pending business now would be the amendment from the distinguished majority leader, Mr. LOTT; would that not be correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent that be laid aside.

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

Mr. WARNER. We now turn to an amendment by the distinguished Senator from New Hampshire, Mr. SMITH, a very valued member of the Armed Services Committee and chairman of the Subcommittee on Strategic Forces.

It would be my hope we could arrive at a time agreement and possibly vote on the amendment tonight.

Mr. SMITH of New Hampshire. If I may respond to the Senator from Virginia, how much time would the Senator like to have?

Mr. WARNER. I want to consult with my distinguished ranking member, but in fairness, I advise my good friend I have looked over this amendment—the Senator from Virginia, as chairman of the committee—and certainly my own judgment is that I will have to move to table.

I think my good friend understands that.

Mr. SMITH of New Hampshire. I say to the Senator, I understand that the Senator opposes it. I ask if the Senator would allow considering an up-or-down vote. But the Senator is the chairman, and I respect that. I prefer an up-or-down vote because I think it is an issue that is deserving of that one way or the other, no matter how we feel. It seems to me more appropriate to have a yes-no vote, but obviously I defer to my chairman.

Mr. WARNER. And I thank my colleague for that understanding.

So if the Senator will proceed and allow me to seek recognition as soon as the ranking member can give me advice, I will be in opposition, as will the ranking member.

I hope we could have, perhaps, 50 minutes equally divided.

Mr. SMITH of New Hampshire. My concern is the tabling motion. As the Senator knows, this issue is on the calendar now as a separate issue. My purpose in bringing it up on this bill: There are a lot of Senators on both sides of the aisle who support it. My assumption is there may be enough, but I haven’t done a whip count.

My inclination would be, if the chairman is going to move to table it, to not bring it up at this time, because I do have the option of bringing it up as a separate resolution because it is on the calendar.

I hoped to have an up-or-down vote. I put it to the chairman this way: If the chairman will allow an up-or-down vote, I am happy to have a time limit, say, of 30 minutes, depending on what the other side desires. I don’t need any more than 15 minutes.

If the chairman is going to table, I think at this point I will not offer the amendment.

Mr. WARNER. That is a development somewhat new, as opposed to what we had in earlier conversations. Might I suggest the Senator lay down the amendment and commence and give me the opportunity to consult with the ranking member?

Mr. SMITH of New Hampshire. All right.

Mr. WARNER. I thank the Senator.
(Purpose: To express the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay III, and to call upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. Indianapolis)

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

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. Smith] proposes an amendment numbered 405.

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

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

The amendment is as follows:

In title VI, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay’s conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay’s lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL CREW.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of the crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

Mr. SMITH of New Hampshire. Mr. President, I spoke in morning business on this issue a couple of days ago, to call it to the attention of my colleagues, because I believe it is one that is very important and very relevant to this bill. I wanted my colleagues to be aware that I would probably be bringing it up at some point in the near future. I did not expect it to be quite this soon.

A lot of individuals who have expressed an interest in my bringing it up earlier rather than later, are not only my colleagues but many aboard the U.S.S. Indianapolis who survived this great tragedy at sea. In deference to them, I felt it would be appropriate to try to get a vote on this. I want to emphasize to my colleagues, I hope my colleagues are paying some attention out there, watching on TV. Because if there is any doubt or concern about whether or not this should be supported, I urge Senators to listen to me for a few minutes as I try to explain why I believe this amendment should be agreed to.

First of all, I have a number of co-sponsors who came in as original co-sponsors. Not only myself, but Senator Feist, Senator Bond, Senator Landrieu, Senator Rums, Senator Hagel, Senator Breaux, Senator Torricelli, Senator Helms, Senator Inhofe, Senator Duren and Senator Edwards. It is a joint resolution. I also, subsequent to that, received co-sponsorship from Senator Boxer and from Senator Inouye.

We can see it represents all regions of the country and both sides of the political spectrum. It is not in any way, shape, or form a political issue. It simply expresses the sense of Congress with respect to the court-martial conviction of the late Rear Adm. Charles Butler McVay, III. It calls upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. Indianapolis.

This is an incredible story of incredible bravery and at the same time it is a story of incredible prejudice to an individual with a great, distinguished record as a captain, as an officer in the U.S. Navy.

I want to share with my colleagues this brief story from the closing days of World War II, the war in the Pacific. I know as we debate the issues of the day, and believe me I have been involved in that, and there are some huge issues—the China issue and so many others. But I think it is important to understand. I just spoke a few moments ago to new flag officers who were just getting their stars. It was quite an honor to do that. But I think it is important. If we are going to ask people such as these new flag officers to come on board to serve and continue to serve in the military, not to leave after their enlistment is up, but to become those flag officers, they need to know that there is some type of inequity or something that has happened that causes an injustice, we need to look at it in a way so we can make a wrong right. I think they need to know that. If something was wrong and the military did something wrong, we need to be big enough to admit it and to correct it. That is what this story is about.

This is a harrowing story. It has a lot of bad elements—It has bad timing; it has bad weather. It has herculean and military fortitude, but it also has negligence and shame. It has good luck and bad luck. And above all, it is a story of some very special men whose will to survive shines like a beacon even today, many decades later.

We have the opportunity, right now, perhaps as soon as an hour, to redeem the reputation of a fine man—a wronged man, in my view—and salute the indomitable will of a very fine crew of the U.S.S. Indianapolis. I had the privilege of hosting two—actually more than two, several survivors of the U.S.S. Indianapolis, a couple here yesterday or the day before that, and several before that at a meeting. The bill I offer today will honor all these men and their shipmates of the U.S.S. Indianapolis and redeem their captain, in my view—Capt. Charles McVay.

Captain McVay graduated from the U.S. Naval Academy in 1920. He was a career naval officer. He had an exemplary record in the world’s first included participation in the landings in North Africa, award of a Silver Star for courage under fire earned during the Solomon Islands campaign. Before taking command of the Indianapolis in November of 1944, Capt. McVay chaired the Joint Intelligence Committee of the Combined Chiefs of Staff in Washington. That is the highest intelligence unit of the Allies during the war.

McVay led the ship through the invasion of Iwo Jima, then bombardment of Okinawa in the spring of 1945, during which Indianapolis antiaircraft guns shot down seven enemy planes before the ship was severely damaged. Captain McVay returned his ship safely to Mare Island in California for much-needed repairs.

Another great story about the Indianapolis which is not well known. In 1945, the Indianapolis delivered to the island of Tinian the world’s first operational atomic bomb, which would later be dropped on Hiroshima by the Enola Gay on August 6. After delivering her fateful cargo, she then reported to the naval station at Guam for further overhauls. She was now the U.S.S. Idaho in the Philippines to prepare for the invasion of Japan.

It was at Guam that the series of events ultimately leading to the sinking of the Indianapolis began to unfold.

It is quite a story.

There were hostilities in this part of the Pacific, but they had long since ceased. This is 1945. The war is almost over. The Japanese surface fleet is no longer considered a threat and, in fact, attention instead had turned 1,000 miles to the north where preparations were underway for the invasion of the Japanese mainland.

I want to share a picture here of very little Japanese activity in the Pacific. These conditions led to a relaxed state of alert on the part of those who decided to send the Indianapolis across the Philippine Sea unescorted, and consequently Captain McVay was randomly told, just zigzag at your discretion.

So the higher-ups were in a relaxed state. We were going into the Japanese...
May 26, 1999

CONGRESSIONAL RECORD—SENATE

10965

homeland. There was little presence, Captain McVay was told. So we will send you out across the Philippine Sea unescorted.

The job, the mission, was to find the Japanese, unescorted, departed Guam for the Philippines on July 28, 1945. Think about how close we are now to the end of the war. Just after midnight, on 30 July 1945, midway between Guam and the Leyte Gulf, the U.S.S. Indianapolis was hit by two torpedoes fired by the "I-58", the Japanese submarine that was not supposed to be there according to the higher-ups.

The first torpedo blew the bow of the ship. The second hit the Indianapolis at midship on the starboard side adjacent to a fuel tank and a powder magazine. You cannot imagine—no one could—the resulting explosion, but it split the ship completely in two.

There were 1,196 men aboard the U.S.S. Indianapolis on that fateful night. Mr. President, 900 escaped the ship before it sunk in 12 minutes. In 12 minutes, the naval ship went to the bottom and 900 men were able to get off that ship before it sank. Few liferafts were released, and at sunrise on the first day of those 900 men being in the water, they were attacked by sharks. The attacks continued until the remaining men were physically removed from the water almost 5 days later.

If you can imagine in the middle of the night aboard ship: It is hit by two torpedoes and sinks in 12 minutes, very few liferafts; you are in the water. The men were in the water for 5 days and the sharks began immediately to circle and attack and pick these men off, literally, one by one, as wolves might pick off a weakened antelope or some other animal they were pursuing.

Shortly after 11 a.m. on the fourth day, the survivors were accidentally discovered by an American bomber on a routine antisubmarine patrol. This is important for my colleagues to understand this—accidentally discovered.

A patrolling seaplane was dispatched to lend assistance and report. En route to the scene, it overflew the destroyer Cecil Doyle DD-368, and alerted her captain to this emergency. The captain of the Cecil Doyle, on his own authority—no orders—decided to divert from his mission and go to the scene of the Indianapolis sinking.

Arriving there hours ahead of the Cecil Doyle, the seaplane's crew—the seaplane's crew had called the Cecil Doyle; the Cecil Doyle is en route and the seaplane, in the meantime, began dropping rubber rafts and supplies to these men who had been in the water for 5 days. While doing so, they observed the shark attacks. They literally saw men who were moments from rescue dragged under by attack ing sharks. The survivors were so overcome by this that, disregarding standing orders not to land at sea, the plane landed and taxied to the stragglers and lone swimmers who were at greatest risk of shark attacks, as the sharks would pick off those who were not able to stay up with the rest of the group. It was an act of extreme bravery on the part of the seaplane crew.

As darkness fell, the crew of the seaplane waited for help, all the while continuing to seek out and pull nearly dead men from the water. When the fuselage of the plane was full, the survivors were tied to the wing with a parachute cord. That plane rescued 56 men from the water on that particular day, just literally sitting in the water allowing these men to cling to that plane.

Then came the Cecil Doyle. This was the first vessel on the scene, and it began taking survivors aboard. Again, disregarding the safety of his own vessel, the Doyle's captain pointed his largest searchlight into the night sky to serve as a beacon so other rescue vessels might catch it. This was the first indication to the survivors that their prayers had been answered. Help at last had arrived.

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

Mr. SMITH of New Hampshire. I yield to the chairman.

Mr. WARNER. Mr. President, we have, I think, news that will be received as good news. The distinguished Senator from Colorado and the distinguished Senator from Oklahoma, at the suggestion of the chairman, got together and they resolved the amendment; am I not correct in that?

Mr. ALLARD. I think we are getting some common ground worked out. I am hopeful we can get something put on paper.

Mr. WARNER. The purpose of interrupting our distinguished colleague is to advise the Senate, because many Senators are engaged in other activities right now and perhaps we let them know that we will or will not be a vote, it will be helpful to them and the chairman. I understood the Senator just now to indicate this thing was settled.

Mr. ALLARD. We think we have reached agreement. We are getting it put down on paper. We can put this vote off until tomorrow, if that is the Senator's question.

Mr. WARNER. Mr. President, I ask unanimous consent that Tim Coy, a staff person, be granted the privilege of the floor for the debate.

Mr. ALLARD. Mr. President, I ask unanimous consent that Tom Coy, a staff person, be granted the privilege of the floor for the debate.

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

Mr. WARNER. Mr. President, I was engaged in conversation with Senator Sessions, and he told me it was an absolute. I spoke with the Senator from Colorado just now and I felt I got an absolute answer.

Mr. ALLARD. Mr. President, when we get it down in writing, that is when we will have an absolute answer. We made a vocal agreement. I think we are there. I do not want to sign off completely.
of naval history. Some of our colleagues have not had the opportunity to look at it as extensively as has the Senator from New Hampshire, and I think the inclusion of some live testimony will be helpful.

So to inform Senators, the Senator from New Hampshire will proceed for such time as he desires to conclude his opening statement. Then following that, the Senator from New Hampshire will send to the desk an amendment relating to funding on the Kosovo operations; am I not correct on that, I ask the Senator?

Mr. SMITH of New Hampshire. That is correct. I will be happy to offer that amendment.

Mr. WARNER. I think we can agree now that the time agreement on that would be, why don’t we say, 40 minutes. At the conclusion of that, again, I have to advise that, that would end it. So I ask unanimous consent that there be 40 minutes to be equally divided between the Senator from New Hampshire and the two managers of the bill, and then we will have a vote.

Mr. SMITH of New Hampshire. Mr. President, just reserving the right to object, I do have six or seven cosponsors. I did not realize this was going to be a table. So I ask unanimous consent that there be 40 minutes to be equally divided between the Senator from New Hampshire and the two managers of the bill, and then we will have a vote.

Mr. LEVIN. Mr. President, reserving the right to object, if I still have that standing.

Mr. WARNER. I think it is gone, but what is on your mind?

Mr. LEVIN. Senator HARKIN was informed that at 7:15 he would be granted, how many minutes?

Mr. WARNER. Mr. President, that is correct. But I am advised by the principal sponsor, Senator ALLARD, that the matter has been settled. It is being written up. Of course, Senator HARKIN would be consulted. If for any reason that writing fails to resolve it, then we will have to revisit this amendment tomorrow at a time that you and I will discuss it with Senator HARKIN and other Senators.

Mr. LEVIN. It is my understanding that it is the intent, at least of the chairman, that this would then be the last vote?

Mr. WARNER. That is the prerogative of the leader, but I have reason to believe that you are correct.

Mr. LEVIN. That is the intent? Mr. WARNER. That is the intent.

Mr. LEVIN. I know that is not the decision until the leader — Mr. WARNER. I am 99.99 percent certain that this would be the last vote at 8:00.

Mr. LEVIN. I add my thanks to the Senator from New Hampshire. As always, he is very cooperative with attempting to resolve issues. I didn’t have a chance to thank him earlier today for his willingness to address the Trident submarine issue, even though he took a different position on the amendment, Senator HARKIN, that part of that amendment really had been addressed, at least in committee, with the Trident reduction. While I very much supported Senator KERREY’s amendment for the reasons that I gave, I didn’t have an opportunity during that debate to thank Senator SMITH for his participation in addressing one part of that issue which the Defense Department was most anxious to address. I thank him for that as well.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank my colleague from Michigan for his comments.

Just finishing the story briefly, in 5 or 6 minutes, so we can go ahead to the next issue, there were 900 men who made it into the water and only 317 remained alive at the end of those 5 days. If you can imagine 5 days of shark attacks, starvation, thirst with only salt water, suffering from exposure. The men from this U.S. S. Indianapolis were finally rescued. Curiously enough, the Navy withheld the news of the sunken ship from the American people for 2 weeks until the day the Japanese surrendered, on August 15, 1945. So the press coverage was minimal. Also, it may now be suspected that they started the proceedings without having all the available data that was necessary. And less than 2 weeks after the sinking of the Indianapolis, before the sinking of the ship had even been announced to the public, the Navy opened an official board of inquiry to investigate Captain McVay, the captain of the ship, and his actions. The board, strangely enough, recommended a general court-martial for Captain McVay 2 weeks after the incident before it had even been made public. Indeed, many of the survivors’ families were not even made aware that the ship had gone down.

Admiral Nimitz, commander in chief of the Pacific Command, didn’t agree. He wrote the Navy’s top advocate general that at worst, McVay was guilty of an error in judgment, but not gross negligence worthy of a court-martial. Nimitz later recommended a reprimand. Nimitz and Admiral King were overruled by the Fifth Fleet, Secretary of the Navy James Forrestal and Adm. Ernest King, Chief of Naval Operations. They directed that the court-martial would go on and proceed.

It is pretty difficult to understand why the Navy brought the charge in the first place.

Explosions from torpedoes, as I said before, had knocked out the ship completely, knocked out its communications system so he was unable to give an abandon ship order except by word of mouth, which all of the crew said McVay had done. So he was ultimately found not guilty on that count.

Then the second count was not zigzagging, and it goes on to talk about that.

The bottom line, Captain McVay was ultimately found guilty on the charge of failing to zigzag and was discharged from the Navy with a ruined career. And in 1946, at the request of Admiral Nimitz, who had now become the CNO, Chief of Naval Operations, in a partial admission of injustice, Secretary Forrestal remitted McVay’s sentence and restored him to duty. But Captain McVay’s court-martial and personal court of inquiry over the Indianapolis continued to stain his Navy records. The stigma of this conviction remained with him always. And as sometimes happens in these kind of tragedies, in 1968, he took his own life.
since World War II, the crew of the Indianapolis, to their everlasting credit, has not one of their number being charged by their captain. Captain McVay could have and would be, if he were here, very proud of his men who are trying to see that his memory is properly honored.

We can do that. We can help the crew do just that right here in the Senate. It is at the request of the survivors that I introduce this resolution.

Since McVay’s court-martial, a number of other things have come up. I will not get into those now because of time, but we will get into them in the hearing.

Let me conclude on this point: Many of the survivors of the Indianapolis believe that a decision to convict Captain McVay was made before the court-martial, to such a very serious charge. They are convinced that McVay was made a scapegoat to hide the mistakes of others higher up. McVay was court-martialed and convicted of hazarding his ship by failing to zigzag despite overwhelming evidence that the Navy itself had placed the ship in harm’s way, not Captain McVay, despite testimony from the Japanese submarine commander that zigzagging would have made no difference, despite the fact that although 900 Navy ships were lost in combat in World War II, McVay was the only Navy captain, ship captain, to be court-martialed, and despite the fact that the Navy did not notice when the Indianapolis failed to arrive on schedule. In spite of that, he was court-martialed, thus costing hundreds of lives unnecessarily and creating the greatest sea disaster in the history of the United States.

AMENDMENT NO. 405, WITHDRAWN

Mr. SMITH of New Hampshire. Mr. President, Chairman Warner’s request, I will withdraw my amendment at this time and look forward to the hearing.

The amendment (No. 405) was withdrawn.

AMENDMENT NO. 406

(Purpose: To prohibit, effective October 1, 1999, the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations)

Mr. SMITH of New Hampshire. I will now proceed to the next issue at hand, my amendment on Kosovo, which I send without any delay for a disposition with those who support the ground troops out, which allowed Milosevic to take over Kosovo? This policy has not worked. We are being dragged into a ground war. Believe me, there are plans on the table, and everybody in America should know it, right now as we speak, to put ground forces into Kosovo.

When a superpower uses military force against another nation, it has to do it with an intensity and ferocity that shows purpose and decisiveness. I do not want any more Vietnams. I served in Vietnam. I watched the politicians debate the war, and the people in the streets protest the war while the generals fought it. There were not treated very well when we came home. I had enough of that. It has been said many times: “No more Vietnams.” Well, to do anything less than to go in with absolute purpose and absolute decisiveness and end the war that you began—to do less than that is another Vietnam.

Somalia comes to mind. People lost their lives. We did not have a clear purpose there either. We just went in. And here, in Kosovo, we just went in. Yes, Milosevic is a terrible person and he has done terrible things to innocent people. The question is, though: Was bombing Milosevic the way to end it?

I have been on this floor repeatedly arguing against this war. I do not like doing so. But we are attacking a sovereign nation, and our national interests are not at stake. Humanitarian problems in Yugoslavia are serious problems, but are they national security interests of the United States of America? Every single person out there who has a son or daughter old enough to serve in the military should ask themselves: Is it worth my son’s or daughter’s life to die in Yugoslavia for a humanitarian crisis that does not involve the national security of the United States?

We have already authorized air-strikes. We did that, regrettably, in a vote that I lost earlier this spring. But the issue here is: Are we going to have an operation of possible ground forces and a possible continuation of air-strikes in a sovereign nation in the midst of a civil war, without any statement from Congress other than one that was to fund an air war, which kept the ground troops out, which allowed Milosevic to take over Kosovo? This policy has not worked. We are being dragged into a ground war. Believe me, there are plans on the table, and everybody in America should know it, right now as we speak, to put ground forces into Kosovo.

When a superpower uses military force against another nation, it has to do it with an intensity and ferocity that shows purpose and decisiveness. I do not want any more Vietnams. I served in Vietnam. I watched the politicians debate the war, and the people in the streets protest the war while the generals fought it. There were not treated very well when we came home. I had enough of that. It has been said many times: “No more Vietnams.” Well, to do anything less than to go in with absolute purpose and absolute decisiveness and end the war that you began—to do less than that is another Vietnam.

Somalia comes to mind. People lost their lives. We did not have a clear purpose there either. We just went in. And here, in Kosovo, we just went in. Yes, Milosevic is a terrible person and he has done terrible things to innocent people. The question is, though: Was bombing Milosevic the way to end it?

I have been on this floor repeatedly arguing against this war. I do not like doing so. But we are attacking a sovereign nation, and our national interests are not at stake. Humanitarian problems in Yugoslavia are serious problems, but are they national security interests of the United States of America? Every single person out there who has a son or daughter old enough to serve in the military should ask themselves: Is it worth my son’s or daughter’s life to die in Yugoslavia for a humanitarian crisis that does not involve the national security of the United States?
open, and we have to have the finest military in the world. And we do. But most importantly, we have to act clearly, decisively, and within our explicit national interests. We have not done that here in Yugoslavia.

Some people have said: Let’s go win the war. Maybe somebody can explain to me what “win” means. Does it mean that we occupy Yugoslavia for the next hundred years? That we put a partition up between Kosovo and the rest of Yugoslavia, or barbed wire, and keep 50,000, or 60,000, or 200,000 troops there for a hundred years? Perhaps we should just bomb every bridge, every building, every oil refinery, every railroad, flatten it to the ground, kill every Serb. Maybe that is how we win. Somebody tell me. I have been waiting. I have offered this challenge on broadcast after broadcast. I do not want law after law. I am hearing tremendous broadening of the scope in conversation after conversation with administration officials, Senators, Congressmen, people on the street, people in the military. Nobody has given me the answer yet. How do we win? I have not heard the answer.

Our military is stretched to the breaking point. Recruiting is down. There are chronic spare part shortages. Deployments continue to increase. And now we are hearing reports about shortages of cruise missiles and other smart weapons. Over 30,000 reservists are being called up.

Let me ask my colleagues to reflect on something. God forbid, but what if North Korea were to attack the South tomorrow morning; or Iraq decided to invade Kuwait; or the Iranians, or the Libyans, or anybody else caused some threats all at once, or any of them, and keep all our commitments—including that in Kosovo—that we have now? If you have a son or daughter in the military, ask them. They will tell you that we cannot. If we cannot, then we ought not to be doing this.

Let me tell you something. If we get into a ground war in Yugoslavia, we are going to be there for a long, long time. I do not want law after law. I do not want to be proven right. But we are at a turning point. If we continue to increase our intervention in Yugoslavia—which ground forces will certainly do—we are in fact committing ourselves to the Balkans, not for a day, not for a week, not for a month, not for a year, but for decades. Mark my words: we will be in the Balkans for decades.

We went into Vietnam in 1965. Thirteen years later and after 58,000 Americans were dead, when we tried to defeat and conquer an indigenous people who were dug in in their country, in their homeland, we still had not gotten it done.

These people are going to fight for their homeland, and we are going to have to be prepared to take heavy casualties in Kosovo. That is what you had better ask yourself.

Think about it—not you, not your son, but your grandson, and maybe his grandson, be goodness to be grandparents to be patrolling the streets of Kosovo?

There are those who say that the integrity of NATO is at stake. I hear that all the time—if we do not go to war in Kosovo, NATO will fall apart. Look—NATO survived the Soviet Union. It survived Joseph Stalin. It survived Brezhnev. But it is not going to survive Slobodan Milosevic?

For goodness’ sake. This alliance has stood for decades for all of these great powers, and has stood well. I supported NATO in those years. The administration, with all its blundering, tell us that Slobodan Milosevic has the power to do what Stalin, Khrushchev, and Andropov could not do—destroy the NATO alliance. If the alliance is that fragile, maybe it is time to shut the door on NATO. Surely it is not that fragile.

The key for NATO’s success has been that it is a defensive alliance. But it must stay true to its core mission—which it is doing now; we are seeing tremendous broadening of the scope of NATO’s partners, not only with this President, but with the collective defense of its members. If we use this as the overriding principle of NATO, that it should be there for the collective defense of its members, not only will the cohesion of the alliance be in question, but we would never have gotten involved in the swamp in the Balkans. That is exactly what it is. It is a swamp. And we are going to get stuck in it.

Let me assure you of one thing. If this war against Yugoslavia continues to escalate, then NATO truly is finished, because NATO will disgrace itself. Even today on the news we have our commander, General Clark, saying we need to hit more targets, we need to hit more specific targets in Belgrade, we have to come closer to those embassies, we have to take more risks, take out more facilities, risk more collateral damage, because, if we do not, we will never win—or, if we do not, we are going to have to put in ground troops.

Would ground troops be introduced? Should we be forced to attack and occupy Yugoslavia? This will certainly be the end of NATO. This alliance is not an offensive force. It never has been. The greatness of NATO is the fact that it is defensive—that is what allows it to function by consensus.

Already our allies have tried to find a way to end the airstrikes. Anybody who tells you that there are no cracks in NATO and that NATO is solidly behind this is distortive. Who can blame those in NATO who are taking a different position now? They joined NATO to prevent a European war. Now they find that the U.S. has led them into one—in the Balkans, of all places.

One of the main reasons I do not support this war is because I want to preserve our standing in the world. It is because I believe our relationship with Russia is on the line. It is because I believe that we should not draw precious military resources from our overseas commitments. It is because I care about the stability in Bosnia. It is because I believe in the sovereignty of other nations that I am against the escalation of this conflict. Some call that isolationism. It is not isolationism, and I resent that reference. It is actually realism.

Mr. INHOFE. Will the Senator yield for a question?

Mr. SMITH of New Hampshire. Yes, I yield to my friend from Oklahoma.

Mr. INHOFE. First of all, I don’t want the Senator to get the impression that he is alone in his feelings. I agree with everything the Senator said.

I would like to ask the Senator if he didn’t leave out one very significant reason why we should not be involved in that war—or that civil war within a sovereign nation—is that in our state of readiness right now we cannot carry out the national military strategy in defending America’s regional fronts. In fact, it is even questionable, according to our air combat commander, that we could defend America on one front, with all the allocations of our scarce assets that are going into Bosnia, Haiti, and Kosovo.

Right now my major concern, with 5,000 of our troops already over there in Albania, is that they are virtually naked; they have no force protection, no infrastructure. The Senator will add to his list of reasons why we shouldn’t be there because it is draining our ability to defend America on such fronts as North Korea or the Middle East.
Mr. SMITH of New Hampshire. I certainly will add that to the list. I referred to it moments ago. But it is a point well taken.

Mr. President, great powers use discretion. They do not allow themselves to be bogged down in places where their interests are not at stake. They use their power judiciously.

When do we use force? When do we use diplomacy? We have made commitments around the world in places like Korea and the Middle East. The United States has shown resolve. We place American lives at risk when our vital interests are the stake. We have done it all over the world. Americans have died in places all over the world that some cannot pronounce and never heard of. It has been happening for decades. There is no question about it. But our vital interests are not threatened in Yugoslavia.

We have troops in warships across the world. Every year we send billions of Americans’ tax dollars overseas in foreign aid. The American people are the most generous in the world. Private citizens, corporations, and charitable organizations send hundreds of millions of dollars every year to help needy people throughout the world. If we have a flood, or an earthquake, or a tornado in America, how many times do you hear about all of these other countries pouring in money to help the people in Des Moines, or to help the people someplace else where a tornado or a flood occurs?

To somehow say now that we have to get into this conflict when we have countries in Europe who can, and should, deal with it—how much more blood do we need to shed in Europe for Europe? It is about time Europe stepped up to the plate.

The United States does not need to resort to airstrikes to show we are not isolationist, and we certainly should not put our troops at risk. And we do not need somebody who has never been in the military—to be the macho man who drags us into a war with the exception of those who can.

To somehow say now that we have to get into this conflict when we have countries in Europe who can, and should, deal with it—how much more blood do we need to shed in Europe for Europe? It is about time Europe stepped up to the plate.

The United States does not need to resort to airstrikes to show we are not isolationist, and we certainly should not put our troops at risk. And we do not need somebody who has never been in the military—to be the macho man who drags us into a war with the exception of those who can.

With this legislation, I am just trying to keep the administration from throwing money and forces at Kosovo with no accountability. If Congress wants operations after 1 October, all we have to do is authorize them. This vote tonight will not be the mission. We have made that vote. This vote is going to be on whether or not we want to have another opportunity fund this operation after October 1.

I respect my colleagues on both sides of this question. I respect immensely the thought that they put into it. I respect their convictions. Again, the only instrument I have as a Member of Congress, blunt as it may be, if I disapprove of this policy, is to cut off the funding. That is the reason I offer this amendment.
which is to get the ethnic Albanians out of Kosovo. He has accomplished what he wanted to accomplish in spite of the bombing—and maybe because of the bombing.

I do not know what we are gaining by continuing. But I do think that, as a minimum, the President must get Congressional authorization to continue the war.

Mr. WARNER. I thank my colleague for taking questions. I did not mean to importune the distinguished Senator.

Mr. INHOFE. I inquire of the Presiding Officer how much time remains on both sides.

The PRESIDING OFFICER. Senator SMITH controls 8 minutes 30 seconds, and the Senator from Virginia, the manager, controls 23 minutes.

Mr. SMITH of New Hampshire. I yield 6 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

I am not going to take that long, only because I don’t want the Senator to be able to respond to what I think we will be hearing in the next 22 minutes. I want to make sure the Senator has adequate time.

Let me take a minute and say that I don’t like the amendment but I don’t know any other choice. I wish there were other choices out there.

We got involved in this. I am sure I can visualize what was happening when they made the decision to invade a sovereign nation, sitting around a table saying, we will send bombs out there for a couple of days and that will take care of him and everything will be fine.

That was not the plan. We heard the plan criticized by the very best people out there. I will be in the region again this weekend.

My concern, as I voiced several times, without a well laid out plan in a war we shouldn’t be involved in—we have troops out there, as I said before, who are virtually naked and have no protection right now.

I am concerned about Albania and the threat to our lives there as much as I am crossing that line into Kosovo. Because right now there is no force protection over there.

As far as the pilots are concerned, I don’t think there is a person in this U.S. Senate who has visited with the pilots more than I have, because as chairman of the Readiness Subcommittee I go around to all these places. I take journalists with me, frankly, so these people will realize why we are only retaining 19 percent of our Navy pilots, 27 percent of our Air Force pilots. It is not just the attractive economy on the outside. It is not just the fact our mechanics are overworked and they are not sure the spare parts are going to be there. As they said in one of the places, with witnesses there, our problem is we have lost our sense of mission. They are sending us in places without adequate training. With all the money we are spending in these contingency operations where we don’t have strategic interests, it is draining us from our ability to properly train should we have to meet a contingency where our national strategic interests are at stake.

Our time that we are training these guys in red flag exercises in Nellis is cut way down; the National Training Center out in the desert, cutting down Twenty-nine Palms for the marines; they are not getting adequate training because we are busy deploying our troops in places where we do not have a national strategic interest. So I just look upon this as a way out. We have been looking for a way out of Bosnia since 1995. Now there is no end in sight—there is no end in sight.

That is what the intention of this amendment is, according to its sponsor. This amendment will send the worst possible message to the most important of all the people, the men and women who wear our uniform who are out there. It will tell them we are pulling out.

This Senate must send a very different message to the KLA. That is what his success would be. The adoption of this amendment will send the KLA, the Kosovo Liberation Army, is beginning to move back in to their villages and into their homes. Nothing will scare Milosevic much more than having to face the KLA again, which will be the result of his failure to negotiate a settlement which provides for the return of these refugees in safety with protection.

We cannot allow Milosevic to succeed which is what this amendment hands to him. We cannot allow Milosevic to shape the future of Europe. That is what his success would do. His ethnic cleansing, if not reversed, will shape Europe for the next century.

This century began with a genocide against the Armenians. It is ending with an ethnic cleansing of the Kosovars. And in between was a Holocaust. If we do not want the next century to be a repeat of this century, Europe cannot succeed. Europe’s future is on the line and that means our own security is on the line. NATO’s future is on the line. The adoption of this amendment will tell NATO they have failed. The adoption of this amendment will be the statement to Milosevic: You have succeeded. We are pulling out.

What is that the intention of this amendment is, according to its sponsor. This amendment will tell our allies in NATO: Forget NATO. Forget NATO cohesion. Forget NATO unity. We are pulling out.

And this amendment will send the worst possible message to the most important of all the people, the men and women who wear our uniform who are out there in harm’s way now, who would then be told by this amendment we are pulling out.

This Senate must send a very different message than that. I hope this amendment is tabled by an overwhelming vote.

I will be happy to yield 5 minutes to the Senator from Delaware.

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

Mr. BIDEN. Mr. President, I think we owe a debt of gratitude to our colleague from Oklahoma and our colleague from New Hampshire. They are among only a few who will bluntly state why they want out. They are straightforward. The Senator from Oklahoma says this is a way out of Kosovo, just like we should find a way

May 26, 1999
out of Bosnia. They say we have no interest in Yugoslavia. We have no ability to do anything about it. And we have no right.

I find this absolutely fascinating. We talk about a sovereign nation being invaded by a horde of 19 democracies who are doing such an injustice to them.

Then I ask that one of the reasons we should not be involved is because Yugoslavia is a sovereign country. I cannot remember what their explanation was as to why we should not be involved in Bosnia, where Slobodan Milosevic was crossing the Drina River with these very forces that are cutting off the noses, ears and then cutting the throats of captured men in Kosovo, who are taking their women to the third floor of army barracks for the pleasure of the troops and picking what they want to be the most attractive of the women who happen to be Moslems. These are the same fellows that crossed the Drina River and invaded another country. I heard the same arguments from you all about how we should not be involved there. So do not let anybody fool you, this is not about sovereignty.

The second point I would make is that we have reached the conclusion, straightforwardly, that Slobodan Milosevic’s business is his business. What do we have to do with that? Let them work it out.

I never thought I would live to see the day when a European leader was herding masses of women and children onto boxcars and trains in the sight of all the world, shipping them off to another border, destroying, as they crossed the border, their licenses, taking their birth certificates, going into the town halls and destroying the property records of those very people. And it is so convenient to say that is not our business.

Then I hear another argument. You know, we have commitments around the world. We will not be able to fight a two-front war. But what is the threat to America beyond the nuclear one? And that will not be deterred by American ground forces. I hear my friend from New Hampshire say: Let the Europeans take care of this. Have we not shed enough blood in Europe?

But we have to worry about Korea? Why not say let the Asians take care of Korea? There are more of them than us. We have shed enough blood in Asia.

Are we protecting the use of American force in Europe so we can use it in Korea?

If that is the logic, explain to me why the Japanese and the South Koreans cannot take care of themselves. I find this incredibly selective logic.

And, by the way, this so-called failure in Kosovo—what a fascinating notion. Nobody is being killed there now; the raping, the rape camps, the ethnic cleansing have stopped; people are actually living next door to one another again. There are 6,800 American forces there, and that is supposedly too high a price to pay without, thank God—as I said, this is the most fascinating notion on earth: knock on wood—one American being killed? I am sure glad you guys were not around in 1955 and 1956 and 1957 to say: By the way, all those forces we have in Germany, they are sitting there occupying a country and protecting a country, but their mission must be a failure because if they left, there would be war.

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

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes.

Mr. DORGAN. Mr. President, I have not been a cheerleader for our participation in this conflict. I supported it, but I am nervous about it. But I must say, this is wrong. At 7 o’clock this morning, with no notice, we have an amendment that suggests we shall terminate our participation in the NATO campaign to stop the ethnic cleansing and the massacre in Kosovo. At 7 o’clock tonight, with no notice, we are going to have this debate probably for an hour.

I just heard one of the sponsors of this amendment talk about what Mr. Milosevic has achieved. He is right about that, Mr. Milosevic has achieved the following: massacre, we don’t know how many; troops burning villages; raping people; killing innocent men, women and children; hauling people like cattle in train cars or herding them in groups to the border; displacing 1 million to 1.5 million people from their homeland.

Yes, he has achieved that. What hasn’t he achieved? What he has not achieved is about to achieve if the Senate adopts this amendment. He wants to achieve an end to the airstrikes that cause him great inconvenience and a great threat to his movement in this massacre and in this ethnic cleansing. Does the Senate want to allow him to achieve that goal? I do not think so.

Five or 10 years from now we will look in our rear-view mirror and see that on our watch ethnic cleansing and massacre occurred and we said: Gee, that didn’t matter; it wasn’t our business.

We have already decided that is not the position we will take. It is our business. It does matter. Do you want to know what ethnic cleansing is? Do you want to know what are the horrors of this kind of action visited upon these women, men, and children? Go to the museum not many blocks from here and see the train cars where they hauled people in Europe before, see the shoes of the people who died in the gas ovens, and then ask yourself: Does this kind of behavior matter? It does matter, and this country, with our allies, is there to do something about it.

Imperfect? Is this operation in Kosovo with us and our NATO allies imperfect? Yes, it is imperfect, but are we trying? Is this country, with our allies, saying this does matter? Yes. That is exactly what we are doing.

Do we really want to say to Mr. Milosevic tonight: You can achieve the rest of your goals through the help of the Senate. You can do all this—rape, burn, massacre, move people out of their homeland, clean out a country, engage in ethnic cleansing—and when this country and others stand up to say we will not allow that on our time and our watch, you can achieve your objective and remove that nuisance called a war? And this country and others stand up to say we will help you do that? I do not think so. I certainly hope not, not this Senate.

My hope is that history will record this effort as a noble effort that said when this kind of behavior exists, we will do what we can with our allies to stop it. I do not know how this ends, but I know it should not end tonight on a Wednesday night vote by the Senate to say to Mr. Milosevic: This country will no longer continue to be a problem for you.

The rape, the burning, the massacres, the ethnic cleansing will not stop, but the airstrikes should? I do not think that is a decision this Senate will make. It is not a decision the Senate should make, and I hope in a short time, with an amendment that should not be offered in this kind of circumstance, the Senate will say: No, this effort by this country at this point in time is important. This is not about us alone. It is about this country and NATO, with our allies attempting to stop this man, Slobodan Milosevic, from the kind of behavior we would not accept from anyone in the world. I hope when this vote is cast, we will not achieve the objective Mr. Milosevic wants most, and that is a cessation of the bombing and the airstrikes. That is the price this man is paying for his behavior, and he must pay that price until he stops.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent, on behalf of Senator Birch, that Dr. Michael Cieslak, a fellow, be granted the privilege of the floor during the pendency of this bill.

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

Mr. LEVIN. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The proponents have 5 minutes 39 seconds; the opponents have 7 minutes 11 seconds.
Mr. LEVIN. I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, my framework is a little different. Murder is never legitimate, and we have tried to do the right thing to stop the slaughter of people, albeit we have not been anywhere close to 100 percent successful. I have deep concerns about the conduct of this war and where it is heading.

On May 3, I called for a temporary pause in the bombing for a focus on diplomacy. I wished we had done that. I wished we had not seen the bombing of the Chinese Embassy. I think we had momentum for a diplomatic solution consistent with our objectives: That the Kosovars go back home, that there be a force there to give them protection, that they be able to rebuild their lives.

I say to colleagues tonight that I do have reservations about part of the direction in which we are heading. The airstrikes have gone beyond degrading the military, which was to be our objective, and I really worry that we begin to undercut our own moral claim when we begin to affect innocent people with our airstrikes, when we begin to kill innocent people, albeit that is not the intention.

I focus on diplomacy. I still believe we need to have a pause in the bombing. We have to have a diplomatic solution. That is the only option that I see available to bring this conflict to an end and to enable the Kosovars to go back home, which is our objective.

Once again, I worry about these airstrikes when we go after power grids and water tanks and the effects innocent civilians. That goes beyond just degrading the military. I sharply call that into question.

I say to my colleague from New Hampshire, I believe this amendment is profoundly mistaken. It takes Milosevic completely off the hook. This amendment takes us in the opposite direction of where we need to go toward a diplomatic solution to end this conflict.

This is the wrong amendment. This is the wrong statement. This is at the wrong time. Therefore, I rise to speak against it. But I will continue to speak out and raise questions. I will continue to talk about the need to move away from the bombing and to focus more seriously, and in a more concentrated and focused way, on a diplomatic solution and an end to this conflict on honorable terms.

I hope my colleagues tonight, however, will vote against this amendment. I hope it will be a strong vote against this amendment.

I yield the floor.

Mr. BYRD. Mr. President, I have listened carefully to the debate on this amendment, and I appreciate the wrenching emotion that has motivated those on both sides of this issue.

The NATO operation in Kosovo is a difficult issue for many of us to come to terms with. Our hearts ache for the suffering of the Kosovar Albanians who have been banished from their homeland. At the same time, we fear for the safety of U.S. and NATO military forces who are engaged in a perilous mission in a corner of the world that has been torn by ethnic conflict for centuries.

We cannot foresee the outcome of this operation. We have a duty to watch it carefully, to debate it fully on the floor of this Senate. But in our concern to do what is right, we should not act in so much haste that we run the risk of making a fatal mistake.

There may come a day when I will stand on the floor of the U.S. Senate with the Senator from New Hampshire and call for the funding of U.S. operations in Kosovo. But that day is not today. That time is not now. A decision of that magnitude must not be taken on the run, after a hastily called 60-minute debate among a handful of Senators.

Mr. President, this amendment sends the wrong message at the wrong time. By all means, let us debate the U.S. involvement in Kosovo. But let us do it with deliberation and forethought. I urge the Senate to table this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. As I said when we began the debate, I respect the views of my long-time friend. He comes from a military family. He served, himself, in the uniform of the United States. We have a very diverse group in the Senate with regard to their views on this conflict.

There is not a one of us who was not deeply concerned before we became involved in this conflict. We are in it now. I salute here tonight the professionalism that has been shown by the men and women of the Armed Forces of the United States, in particular, and joined by their counterparts from some eight other nations in the air, and the other NATO nations in one way or another that have participated in this conflict.

We are in it because our generation cannot tolerate what we have seen Milosevic do to human beings. To do so would be to reject, indeed, what other men and women have done in previous generations to bring about freedom for others: World War II, followed by Korea, Vietnam. We are there to protect freedom. We are there to protect the rights of human beings to have some basic quality of life and ability to exist.

I remember the peak of this event. When we got started, it was just before Easter, I went back to my constituents in Virginia. Why should we be there? I said: Could you be at home on Easter Sunday, sharing with millions and millions of Americans the experience of your respected place of religion, sharing with your family a bountiful meal, and watch the pictures of the deprivation, the murder, the rape, the mayhem inflicted by Milosevic and his lieutenants on fellow human beings?

Yes, they are Kosovars; yes, they are far away; yes, they speak a different language. I was there in September. I traveled in Kosovo, in Pristina, in Macedonia. At that time, I saw these people being driven from their homes. Not distant from where we were driving—

The NATO operation in Kosovo is a moment Slobodan Milosevic. At the same time, we fear for the safety of U.S. and NATO military forces who are engaged in a perilous mission in a corner of the world that has been torn by ethnic conflict for centuries.

I urge the Senate to table this amendment.

The PRESIDING OFFICER. The time of the amendments has expired.

Mr. WARNER. Mr. President, I understand my time has concluded. I say to my friend, I respect you, but I vote against you. I shall move to table at the appropriate time.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. The respect is mutual, as my friend knows.

Mr. President, there have been a few misstatements about my amendment that I would like to clarify, as Senators now begin to make their way to the floor, I will only be a few minutes in closing.

All this amendment requires is that the President make the case and get congressional approval to go forward with this war after October 1. No funds are cut off until October 1, and unless Congress chooses to authorize the President to continue. That is what this amendment requires.

I heard one of my colleagues on the other side of the issue say a few moments ago that this is coming at the
last minute and that we do not have time to deliberate. I will tell you how much time you have to deliberate. You have the rest of this month, you have June, July, August, and September. You have 4 months to think about whether or not you want this war to continue and whether or not you want to authorize more funding. It does not send any message to Milosevic other than the fact that Congress intends to exercise its constitutional authority. That is all.

I could probably give emotional speeches about a number of human tragedies around the world. My colleague from Delaware got very emotional; and that is a good quality when you believe in something. But this decision should not be based on emotions. This is a decision about how we should use our power rather than to set this thing string on like Vietnam did and then, after 50,000 people are dead, we say, oh, my goodness, if we had just stopped this war a little bit earlier—or perhaps, as Senator Goldwater said, we had fought it to win a little bit sooner. Meanwhile, there are 58,000-plus people on the Vietnam Wall. Now is the time to speak, not 5 years from now. All I am asking in this amendment is that we have from now until October 1 to decide whether or not we want to fund this war any further. That is the message I am sending. I am sending that to my colleagues who represent the people of the United States of America.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for 2 minutes to address the Senate with regard to tomorrow’s schedule prior to the vote so Senators coming to vote can depart and know what will take place tomorrow.

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

Mr. WARNER. The order was to be handed to me. We were not able to resolve the Allard amendment, so that will be the recurring order of business tomorrow morning. Of course, the Lott amendment is still in place; am I not correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. So we will endeavor tomorrow morning, without specifying exactly how and when we will do it, to bring up the Allard amendment. Senator Allard and I have 20 minutes, and we will divide, say, another 20 minutes between the distinguished ranking member and myself, should we need it. That would be a total of 40 minutes on the debate. I think maybe I will say 15 minutes between the two of us and 15 minutes to Senator ALLARD, 20 minutes for Senator HARKIN. I think that should do it.

We will just have to establish the time that we will vote on the Allard amendment tomorrow morning. This will be the last vote for tonight, and Senators can expect early on in the morning that we will address the Allard amendment.

Mr. President, I move to table the amendment and 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 the motion to table amendment No. 406. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES, I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) would vote “aye.”

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

The result was announced—yeas 77, nays 21, as follows:

(Rollcall Vote No. 151 Leg.)

YEAS—77

Abraham  
Akaka  
Ashcroft  
Baucus  
Bayh  
Baucus  
Biden  
Bingaman  
Boxer  
Breaux  
Brownback  
Byrd  
Campbell  
Chafee  
Cooper  
Collins  
Conrad  
Covey  
DeWine  
Dodd  
Domenici  
Dorgan  
Durbin  
Edwards  
Feingold  
Frist  
Graham  
Graham  
Gorton  
Graham  
Harkin  
Hatch  
Hollings  
Hutchison  
Jeffords  
Johnson  
Kennedy  
Kerry  
Kerry  
Kohl  
Kyl  
Landrieu  
Leahy  
Levin  
Lieberman  
Lott  
Lugar

NAYS—21

Allard  
Bunning  
Burns  
Craig  
Craig  
Dodd  
Daschle  
DeWine  
Domenici  
Dorgan  
Durbin  
Edwards  
Feinstein  
Frist  
Graham  
Gorton  
Graham  
Graham  
Harkin  
Hatch  
Hollings  
Hutchison  
Jeffords  
Johnson  
Kennedy  
Kerry  
Kerry  
Kohl  
Kyl  
Landrieu  
Leahy  
Levin  
Lieberman  
Lott  
Lugar

NOT VOTING—2

Bond  
Moynihan

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, the Senate resume the DOD authorization bill, and that the Allard amendment No. 396 be the pending business, and that there be 30 minutes remaining on the amendment with 20 minutes under the control of Senator HARKIN and 10 minutes equally divided between Senator Allard and myself, with a vote occurring at 10 a.m. on or in connection to the amendment with no amendments in order prior to the vote.

Mr. REID. No objection.

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

Mr. WARNER. Mr. President, in light of that agreement, there will be no further votes this evening. The next vote will be at 10 a.m. on Thursday relative to the Allard amendment.
Mr. President, at this time there will be no further action on the DOD bill.

**FEDERAL PRISON INDUSTRIES**

Mr. THURMOND discussed the importance of Federal Prison Industries, and said, "I am in strong support of the amendment to strike Section 806 of S. 1059, the Defense Authorization Act."

Many of us, including Senator GRAMM, Senator HATCH, and Senator BYRD, discussed the importance of Federal Prison Industries on the floor yesterday when this amendment was first considered. I would like to speak for a moment on a few issues that have been raised in this debate.

Some have argued that the taxpayers would save money if Federal agencies were not required to use FPI because FPI prices are not competitive. However, studies from the General Accounting Office and the Department of Defense inspectors general in the last 12 months, FPI prices are generally within the market range. Indeed, the DoD IG report found that FPI prices were generally lower than the private sector for products reviewed.

It is important to note that Prison Industries is a self-sufficient corporation. As we discussed at my Judiciary hearing on this issue, if Prison Industries did not exist, it would cost taxpayers millions of dollars per year to fund inmate programs that would provide similar security to prison facilities and similar benefits to prisoners. FPI is the most successful inmate program.

We should support it strongly and not pass legislation that could undermine it.

The April 1999 study between DoD and DoJ discusses the relations between the two agencies in great detail. The study concludes that no legislative changes are warranted in Defense purchase from FPI. It made some recommendations for improvements that are currently being implemented. We should give the study time to work.

This joint study shows that Defense customers are generally satisfied with FPI. Although some concerns remain such as timeliness of delivery, these issues are being addressed. It is best to allow the joint study to speak for itself. The Executive Summary states: "In response to questions regarding the price, quality, delivery, and service of specific products purchased in the last 12 months, FPI generally rated in the good to excellent or average ranges in all categories. On the whole, respondents seem to be very satisfied with quality and service, mostly satisfied with price, and least satisfied with delivery. * * * Most respondents rated FPI either good or average, as an overall supplier, in efficiency, timeliness, and best value. FPI was rated highest as an overall supplier in the area of quality. FPI generally shows a positive, productive relationship. It is clear that drastic changes are not warranted in the relations between DoD and DoJ.

Indeed, the Administration strongly opposes Section 806. The Statement of Administration Policy on S. 1059 explains that the provision would essentially eliminate the Federal Prison Industries mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons.

FPI is a correctional program that is essential to the safe and efficient operation of our increasingly overcrowded Federal prisons. While we are putting more and more criminals in prison, we must maintain the program that keeps them occupied and working.

**DEFENSE PRODUCTION ACT**

Mr. GRAMM. Mr. President, I commented on this bill, the distinguished chairman of the Armed Services Committee, Senator WARNER, for including in this legislation a one-year extension of the Defense Production Act. As the Senator knows, the Defense Production Act falls under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

The Defense Production Act is due to expire on September 30, 1999. The Banking Committee has a great interest in the Defense Production Act and we intend to conduct a thorough review of the authorizations. However, due to the press of other business, specifically the time-consuming task of passing the first modernization of our financial services laws in sixty years, the Banking Committee is unable to conduct such a thorough review at this time.

Therefore, I requested that Senator WARNER include a provision in the Department of Defense authorization bill to extend the Defense Production Act until September 30, 2000. This extension will allow the Banking Committee the time to give the reauthorization of the Defense Production Act the attention it deserves. Senator WARNER was kind enough to include this provision at my request.

Mr. WARNER. The Committee's understanding is that the extension of the Defense Production Act would allow the Banking Committee the time to give the reauthorization of the Defense Production Act the attention it deserves. Senator WARNER was kind enough to include this provision at my request.

Mr. WARNER. We understand that the Banking Committee intends to take a close look at the Defense Production Act, but may not be able to do so prior to the September 30, 1999 deadline. The Armed Services Committee is happy to accommodate the Banking Committee, as we did last year, and include a one-year extension of the Defense Production Act in the DOD authorization bill.

Mr. GRAMM. Mr. President, I thank the chairman of the Armed Services Committee for his courtesy and assistance on this issue. I ask unanimous consent to insert the following letter from Senator WARNER on this issue be printed in the Record.

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

#### Letter from Senator Warner

Mr. Chairman,

I am writing to request that the Armed Services Committee include a one-year authorization of the Defense Production Act in S. 1059, the Department of Defense authorization bill. As you know, pursuant to the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs has jurisdiction over the Defense Production Act. This Act is due to expire on September 30, 2000.

While it is the Banking Committee's intention to give more thorough attention to the Defense Production Act in the future, other issues such as financial services modernization have taken priority this year. As a result, it would be of great assistance if you would include in the upcoming defense authorization bill a provision such as the one-year extension above.

Thank you for your assistance in extending the Defense Production Act for another year.

Yours respectfully,

PHIL GRAMM
Chairman
Kosovo it is clear to me that we must support strategic airlift. Airlift remains one of the largest challenges our forces face, and I look forward to the Air Force act to resolve this issue with expediency and consider designating the C-5 or the C-17 airframe for the future of the Tennessee Air Guard.

Mr. WARNER. Mr. President, I am confident working with the Armed Services Committee and the Air Force that this issue will be resolved soon.

MEDAL OF HONOR TO ALFRED RASCON 1999

Mr. THURMOND. Mr. President, I am pleased to be an original cosponsor of the amendment which recommends the Congressional Medal of Honor be awarded to Mr. Alfred P. Rascon. I would like to take just a moment and introduce you to Mr. Rascon.

Alfred Rascon was born in Chihuahua, Mexico, and emigrated to the United States with his parents in the 1950's. He served two tours in Vietnam, one as a medic. When Rascon volunteered for the service, he was not yet a citizen but was a lawful permanent resident, and he was only 17 years of age but convinced his mother to sign his papers so he could enlist.

On March 16, 1966, then Specialist Alfred Rascon, while serving in Vietnam, performed a series of heroic acts that words simply cannot describe. For Rascon and the seven soldiers he aided while under direct gunfire, that day will long be remembered. Rascon's platoon found itself in a desperate situation under heavy fire by a powerful North Vietnamese force. When an American machine gunner went down and a medic was called for, Rascon, 20 at the time, ignored his orders to remain under cover and rushed down the trail amid an onslaught of enemy gunfire and grenades. To better protect the wounded soldier, Rascon placed his body between the enemy machine gun fire and this soldier. Rascon jolted as he was shot in the hip. Although wounded, he managed to drag this soldier off the trail. Rascon soon discovered the man he was dragging was dead.

Specialist 4th Class Larry Gibson crawled forward looking for ammunitions. The other machine gunner lay dead, and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammunition and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail and snared the dead soldier's machine gun and, most important, 400 rounds of additional ammunition. Eye-witnesses state that this act alone saved the entire platoon from annihilation.

The pace quickened and grenades continued to fall. One ripped open Rascon's face, but this did not stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy and absorbed the grenade blast himself, saving Haffy's life.

Though severely wounded, Rascon crawled toward the wounded soldier and provided aid. A few minutes later, Rascon witnessed Sergeant Ray Compion being hit by gunfire. As Rascon moved toward him, another grenade dropped. Instead of seeking cover, Rascon dove on top of the wounded sergeant and again absorbed the blow. This time the explosion smashed through Rascon's helmet and ripped into his scalp. Compton's life was spared.

When the firefight ended, Rascon refused aid for himself until the other wounded were evacuated. So bloodied by the conflict was Rascon that when soldiers placed him on the evacuation helicopter, a chaplain saw his condition and gave him last rites. But Alfred Rascon survived. He was so severely wounded that it was necessary to medically discharge him from the Army.

The soldiers who witnessed Rascon's deeds that day recommended him in writing for the Medal of Honor. Years later, these soldiers were shocked to discover that he had not received it. It appears their recommendations did not go up the chain of command beyond the platoon leader who did not personally witness the events. Rascon was instead awarded the Silver Star. Rascon's Silver Star citation details only a portion of his heroic actions on March 16, 1966.

Perhaps the best description of Alfred Rascon's actions came 30 years later from fellow platoon member Larry Gibson:

I was a 19-year-old gunner with a recon section. We were under intense and accurate enemy fire that had pinned down the point squad making it possible to move without being killed. Unhesitatingly, Doc (as Rascon was called) went forward to aid the wounded and dying. I was one of the wounded. Doc received 600 rounds of grenade fire, but it didn't stop him.

In these few words, I cannot fully describe the events of that day. The acts of unselfish heroism Doc performed while saving the many wounded, though severely wounded himself, speak for themselves. This country needs genuine heroes. Doc Rascon is one of those.

Rascon was once asked why he acted with such courage on the battle field even though he was an immigrant and not yet a citizen. Rascon replied, "I was always an American in my heart.

Mr. President, these actions speak for themselves. I first met Mr. Rascon in 1995. He came to see me as the Inspector General of the Selective Service System, where he continues to serve his nation today. In the course of our conversation I learned of his amazing story, and as the Chairman of the Senate Armed Services Committee at that time, I realized I had to act.

I contacted a number of officials at the Department of Defense and learned that his case could not even be examined because the law said time to consider those awards had expired. So, in the 1996 Defense Authorization Bill, we changed the law so that cases have passed since then; however, the Secretary of the Army and the Chairman of Joint Chiefs of Staff now agree and have recommended that Alfred Rascon be awarded the Medal of Honor, the Nation's highest award for valor. You have heard this story. The legislation authorizes the President to award the Medal of Honor to Alfred Rascon. If ever there was a case to recognize heroism and bravery far above and beyond the call of duty, this is it.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: Mrs. LINCOLN, Mr. BYRD, Mr. DOMENICI, Mr. BINGAMAN, Mr. DURBIN, Mr. SPECKER, Mr. BENNETT, Mr. HOLLINGS, Mr. SHELBY, Mr. ROCKEFELLER, Mr. BAYH, Mr. DeWINE, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. SESSIONS, Mr. DASCHLE, Mr. DORGAN, and Mr. HATCH. Subsequent to that markup, I ask unanimous consent that the following Senators be added as cosponsors: Mrs. LINCOLN, Mr. KOHL, Mr. HELMS, and Mr. BREXEA.

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

APPROPRIATIONS COMMITTEE RECOMMENDATIONS—H.R. 1664

Mr. BYRD. Mr. President, yesterday afternoon the Committee on Appropriations met and reported, en bloc, the Fiscal Year 2000 Department of Defense Appropriation Bill, the Fiscal Year 2000 302(b) allocations for the committee, and H.R. 1664, by a recorded vote of 24-3. At that full committee markup, the committee also adopted an explanatory statement of the committee's recommendations in relation to H.R. 1664. That explanatory statement, which was adopted in lieu of a committee report, was filed with the Senate by Mr. STEVENS (for himself and Mr. BYRD, Mr. DOMENICI, Mr. BINGAMAN, Mr. DURBIN, Mr. SPECKER, Mr. BENNETT, Mr. HOLLINGS, Mr. SHELBY, Mr. ROCKEFELLER, Mr. BAYH, Mr. DeWINE, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. SESSIONS, Mr. DASCHLE, Mr. DORGAN, and Mr. HATCH). Subsequent to that markup, I ask unanimous consent that the following Senators be added as cosponsors: Mrs. LINCOLN, Mr. KOHL, Mr. HELMS, and Mr. BREXEA.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD. I further ask unanimous consent that the explanatory statement of the committee be printed at the appropriate place in the CONGRESSIONAL RECORD.

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

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON H.R. 1664, A BILL MAKING APPROPRIATIONS FOR OPERATIONS IN KOSOVO

Mr. Stevens (for himself and Mr. BYRD, Mr. DOMENICI, Mr. BINGAMAN, Mr. DURBIN, Mr. SPECKER, Mr. BENNETT, Mr. HOLLINGS, Mr. SHELBY, Mr. ROCKEFELLER, Mr. BAYH, Mr. DeWINE, Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine, Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine, Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine, Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine, Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine, Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine,
Mrs. Hutchison, Ms. Landrieu, Mr. Sessions, Mr. Davis, and Mr. Harkin.

The Committee on Appropriations, to which was referred "H.R. 1664, making emergency supplemental appropriations for military operations in the Persian Gulf, and for other purposes," respectfully reports the same to the Senate with various amendments and an amendment to the title and presents herewith information relative to the same.

In order to expedite completion of congressional action relative to the emergency appropriations contained in H.R. 1664, as passed by the House of Representatives, as well as the emergency appropriations contained in H.R. 1141, the Fiscal Year 1999 Emergency Supplemental Appropriation Act, funding for both measures was included in H.R. 1141. The conference agreement on that measure was passed by the House of Representatives on May 18, 1999, by the Senate on May 20, 1999, and was signed by the President on May 21, 1999.

In accordance with an agreement with the bipartisan Senate leadership, all provisions which were contained in the Senate version of H.R. 1141 were deleted, without prejudice, from the conference agreement thereto. Pursuant to that agreement, these two provisions, the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, are to be considered expeditiously by the Senate in a freestanding emergency appropriation bill.

Since the conference agreement on H.R. 1141 included the necessary funding for Kosovo operations, the committee recommends that the text of H.R. 1664 as passed by the House be amended to remove House language, and that language relating to the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, with offsets, be added. In light of the emergency nature of the funding contained in these two supplemental programs, the committee hopes that no amendments will be offered to the measure and that it can be sent directly to the House. The Senate has agreed to submit a motion to go to conference within one week of receiving this bill after Senate passage, to allow normal appropriation conference, and to permit the resulting conference report to be brought up before the House. The committee urges that this matter be expedited by the Senate in order to hopefully complete action prior to the Memorial Day Recess on this critical emergency facing the steel and oil and gas industries and the tens of thousands of steel and oil and gas workers who have recently lost their jobs as the result of the massive influx of cheap and illegally-dumped imported steel and oil over the past year.

EMERGENCY STEEL LOAN GUARANTEE PROGRAM

The Emergency Steel Loan Guarantee Program, as reported by the committee, provides a two-year, GATT-legal, five-hundred-million-dollar guaranteed loan program to back loans provided by private financial institutions to qualified oil and gas producers and the oil and gas service industry, including Alaska Native Corporations. The minimum loan to be guaranteed for a single company at any one time would be $50,000,000 and the maximum would be $100,000,000. A board is established to administer this program consisting of the Secretaries of Commerce (who would serve as chairman), Treasury, and Labor. This board would have the authority to determine the specific requirements in awarding these loan guarantees, appropriate collateral, as well as loan amounts and interest rates thereon.

Repayment of the loans guaranteed under this program would be required within ten years. The committee makes these recommendations in response to the critical situation facing the U.S. steel industry. As a result of the devastation of the global financial chaos, in 1998, a record level of more than 41 million tons of both cheap and illegally-dumped steel flooded the U.S. market. This represented an increase of 83 percent over the 23-million ton average for the previous eight years. This wave of imported steel substantially reduced demand for U.S. steel production, and brought about the devastating loss of employment for more than ten thousand American steelworkers.

The U.S. Department of Commerce has found dumping margins of up to 200 percent on Russian steel, up to 67 percent on Japanese steel, and up to 70 percent on steel from Brazil. Appropriate actions are being pursued to stop those responsible for this illegal dumping of steel. However, even if penalty tariffs are collected against those responsible for this illegal dumping, they will not receive any compensation for the losses they have suffered. A number of U.S. steel plants have closed or declared bankruptcy since September of 1998, and a number of others are close behind.

Estimates are that jobs of thousands of additional steelworkers are in danger unless this illegal dumping is stopped and those in the U.S. steel industry are able to meet their financial obligations in order to get back on their feet.

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM

The Emergency Oil and Gas Guarantee program, as reported by the committee, provides a two-year, GATT-legal, five-hundred-million-dollar guaranteed loan program to back loans provided by private financial institutions to qualified oil and gas producers and the oil and gas service industry, including Alaska Native Corporations. The minimum loan to be guaranteed for a single company at any one time would be $50,000,000 and the maximum would be $100,000,000. A board is established to administer this program consisting of the Secretaries of Commerce (who would serve as chairman), Treasury, and Labor. This board would have the authority to determine the specific requirements in awarding these loan guarantees, appropriate collateral, as well as loan amounts and interest rates thereon.

Repayment of the loans guaranteed under this program would be required within ten years.

The committee makes these recommendations in response to the critical situation facing the U.S. steel industry. As a result of the beginning of the most recent oil and gas crisis (January 1997), the industry has lost 42,500 jobs. Bankruptcies have fueled the closure of an estimated 136,000 wells. Twenty percent of total U.S. marginal production has been jeopardized because of bankruptcies.

The economic slowdown in Asia led to depressed demand, and oversupply. The United Nation's Food for Oil program, which allows Iraq to sell additional oil in an already saturated market, further depressed prices.

Every key indicator of domestic oil and gas industries is down. Earnings, employment, production, rig counts, rig rates and seismic activity is down.

The committee notes that the United States has a 36 percent dependent when the oil embargo of the 1970s hit. U.S. foreign oil consumption is estimated at 56 percent and could reach 88 percent by 2010 if $10 to $12 per barrel prices prevail. It has been predicted that half of marginal wells located in 34 states could be shut-in. Marginal wells produce less than 15 barrels of oil and day and are the most vulnerable to closure when prices drop. Yet, these wells, in aggregate, produce as much oil as we import from Saudi Arabia.

There is no current government loan program that will help the oil and gas producers and the oil and gas service industry. The industry tried to use our trade laws but without success. In 1994, when U.S. dependence upon foreign oil was 51 percent, a Department of Commerce section 232(b) Trade Expansion Act investigation report found that rising imports of foreign oil threaten to impair U.S. national security because they increase U.S. vulnerability to oil supply interruptions. President Clinton concurred with the finding. Unfortunately, little action to address the problem has been implemented.

Without an emergency loan program to get them through the current credit crunch, there will be more bankruptcies, more lost jobs, and greater dependence on foreign oil.

The committee's recommendation includes a rescission of $270 million from the administration and travel accounts of the object class entitled "Contractual Services and Supplies" in the non-defense category of the budget. This category includes such things as $7 billion for travel and transportation; over $1 billion for advisory and assistance services; $44 billion for a category called "other services"; and almost $30 billion for supplies and materials. The rescission shall be taken on a pro-rata basis from funds available to every Federal agency, department, and office in the Executive Branch, in the opinion of the Office of Management and Budget is required to submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account and agency. The rescission shall be taken on a pro-rata basis from funds available to every Federal agency, department, and office in the Executive Branch, in the opinion of the Office of Management and Budget is required to submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account and agency.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI OF THE STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, the Committee ordered reported on bloc, an original fiscal year 2000 Department of Defense Appropriations bill, the fiscal year 2000 section 302(b) allocation, and H.R. 1664, by recorded vote of 24-3, a quorum being present.
CONGRESSIONAL RECORD—SENATE

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 25, 1999, the Federal debt stood at $5,600,993,485,850.44 (Five trillion, six hundred billion, nine hundred ninety-three million, four hundred eighty-five thousand, eight hundred fifty dollars and forty-four cents).

Five years ago, May 25, 1994, the Federal debt stood at $4,594,146,000,000 (Four trillion, five hundred ninety-four billion, one hundred forty-six million).

Ten years ago, May 25, 1989, the Federal debt stood at $2,779,572,000,000 (Two trillion, seven hundred seventy-nine billion, five hundred seventy-two million).

Fifteen years ago, May 25, 1984, the Federal debt stood at $1,489,052,000,000 (One trillion, four hundred eighty-nine billion, one hundred fifty-two million).

Mr. LEAHY. Mr. President, I have been circulating drafts of bills designed to provide WIC benefits to military personnel and to certain civilian personnel, stationed overseas, for a few weeks. I know that Senator HARKIN and other Senators on both sides of the aisle have also been working on this matter as have members of the other body.

I have received valuable input regarding my drafts from Members, national organizations and even personnel stationed overseas and I appreciate all who have helped. This bill introduction does not mean that I am no longer seeking input. On the contrary, as I have always handled nutrition legislation, I want to work with all Members on this important legislation, which I hope can be unanimously passed.

Basically, the Strengthening Families in the Military Service Act mandates that the Secretary of Defense offer a program similar to the WIC program—the Supplemental Nutrition Program for Women, Infants and Children—to military and associated civilian personnel stationed on bases overseas. If it makes sense to allow those stationed in the United States to participate in WIC, it makes sense to allow those stationed overseas to have the important nutritional benefits of that program. Why should families lose their benefits when they are moved overseas?

This bill provides that the Secretary of Defense will administer the program under rules similar to the WIC program administered by the Secretary of Agriculture within the United States. WIC is celebrating its 25th anniversary this year. In fact, just a few weeks ago, I joined Senators LUGAR and TORRICELLI, the National Association of WIC Directors’ Executive Director Doug Greenaway, as well as others, in celebrating this accomplishment.

For 25 years the WIC program has provided nutritious foods to low-income pregnant, post-partum and breastfeeding women, infants, and children who are judged to be at a nutritional risk.

It has proven itself to be a great investment—for every dollar invested in the WIC program, an estimated $3 is saved in future medical expenses. WIC has helped to prevent low birth weight babies and associated risks such as developmental disabilities, birth defects, and other complications. Participation in the WIC program has also been linked to reductions in infant mortality.

This program has worked extremely well in Vermont, and throughout the nation.

However, despite the successes of this program, there continues to be an otherwise eligible population who cannot receive these benefits—women and children in military families stationed outside of the United States.

These are families who are serving our country, living miles from their homes on a military base in a foreign land, and whose nutritional health is at risk. If they were stationed within the borders of the United States, they would be supplemented by the WIC program, and they would receive vouchers or packages of healthy foods, such as fortified cereals, juices, and high protein products, and other foods especially rich in needed minerals and vitamins. If they receive orders stationing them at a U.S. base located in another country, they lose this needed support.

I know that I am not alone in my desire to establish WIC benefits for our women and children of military families stationed overseas. I look forward to working with all Members of Congress in making a program that benefits nutritionally at risk women, infants and children serving America from abroad. I know there are other approaches being considered and I want to work out a good solution.

I have been informed of situations where this nutrition assistance is desperately needed by military and civilian personnel stationed overseas. How can we turn our backs on these Americans stationed abroad? I am willing to work with other ways of providing this assistance but I believe that my bill has advantages over other suggestions. First, this bill guarantees this assistance for the next three years and mandates a study to determine if improvements or other changes are needed.

This bill also disregards the value of in kind housing assistance in calculating eligibility which increases the number of women, infants and children that can participate and makes the program more similar to the program in the United States. The CBO has estimated that the average monthly food cost would be about $28 for each participant based on a Department of Defense estimate of the cost of an average WIC food package in military commissaries. Administration costs which include health and nutrition assessments are likely to be about $7 per month per participant, according to CBO.

I am advised that counting the value of in kind housing assistance as though it were cash assistance would reduce the cost of this program to $2 million per year and that 5,100 women and children would participate in an average month under such an approach. This will be an issue which I look forward to discussing with my colleagues.

I ask unanimous consent that a copy of my bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

8.—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 ‘‘Strengthening Families in the Military Service Act of 1999’’.
SEC. 2. FINDINGS AND PURPOSE.
(a) The Congress finds that—
(1) prenatal care and proper nutrition for pregnant women reduces the incidence of birth abnormalities and low birth weight among infants;
(2) proper nutrition for infants and young children has very positive health and growth benefits; and
(3) women, infants, and children of military families stationed outside the United States are potentially at nutritional risk.
(b) The purpose of this Act is to ensure that women, infants, and children of military families stationed outside the United States receive supplemental foods and nutrition education if they generally would be eligible to receive supplemental foods and nutrition education provided in the United States under the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

SPECIAL SUPPLEMENTAL NUTRITION BENEFITS FOR WOMEN, INFANTS, AND CHILDREN OF MILITARY FAMILIES STATIONED OUTSIDE THE UNITED STATES.

Section 1060a of title 10, United States Code, is amended—
(1) by redesignating subsection (f) as subsection (h); and
(2) by striking subsections (a) through (e) and inserting in lieu thereof the following:

"(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Agriculture, shall establish and carry out a program to provide, at no cost to the recipient, supplemental foods and nutrition education to
(1) low-income pregnant, postpartum, and breastfeeding women, infants, and children up to 5 years of age of military families of the armed forces of the United States stationed outside the United States (and its territories and possessions); and
(2) eligible civilians serving with, employed by, or accompanying the armed forces stationed outside the United States (and its territories and possessions).

"(b) ADMINISTRATION.—Except as otherwise provided, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall operate the program under this section in a manner that is similar to the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(c) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Agriculture, shall promulgate regulations to carry out this section that are as similar as practicable to regulations promulgated to carry out the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966, but that take into account—
(1) the need to use military personnel to carry out functions under the program established under this section, including functions relating to supplemental foods, nutrition education, eligibility determinations, oversight, enforcement, auditing, financial management, and program evaluation; and
(2) the need to limit participation to certain military installations to ensure efficient program operations using funds made available to carry out this section.

"(d) other factors or circumstances determined appropriate by the Secretary of Defense, including the need to phase-in program operations during fiscal year 2000.

"(d) ADMINISTRATIVE RESPONSIBILITY.—
(1) The Secretary of Defense shall be responsible for the implementation, management, and operation of the program established under this section, including the proper expenditure of funds made available to carry out this section.

"(2) INVESTIGATION AND MONITORING.—The Inspectors General of the Armed Forces and the Department of Defense shall investigate and monitor the implementation of this section.

"(e) RECORDS.—The Secretary of Defense shall require that such accounts and records (including medical records) be maintained as are necessary to enable the Secretary of Defense to
(1) determine whether there has been compliance with this section; and
(2) determine and evaluate the adequacy of benefits provided under this section.

"(f) REPORT.—
(1) IN GENERAL.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit a report reviewing the implementation of this section to
(A) the Committee on Agriculture of the House of Representatives;
(B) the Committee on Armed Services of the House of Representatives;
(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and
(D) the Committee on Armed Services of the Senate.

"(2) CONTENTS OF REPORT.—The report under paragraph (1) shall include a description of participation rates, typical food packages, health and nutrition assessment procedures, eligibility determinations, management difficulties, and benefits of the program established under this section.

"(g) FUNDING.—
(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of Defense shall provide to the Secretary of Defense to carry out this section—
(A) $8,000,000 for fiscal year 2000;
(B) $12,000,000 for fiscal year 2001; and
(C) $12,000,000 for fiscal year 2002.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary of Defense shall be entitled to receive the funds and shall accept the funds, without further appropriation.

IMPORTED FOOD SAFETY ACT

Mr. FRIST. Mr. President, I rise to join with Senator COLLINS in introducing S. 1123, the Imported Food Safety Act of 1999. This legislation will address a growing problem that affects everyone in this nation, the safety of the food that we eat.

The Centers for Disease Control and Prevention estimates as many as 9,100 deaths are attributed to foodborne illness each year in the United States. In addition there are tens of millions of illnesses each year in the United States. In fact, since the 1980's food imports to the United States receive supplemental foods and nutrition education provided in the United States under the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(e) RECORDS.—The Secretary of Defense shall require that such accounts and records (including medical records) be maintained as are necessary to enable the Secretary of Defense to
(1) determine whether there has been compliance with this section; and
(2) determine and evaluate the adequacy of benefits provided under this section.

"(f) REPORT.—
(1) IN GENERAL.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit a report reviewing the implementation of this section to
(A) the Committee on Agriculture of the House of Representatives;
(B) the Committee on Armed Services of the House of Representatives;
(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and
(D) the Committee on Armed Services of the Senate.

"(2) CONTENTS OF REPORT.—The report under paragraph (1) shall include a description of participation rates, typical food packages, health and nutrition assessment procedures, eligibility determinations, management difficulties, and benefits of the program established under this section.

"(g) FUNDING.—
(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Defense to carry out this section—
(A) $8,000,000 for fiscal year 2000;
(B) $12,000,000 for fiscal year 2001; and
(C) $12,000,000 for fiscal year 2002.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary of Defense shall be entitled to receive the funds and shall accept the funds, without further appropriation.

IMPORTED FOOD SAFETY ACT

Mr. FRIST. Mr. President, I rise to join with Senator COLLINS in introducing S. 1123, the Imported Food Safety Act of 1999. This legislation will address a growing problem that affects everyone in this nation, the safety of the food that we eat.

The Centers for Disease Control and Prevention estimates as many as 9,100 deaths are attributed to foodborne illness each year in the United States. In addition there are tens of millions of cases of foodborne illness that occur, the majority of which go unreported and we are not aware enough to warrant medical attention.

The legislation that Senator COLLINS and I have crafted will target one of the most critical areas in helping to provide Americans with the safest food possible—the safety of imported food.

The CDC has recognized that as trade and economic development increases, the globalization of food supplies is likely to have an increasing impact on foodborne illnesses.

Currently, one-half of all the seafood and one-third of all the fresh fruit consumed in the United States comes from overseas. In fact, since the 1980's food imports to the United States have doubled, but federal inspections by Food and Drug Administration have dropped by 50 percent.

Over the years there have been foodborne pathogen outbreaks involving raspberries from Guatemala, strawberries from Mexico, scallions, parsley with a history of import violations to Peru, coconut milk from Thailand, canned mushrooms from China and others. These outbreaks have serious consequences. The Mexican frozen strawberries I have just noted were distributed in the school lunch programs in several states. Some state of Tennessee, were attributed to causing an outbreak of Hepatitis A in March of 1997.

The Collins-Frist bill will do several vital things to safeguard against potentially dangerous imported food. The bill would allow the U.S. Customs Service, using a system established by FDA, to deny entry of imported food that has been associated with repeated and separate events of foodborne disease.

The bill would also allow the FDA to require food being imported by entities to be held in a secure storage facility pending FDA approval and Customs release.

To improve the surveillance of imported food, we authorize CDC to enter into cooperative agreements and provide technical assistance to the States to conduct additional surveillance and studies to address critical questions for the prevention and control of foodborne diseases associated with imported food, and authorize CDC to conduct applied research to develop new or improved diagnostic tests for emerging foodborne pathogens in human specimens, food, and relevant environmental samples.

These are just a few of the many provisions in this bill that will help improve the quality and safety of the imported food that we consume every day. I applaud my colleague, Senator COLLINS, who as Chairman of the Senate Permanent Subcommittee on Investigations held 4 comprehensive hearings last year on the issue of food safety. As Chairman of the Senate Subcommittee on Public Health, I look forward to working with Senator COLLINS and the rest of my colleagues on the issue of food safety and our overall efforts in improving import safety.
our Nation’s public health infrastruc-
ture. We must continue to fight infec-
tious diseases and ensure that this legis-
lation is enacted to help protect our citi-
cizens and provide them with the healthiest food possible.

AGRICULTURAL TRADE FREEDOM ACT

Mr. LEAHY. Mr. President, I would like to take a moment to voice my support for S. 566, the Agricultural Trade Freedom Act, which was passed out of the Senate Committee on Agriculture, Nutrition and Forestry this morning on a 17–1 vote. I appreciate Senator Lugar’s strong leadership on these trade and international issues.

More than any other industry in America, agriculture is extremely dependent on international trade. Almost one-third of our domestic agricultural production is sold outside of the United States. Clearly, a strong international market for agricultural commodities is therefore of utmost importance to our agricultural economy.

As some of those who work in this field from agricultural states know, the business of agriculture in America reaches far beyond farmers alone. There are many rural businesses, such as feed stores, machinery repair shops and veterinarians, which depend on a strong agricultural economy. And when we discuss international trade, there are many national businesses, such as agricultural exporters, which are greatly impacted by our trade policies.

Despite the importance of these international markets, agricultural commodities are occasionally eliminated from potential markets because of U.S. imposed unilateral economic sanctions against other countries. These economic sanctions are imposed for political, foreign policy reasons. Yet there is little to show that the inclusion of agricultural commodities in these sanctions actually have had the intended results.

The question now emerging from this policy is who is actually hurt by the ban on exporting commercial agricultural commodities, and should it continue?

American farmers and exporters obviously face an immediate loss in trade when unilateral economic sanctions are imposed. Perhaps even more devastating, however, is the long-term loss of the market. Countries who need agricultural products do not wait for American sanctions to be lifted; they find alternative markets. This often leads to the permanent loss of a market for our agriculture industry, as new trading partnerships are established and maintained.

Our farmers, and the rural businesses and agriculture exporters associated with them, are consequently greatly hurt by this policy. The Agricultural Trade Freedom Act corrects this problem by exempting commercial agricultural products from U.S. unilateral economic sanctions. The exemption of commercial agricultural products is not absolute; the President can make the determination that these items are indeed a necessary part of the sanction for achieving the intended foreign policy goal. In this situation, the President would be required to report to Congress regarding the purposes of the sanctions and their likely economic impacts.

Recently, the administration lifted restrictions on the sale of food to Sudan, Iran and Libya—all countries whose governments we have serious disagreements with. It did so, and I am among those who supported that decision, because food, like medicines, should not be used as a tool of foreign policy. It is also self-defeating. While our farmers lost sales, foreign farmers made profits.

Unfortunately, the administration did not see fit to apply the same reasoning to Cuba. American farmers cannot sell food to Cuba, even though it is just 90 miles from our shores and there is a significant potential market there. This contradiction is beneath a great and powerful country, and Senator Lugar’s legislation would permit such sales. The administration should pay more attention to what is in our national interests, rather than to a tiny, vocal minority who are wedded to a policy that has hurt American farmers and the Cuban people.

The Agricultural Trade Freedom Act maintains the President’s need for flexibility in foreign policy while simultaneously recognizing the impact that sanctions may have on the agricultural economy. The Act is supported by dozens of organizations including the National Association of State Departments of Agriculture, the U.S. Dairy Export Council, the National Milk Producers Federation, and the National Farmers Union.

In closing, I would like to thank Senator LUGAR for his leadership on this issue. I was pleased to join with him, the ranking member, Senator HARKIN, the Democratic Leader, Senator DASCHLE, Senator CONRAD and others in this effort, and I look forward to working with them and all members of the Senate to see that this measure becomes law.

THE GUN SHOW LOOPHOLE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that a copy of a letter from the International Brotherhood of Police Officers, on support of my amendment to close the gun show loophole, be printed in the RECORD.

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


Hon. Frank Lautenberg,
U.S. Senate, Washington, DC.

Dear Senator Lautenberg: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International. The IBPO is the largest police union in the A.F.L.-C.I.O. On behalf of the entire membership of the IBPO, I am writing to express our support for your amendment that would close the gun show loophole. Every year, there are approximately 4,000 gun shows across the country where criminals can buy guns without a background check. This problem arises because while federally-licensed dealers sell most of the firearms at these shows, about 25 percent of the people selling firearms are not licensed and they are not required to comply with the background check as mandated by the Brady Law.

The “Lautenberg amendment” will close the gun show loophole and help law enforcement crack down on illegal firearms. We urge you to support this amendment and to close this loophole on a 17–1 vote. I appreciate Senator BRYAN. Mr. President, I want to voice my disagreement with a portion of Senate Report Number 106-44, which accompanied S. 900, the Financial Services Modernization Act of 1999. The Report describes an amendment that I offered that was adopted by an unanimous vote of the Senate Banking Committee during its consideration of S. 900. I want to explain what I intend that amendment to mean and how I intend its language to be interpreted.

At issue is the cross-marketing of insurance products, which is the sale, solicitation and sales of insurance and securities. At issue is the cross-marketing of insurance products, which is the sale, solicitation and sales of insurance and securities. The amendment that I offered would prohibit the sale of insurance products by a non-insurer national banking association, thus giving national banks exclusive authority over cross-marketing of insurance products.

The amendment would prevent national banking associations from taking advantage of one of the requirements of the proposed legislation is to ensure that the activities of everyone who engages in the business of insurance should be functionally regulated by the

FINANCIAL SERVICES MODERNIZATION ACT OF 1999

Mr. BRYAN. Mr. President, I want to voice my disagreement with a portion of Senate Report Number 106-44, which accompanied S. 900, the Financial Services Modernization Act of 1999. The Report describes an amendment that I offered that was adopted by an unanimous vote of the Senate Banking Committee during its consideration of S. 900. I want to explain what I intend that amendment to mean and how I intend its language to be interpreted.

At issue is the cross-marketing of insurance products, which is the sale, solicitation and sales of insurance and securities. The amendment that I offered would prohibit the sale of insurance products by a non-insurer national banking association, thus giving national banks exclusive authority over cross-marketing of insurance products.

The amendment would prevent national banking associations from taking advantage of one of the requirements of the proposed legislation is to ensure that the activities of everyone who engages in the business of insurance should be functionally regulated by the
Mr. SARBANES. I wish to associate myself with the statements of my colleague, Senator Bryan, the author of the amendment adopted by the Banking Committee. My understanding in voting for his amendment was that it codified the Barnett Bank standard for preemption of State laws. The Committee Report accompanying S. 900 seeks to amplify or adopt a glossing of the Barnett Bank standard. I would like to ask the Senator from Nevada whether the gloss put on the "prevent or significantly interfere" standard in the Committee Report is in keeping with his amendment.

Mr. BRYAN. My colleague from Maryland asks a perceptive question. The Committee Report attempts to clarify the core preemption standard in a way that is contrary to the meaning of the provision. The Report states that State laws are preempted not only if they "prevent or significantly interfere" with a national bank's exercise of its powers but also if they "unlawfully encroach" on the rights and privileges of national banks: if they "destroy or hamper national banks' functions" or if they "interfere with or impair national banks' efficiency in performing authorized functions." The clauses after the initial restatement of the standard are paraphrases of the holdings of the cases cited in Barnett.

As I noted earlier, I intentionally omitted any amplification of the Barnett standard. In addition, the last paraphrase (regarding "efficiency") is correct and harmful. It is incorrect because it implies that it applies to any authorized function. In fact, the case cited by the Supreme Court in Barnett said that a State cannot impair a national bank's or its affiliate's or subsidiary's efficiency in selling insurance. The Barnett opinion does not support any such reading. Moreover, if this language had been suggested as an amendment prior to its consideration, I would not have supported it. It would have swallowed the majority of my colleagues.

The Committee Report also lists several examples of State law provisions that the Report states should be preempted under the standard, incorporated into S. 900. As noted above, this violates my intent in offering an amendment that less restrictive provisions that would be preempted. I wish to note that less restrictive provisions that merely require the physical separation of insurance activities from other activities within a bank are not preempted under the Section 104(d)(2)(A) preemption standard. The intent underlying the amendment was to leave these determinations of what is or is not preempted to the courts, based on the applicable legal standards identified in Barnett.

Finally, I felt compelled to note that page 15 of the Committee Report states that nothing in the preemption provisions can be read to require licensure of the bank itself, only of employees acting as agents. While this technically true, it creates some potential confusion with the core licensure requirement. This should be read as allowing institution licensure so long as that licensure does not "prevent or significantly interfere with" the exercise of authorized insurance sales powers.

Mr. SARBANES. I would like to point out that the language of the amendment offered by my colleague from Nevada was previously explained in the Report of the Banking Committee that accompanied H.R. 10 last Congress. The report said that State laws outside the 13-point safe harbor, the bill does not limit in any way the application of the Supreme Court's Barnett Bank decision. State laws outside the safe harbor could be challenged under that decision. This year's Committee Report incorrectly describes the standard that State laws must meet under Barnett Bank in order to avoid being preempted.

Mr. BRYAN. In closing, I should say that I would have brought my concerns regarding the Committee Report language directly to the Committee Chairman, Senator Gramm, and his staff but I did not have the opportunity to read the Committee Report language discussing my amendment prior to its publication.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.
MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 26. Joint resolution expressing the sense of Congress with respect to the court martial conviction of the late Rear Admiral Charles Burton McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. Indianapolis.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer referred the following messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees. (The nominations received today are printed at the end of the Senate proceedings.)

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–3291. A communication from the Director, Corporate Audits and Standards, Accounting and Information Management Division, General Accounting Office, transmitting, pursuant to law, the report of a rule entitled “Securities and Exchange Commission: Review of Food for Human Consumption”; received May 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3292. A communication from the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Securities and Exchange Commission: Review of Small Business; West Coast Salmon Fisheries; Amendment to the Final Rule” (RIN 1320–AD6); received May 19, 1999; to the Committee on Governmental Affairs.

EC–3293. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Community Eligibility, 64 FR 24512, 05/07/99”; received May 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3294. A communication from the Acting Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments”; received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3306. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States-Announcement That the 1996 Summer Flounder Commercial Quota Has Been Harvested for Maine”; received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3308. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States-Final Rule to Implement Framework Amendment 7 to the Tautog Species Fishery Management Plan and 1999 Target Total Allowable Catch” (RIN0648–AL72); received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3309. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Financial Assistance for Research and Development Projects in the Northeast Coastal States; Marine Fisheries Initiative (MARFIN)” (RIN0648–ZA62); received April 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3310. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Financial Assistance for Research and Development Projects in the Northeast Coastal States; Marine Fisheries Initiative (MARFIN)” (RIN0648–ZA62); received April 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3311. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Halibut and Sablefish Fisheries Quota–Share Loan Program; Final Program Notice and Announcement of Availability of Federal Financial Assistance” (RIN0648–ZA48); received May 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3312. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries in the Exclusive Economic Zone off Alaska; Hired Skipper Requirements for the Individual Fishery Quota Program” (RIN0648–ZB10); received May 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3313. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 13” (RIN0648–AK31); received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

Analysis and Development, Policy and Program Development, Food and Drug Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Imported Fire Ant; Quarantine and Emergency Exemption” (Docket No. 98–125–1), received May 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3329. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Revised Restrictions on Assistance to Noncitizens-Final Rule (FR–4154)” (RIN25061–AC05); received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3330. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Suspension of Section 8 Tenant-Based Assistance; Statutory Mergers of Section 8 Certificate and Voucher Programs; Interim Rule (FR–4429)” (RIN2577–A683); received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3331. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Total Allowable Catch” (RIN0648–AC20); received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3332. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations, 64 FR 24517, 05/07/99”; received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3333. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility, 64 FR 24517, 05/07/99”; received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3334. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations, 64 FR 24517, 05/07/99”; received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3335. A communication from the Director of the Experimental Program to Stimulate Competitive Technology, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Experimental Program to Stimulate Competitive Technology” (RIN0648–ZB98); received April 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3336. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States—Announcement That the 1996 Summer Flounder Commercial Quota Has Been Harvested for Maine”; received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3337. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States—Announcement That the 1996 Summer Flounder Commercial Quota Has Been Harvested for Maine”; received April 2, 1999; to the Committee on Commerce, Science, and Transportation.
EC–3313. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 13 and 80 of the Rules Concerning the Global Maritime Distress and Safety System" (FCC 98–180) (PR Docket No. 90–460), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3323. A communication from the Chief, Competitive Pricing Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Defining Primary Lines" (CC Docket No. 97–181), received April 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3324. A communication from the Attorney, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Second Extension of Computer Reservations System Rules" (RIN2105–AG75), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3325. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Service Contracts Subject to the Shipping Act of 1984" (FMC Docket No. 98–30), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3317. A communication from the Director, Resource Management and Planning Staff, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Market Development Cooperator Program" (RIN0625–ZA05), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3318. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service" (FCC 97–111) (CC Docket No. 96–45), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.


EC–3320. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order: In the Matter of Satellite Delivery of Broadcast Network Signals under the Satellite Home Viewer Act" (FCC 99–11) (CC Docket No. 98–201), received April 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3321. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 17 and 87 of the Commission’s Rules Concerning Aviation Radio Service and ANtenna Structure Construction, Marking and Lighting" (FCC Docket No. 99–1 and 96–211), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3322. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Public Notice of Proposed Consent Decree in Connection with the Consent Decree in Connected Television System Matter" (FCC 96–199) (CC Docket No. 95–130), received April 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3323. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, two reports relative to the 1997 Toxics Release Inventory; to the Committee on the Judiciary.

EC–3324. A communication from the Acting Assistant Chief, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Landowner, Landowner-Managed Forest Exchange," received May 10, 1999; to the Committee on Energy and Natural Resources.

EC–3325. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, a report relative to Year 2000 capabilities of DoD systems within operational environments of the Command Services.

EC–3326. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the status of the U.S. Parole Commission; to the Committee on the Judiciary.

EC–3327. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to judgehip needs in the U.S. courts of appeals and U.S. district courts; to the Committee on the Judiciary.

EC–3328. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Federal Courts Improvement Act of 1999"; to the Committee on the Judiciary.

EC–3329. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report titled "Federal Offenders; to the Committee on the Judiciary.

EC–3330. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, a report relative to the use of Federal lands for military training and testing; to the Committee on Armed Services.

EC–3331. A communication from the Acting Assistant Chief, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Landowner, Landowner-Managed Forest Exchange," received May 10, 1999; to the Committee on Energy and Natural Resources.

EC–3332. A communication from the Acting Assistant Attorney General, transmitting, a draft of proposed legislation entitled "Forfeiture Act of 1999"; to the Committee on the Judiciary.

EC–3333. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to the Saint-Gaudens National Historic Site; to the Committee on Energy and Natural Resources.

EC–3334. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, a draft of proposed legislation relative to a visitor center for the Upper Delaware Scenic and Recreational River; to the Committee on Energy and Natural Resources.

EC–3335. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to the Saint-Gaudens National Historic Site; to the Committee on Energy and Natural Resources.

EC–3336. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, a draft of proposed legislation entitled "Appeals of MMS Orders" (RIN1010–AC21), received May 6, 1999; to the Committee on Energy and Natural Resources.

EC–3337. A communication from the Senior Civilian Official, Command, Control, Communications, and Intelligence, Department of Defense, transmitting, pursuant to law, a report relative to Year 2000 capabilities of DoD systems within operational environments of the Command Services.

EC–3338. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the status of the U.S. Parole Commission; to the Committee on the Judiciary.

EC–3339. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to judgehip needs in the U.S. courts of appeals and U.S. district courts; to the Committee on the Judiciary.

EC–3340. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Proprietary Use of the Landmark Eddystone Lighthouse; and Acceptable Sponsorship Agreement and Guaranty of Transportation" (RIN1115–AF14) (INS No. 1999–99), received May 24, 1999; to the Committee on the Judiciary.

EC–3341. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Federal Courts Improvement Act of 1999"; to the Committee on the Judiciary.

EC–3342. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report titled "Triennial Comprehensive Report on Immigration"; to the Committee on the Judiciary.

EC–3343. A communication from the Attorney General, transmitting, pursuant to law, a report enclosing the "Triennial Comprehensive Report on Immigration"; to the Committee on the Judiciary.

EC–3344. A communication from the Acting Assistant Attorney General, transmitting, a draft of proposed legislation entitled "Forfeiture Act of 1999"; to the Committee on the Judiciary.

EC–3345. A communication from the Acting Assistant Attorney General, transmitting, a draft of proposed legislation entitled "Forfeiture Act of 1999"; to the Committee on the Judiciary.
May 26, 1999

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. LUGAR, for the Committee on Agriculture, Nutrition, and Forestry:

Thomas J. Erickson, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2003.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee’s commitment to respond to requests to appear and testify before any duly 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 Ms. COLLINS (for herself and Mr. COVERDELL):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. HATCH, and Mr. MACK):

S. 1125. A bill to restrict the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 1126. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COVERDELL (for himself and Ms. COLLINS):

S. 1127. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for reasonable and incidental expenses related to instruction, teaching, or other educational job-related activities; to the Committee on Finance.

By Mr. KYL (for himself, Mr. KERRY, Mr. NICKLES, Mr. BREAUX, Mr. MACK, Mr. BOND, and Mr. GRAMM):

S. 1128. A bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets; to the Committee on Finance.

By Mr. DOMENICI:

S. 1129. A bill to facilitate the acquisition of holdings in Federal land management units and the disposal of surplus public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. BOND, Mr. BURNS, Mr. GORTON, Mr. PROPP, and Mr. DPROPP):

S. 1130. A bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. EDWARDS (for himself and Mr. GRAMM):

S. 1131. A bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow the reinvestment of employee stock ownership plan dividends without the loss of any dividend reduction; to the Committee on Finance.

By Mr. GRAMS:

S. 1133. A bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOXER:

S. 1134. An original bill to amend the Internal Revenue Code of 1986 to allow tax-exempt expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. WYDEN:

S. 1135. A bill to amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communication in which a candidate attacks an opponent of the candidate unless the candidate discloses in person to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself and Mr. GRAMM):

S. 1136. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Finance.

By Mrs. BOXER:

S. 1137. A bill to amend the Clayton Act to enhance the authority of the Attorney General of the United States to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. WYDEN, Mr. HATCH, Mrs. FRENKEL, Mr. GORTON, Mr. BENNETT, Mr. LOFT, Mr. ABRAHAM, Mr. FRIST, Mr. BURNS, Mr. SANTORIM, Mr. SMITH of Oregon, and Mr. LIEBERMAN):

S. 1138. A bill to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce; read the first time.

By Mr. REID (for himself and Mr. FRIST):

S. 1139. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air transportation information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. REID):

S. 1140. A bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1141. A bill to suspend temporarily the duty on triethylene glycol bis(2-ethyl hexanoate); to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BREAUX (for himself, Mr. MURKOWSKI, Mr. MACK, and Mr. JOHNSON):

S. Res. 108. A resolution designating the month of March each year as “National Colorectal Cancer Awareness Month”; to the Committee on the Judiciary.

By Mr. LOTT:

S. Con. Res. 35. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. COVERDELL):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers; to the Committee on Finance.

By Mr. COVERDELL (for himself and Ms. COLLINS):

S. 1127. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for reasonable and incidental expenses related to instruction, teaching, or other educational job-related activities; to the Committee on Finance.

TEACHER PROFESSIONAL DEVELOPMENT ACT

By Mr. COVERDELL (for himself and Ms. COLLINS):

S. 1130. A bill to amend title 49, United States Code, with respect to liability of TEACHER DEDUCTION FOR INCIDENTAL EXPENSES ACT

Ms. COLLINS. Mr. President, today, Senator COVERDELL and I are introducing two bills that will help teachers who spend their personal funds in order to improve their teaching skills and to provide quality learning materials for their students. I am going to discuss the first of those bills, the Teachers’ Professional Development Act.

I am very pleased to be joined by my colleague from Georgia, Senator COVERDELL, in presenting this response to the critical need of our elementary and secondary schoolteachers for more professional development.

Other than involved parents, a well-qualified teacher is the most important element of student success. Educational researchers have repeatedly demonstrated the close relationship between well-qualified teachers and successful students. Moreover, teachers
themselves understand how important professional development is to maintaining and expanding their levels of competence. I meet with Maine teachers, they tell me of their need for more professional development and the scarcity of financial support for this worthwhile pursuit.

In Maine, we have seen the results of a strong, sustained professional development program on student achievement in science and math. With support from the National Science Foundation, the U.S. Department of Education, the State of Maine, private foundations, the business community, and colleges in our State, the Maine Mathematics and Science Alliance established a statewide training program for teachers. The results have been outstanding.

We, like American students, overall, performed at the bottom of the Third International Science and Mathematics Study. Maine students outperformed the students of all but one of the 41 participating nations. The professional development available to Maine’s science and math teachers undoubtedly played a critical role in this tremendous success story. Unfortunately, however, this level of support for professional development is the exception and not the rule.

The willingness of Maine’s teachers to fund their own professional development activities has impressed me deeply. For example, an English teacher who serves as a member of my Educational Policy Advisory Committee told me of spending her own money to attend a curriculum conference. She then came back to her high school and shared the results of this curriculum conference with all the other teachers in her English department. She is typical of English teachers throughout the United States who generously reach within their own pockets to pay for their own professional development to make them even better, even more effective at their jobs.

I firmly believe that we should encourage our educators to seek professional training and that is the purpose of the legislation I am introducing today. The Collins-Coverdell legislation would help teachers to finance professional development by allowing them to deduct from their taxable income such expenses as conference fees, tuitions, books, supplies, and transportation associated with qualifying programs. Under the current law, teachers may only deduct these expenses if they exceed 2 percent of their income. My bill would eliminate this 2 percent floor and allow all of the professional development expenses to be deductible.

I greatly admire the many teachers who have voluntarily financed the additional education they need to improve their skills and to serve their students better. I hope that this legislation will encourage teachers to continue to take courses in the subject areas that they teach, to complete graduate degrees in either their subject area or in education, and to attend conferences to get new ideas for presenting course work in a challenging manner. This bill would reimburse our teachers for a very small part of what they invest in our children’s future. This would be money well spent.

Investing in education is the surest way for us to build one of our most important assets for our country’s future, and that is a well-educated population.

We need to ensure that our nation’s elementary and secondary school teachers are the best possible so that they can bring out the best in our students. Adopting this legislation would help us to accomplish this goal.

I urge my colleagues to support these efforts, and to working with my colleagues in assuring enactment of this legislation.

Thank you, Mr. President.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. HATCH, and Mr. MACK):

S. 1125. A bill to restrict the authority of the Federal Communications Commission to review mergers and to require the separation of licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS MERGER REVIEW ACT OF 1999

Mr. MCCAIN. Mr. President, I rise this morning to introduce The Telecommunications Merger Review Act of 1999, which would require government review of telecommunications industry mergers more coherent and effective.

It seems like hardly a week goes by without the announcement of yet another precedent-setting merger in the telecommunications industry. Consumers are right to be concerned about the possible effects of these mergers, and the Congress is right to be concerned that government review of these mergers is careful and consistent in keeping consumer interests uppermost.

The urgent need for competence and clarity in reviewing telecom industry mergers highlights a glaring problem in the current system. That problem, Mr. President, arises from the fact that different agencies sequentially go over the same issues, and, after considerable delay, can make radically different decisions on the same sets of facts.

Two of these agencies, the Department of Justice and the Federal Trade Commission, have extensive expertise in analyzing the competition-related issues that are involved in mergers, and they approach the merger review process with a great deal of professionalism and efficiency.

The third agency, the Federal Communications Commission, has comparatively little expertise in these issues, and only limited authority under the law.

Nevertheless, the FCC has bootstrapped itself into the unintended role of official federal dealbreaker. How? By using its authority to impose conditions on the FCC licenses that are being transferred as part and parcel of the overall merger deal. Because the FCC must pre-approve all license transfers, its ability to pass on the underlying licenses gives it a chokehold on the parties to the merger. And it uses that chokehold to prolong the process and extract concessions from the merging parties that oftentimes have very little, if anything, to do with the merger.

Mr. President, many people might ask, what's so bad about that? Won't the FCC's conditions make sure that consumer interests are served? The short answer is, that they simply duplicate the review and that the Department of Justice performs with much more competence and efficiency.

About the best you can say is that the FCC is wasting valuable resources that could more productively be spent elsewhere. But the real harm lies in the fact that the FCC is foisting needless burdens and restrictions on the merging companies that translate into higher costs for consumers.

The FCC tries to defend its efforts by arguing that its job is really different from DOJ's—that DOJ makes sure that a merger won't harm competition, while the FCC makes sure that the same merger will help competition. In other words, according to the FCC, DOJ looks at a merger's effect on business; the FCC looks at its effect on people. For example, last week FCC Chairman Kennard gave a speech in which he proclaimed that, despite the strain that merger reviews are causing on the agency, “We will not rest until on each transaction we can articulate to the American public what are the benefits of this merger to average American consumers, because I believe that's what the public-interest review requires.”

If that's true, I have good news for Chairman Kennard—he can take a rest, because DOJ is doing exactly the same thing. In a separate speech last week Assistant Attorney General Joel Klein, DOJ's chief merger review official, said that what most people do not understand (including, evidently, the FCC), is that “everything we do in antitrust is consumer driven.” He went on to say precisely what that means:

We are a unique federal agency. Our interest is to protect what the economists call consumer welfare. And there is one simple truth that animates everything we do, and that is competition—the more people chasing after the consumer, to serve him or her better, to get lower prices, to get new innovations, to create new opportunities—the more of that juice that goes through the system, the better.
May 26, 1999

To be accurate, there is one big difference between the way the FCC and the DOJ do mergers reviews. DOJ is infinitely better at it. Two weeks ago, the FCC’s already-faltering merger review process hit rock-bottom when a staff member (an ostensible antitrust expert) holding up the FCC’s review of the SBC-Ameritech merger (which DOJ has already approved) publicly proclaimed that, unless the FCC imposed major conditions, the proposed transaction “flunks the public interest test.” An “unnamed agency spokeswoman” then cheerfully agreed that a majority of the Commissioners shared the same view.

Can you imagine either the FTC or DOJ countenancing such happenings during the course of their merger review processes? I think not. This apallingly unprofessional display of incompetence by the FCC staff drove the value of SBC and Ameritech stock down over $2 billion, and it confirmed that, if this is what passes for FCC merger review expertise,’ the FCC has no business being in it.

Mr. President, this bill will restore integrity and professionalism to federal review of telecommunications industry mergers. It does not touch either DOJ’s or FTC’s broad authority to review all mergers, including all telecommunications industry mergers. It would make sure that any FCC concerns are heard by incorporating the FCC into DOJ and FTC merger review proceedings. Nor does it touch the FCC’s broad authority to adopt and enforce rules to govern the behavior of telecommunications companies. What it does do is tell the FCC that, in cases where either DOJ or FTC has reviewed a proposed telecommunications merger and stated in writing no intent to intervene, the FCC may independently review proposed mergers when neither DOJ nor FTC states in writing its intent not to intervene. Nevertheless, because DOJ and FTC review all mergers and have authority to intervene in any merger, their non-intervention is any proposed merger approved. Merger policy changes that they find the transaction at issue is objectionable. Therefore, any FCC review in such cases is subject to a strict 60-day deadline, and the FCC is directed to presume approval without attaching further conditions or obligations on any of the parties. Nothing (except extreme unlikelihood) would preclude the FCC from rebutting the presumption with hard facts, nor would the FCC be precluded from subsequently exercising its existing enforcement and rulemaking prerogatives to deal with any unanticipated problems.

Mr. President, we can streamline the way the federal government reviews telecom industry mergers and still safeguard the public interest. That’s what this bill is intended to do by eliminating FCC’s cumbersome enforcement process while preserving essential federal review and enforcement prerogatives. I urge my colleagues to give it careful consideration and support.

This bill, the Telecom Merger Review Act of 1999, would do nothing to change the authority that the Department of Justice and the Federal Trade Commission currently have to review all telecom industry mergers.

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. 129
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 “Telecommunications Merger Review Act of 1999.”

SEC. 2. FINDINGS.
The Congress finds the following:

(1) A stated intent of the Congress in enacting the Communications Act of 1934 was to reduce regulation.
(2) Under existing law, the Department of Justice and the Federal Trade Commission exercise primary authority to review all mergers, including telecommunications industry mergers. The Federal Communications Commission has only limited authority under the Communications Act to review telecommunications industry mergers.
(3) The Department of Justice and the Federal Trade Commission have extensive expertise in analyzing issues of industry concentration and its effects on competition. The Federal Communications Commission has limited expertise in analyzing such issues.
(4) Notwithstanding the limitations on its Clayton Act jurisdiction and on its substantive expertise, the Federal Communications Commission has exercised authority over telecommunications industry mergers pursuant to the nonexclusive public interest standard and other provisions in the Communications Act of 1934 that allow it to impose terms and conditions on the assignment or transfer of licenses and other authorizations.
(5) The Federal Communications Commission’s exercise of broad authority over telecommunications industry mergers overreaches its intended statutory authority and its substantive expertise and produces delay and inconsistency in its decisions.
(6) Under existing law, parties to a proposed telecommunications industry merger are unable to proceed without the prior approval of the Federal Communications Commission, even if the Department of Justice or the Federal Trade Commission have already approved the merger.
(7) The Federal Communications Commission’s existing rulemaking and enforcement prerogatives constitute normal and effective means of assuring that all licenses, including those issued to parties to a proposed industry merger, operate in the public interest.
(8) The primary jurisdiction and preeminent expertise of the Department of Justice and the Federal Communications Commission on all matters involving industry concentration and its effects on competition, combined with the Federal Communications Commission’s existing rulemaking and enforcement prerogatives, make the separate telecommunications industry merger approval authority by the Federal Communications Commission unnecessary.
(9) Because the duplication of effort, inconsistency, and delay resulting from the Federal Communications Commission’s review of telecommunications industry mergers is unnecessary, it imposes unwarranted costs on the industry, on the Commission, and on the public, and it fails to serve the public interest.

SEC. 3. REPEAL OF MERGER APPROVAL AUTHORITY.
Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking “in the Federal Communications Commission where applicable to common carriers engaged in wire or radio communication or radio transmission of energy.”

SEC. 4. REPEAL OF AUTHORITY TO CONDITION LICENSES, ETC.
(a) BASIC ADMINISTRATIVE AUTHORITY.—
Section 4(i) of the Communications Act of 1934 (47 U.S.C. 310(i)) is amended by striking at the end thereof the following: “The authority of the Commission to impose terms or conditions on the transfer or assignment of an assignment or other authorization assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.’’
(b) PUBLIC CONVENIENCE AND NECESSITY.—
Section 214(c) of the Communications Act of 1934 (47 U.S.C. 214(c)) is amended by inserting after “require,” the following: “The authority of the Commission to impose terms or conditions on the transfer or assignment of a certificate assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.’’
(c) RESTRICTIONS AND CONDITIONS NECESSARY TO CARRY OUT 1934 ACT; TREATIES; INTERNATIONAL CONVENTIONS.—Section 336(r) of the Communications Act of 1934 (47 U.S.C. 336(r)) is amended by adding at the end thereof the following: “The authority of the Commission under this paragraph to impose terms or conditions on the transfer or assignment of any license or other authority assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.’’
(d) ALIEN-OPERATED AMATEUR RADIO STATIONS.—Section 314(d) of the Communications Act of 1934 (47 U.S.C. 314(d)) is amended by adding at the end thereof the following: “The authority of the Commission to impose terms or conditions on the transfer or assignment of any authorization issued under this section that is assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314.’’
(e) PRESERVATION OF COMPETITION IN COMMERCIAL RADIO.—Section 314 of the Communications Act of 1934 (47 U.S.C. 314) is amended to read as follows:

SEC. 314. PRESERVATION OF COMPETITION IN COMMERCIAL RADIO.
“(a) In General.—Notwithstanding any other provision of law, the Commission has no authority to review a merger or other transaction, or to impose any term or condition on the assignment or transfer of any license or other authorization issued under this Act that is proposed to be assigned or
transferred in the course of a merger or other transaction, while that merger or other transaction is subject to review by either the Department of Justice or the Federal Trade Commission.

(b) COMMUNICATIONS Mergers Primarily Reviewable by DOJ and FTC.—The Department of Justice, or the Federal Trade Commission, has primary authority under existing law to review mergers and other transactions involving the proposed assignment or transfer of any license or other authorization issued under this Act. The Commission may file comments in any proceeding before the Department of Justice or the Federal Trade Commission to review a merger or other transaction involving the proposed assignment or transfer of any license or other authorization involved in the merger or transaction, on any party to that merger or transaction. Comments reflect the views of a majority of the Commission.

(c) COMMISSION SHALL IMPLEMENT DOJ OR FTC DECISIONS WITHOUT ADDITIONAL TERMS OR CONDITIONS.—If—

(1) the Department of Justice or the Federal Trade Commission reviews a merger or other transaction involving the proposed assignment or transfer of any license or other authorization issued under this Act; and

(2) it issues a written decision of absolute or conditional nonintervention, or issues a written statement of nonintervention in, the proposed merger or other transaction, then the Commission shall authorize the assignment or transfer of any license or other authorization involved in the merger or transaction in accordance with the decision, if any, or as proposed, if a written statement of nonintervention is issued. The Commission may not impose any other condition on the assignment or transfer of the license or other authorization so assigned or transferred, or impose any other obligation on any party to that merger or transaction.

(d) COMMISSION REVIEW OF MERGERS ABSENT DOJ OR FTC PRONOUNCEMENT.—

(1) IN GENERAL.—The Commission may not review any application for assignment or transfer of a license or other authorization issued under this Act in connection with a merger or other transaction unless either the Department of Justice or the Federal Trade Commission issues a decision or statement described in subsection (c) in connection with that merger or other transaction.

(2) 60-DAY TURNAROUND.—The Commission shall conclude any review of a merger or other transaction it may conduct under paragraph (1) within 60 days after the date on which the Department of Justice and the Federal Trade Commission, whichever is appropriate, issues such a decision or statement.

(3) PRESUMPTION; DEFAULT APPROVAL.—In reviewing an application under paragraph (1), the Commission shall apply a presumption in favor of unconditional approval of the application. If the Commission fails to issue a final decision within the 60-day period described in paragraph (2), the application shall be deemed to have been granted unconditionally by the Commission.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 1126. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED FOOD SAFETY IMPROVEMENT ACT OF 1999

Mr. MIKULSKI. Mr. President, I rise today to introduce the “Imported Food Safety Act of 1999.” I am proud to be the sponsor of this important legislation which guarantees the improved safety of imported foods.

The health of Americans is not something to take chances with. It is important that we make food safety a top priority. Every person should have the confidence that their food is fit to eat. We should be confident that imported food is as safe as food produced in this country. Cars can’t be imported unless they meet U.S. safety requirements. Prescription drugs can’t be imported unless they meet FDA standards. You shouldn’t be able to import food that isn’t up to U.S. standards, either.

We import quantities of fresh fruits and vegetables, seafood, and many other foods. In the past seven years, the amount of food imported into the U.S. has more than doubled. Out of all the produce we eat, 40 percent of it is imported. Our food supply has gone global, so we need to have global food safety.

The impact of unsafe food is staggering. There have been several frightening examples of food poisoning incidents in the U.S. When Michigan schoolchildren were contaminated with Hepatitis A from imported strawberries in 1997, Americans were put on alert. Thousands of cases of cyclospora infection from imported raspberries—resulting in severe, prolonged diarrhea, weight loss, vomiting, chills and fatigue—were also reported that year. Imported cantaloupe eaten in Maryland sickened 25 people. As much as $663 million was spent on food borne illness in Maryland alone. Overall, as many as 1 in 6 Americans get sick from foodborne illness and over 9000 die as a result of food borne illness. It is our children and our seniors who suffer the most. Most of the food-related deaths occur in these two populations.

These incidents have scared us and have jump-started the efforts to do more to protect our nation’s food supply. Now, I believe in free trade, but I also believe in fair trade. FDA’s current system of testing import samples at ports of entry does not protect Americans. It is ineffective and resource-intensive. Less than 2% of imported food is being inspected under the current system. At the same time, the quantity of the imported foods continues to increase.

What this law does is simple: It improves food safety and aims at preventing food borne illness of all imported foods regulated by the FDA. This bill takes a long overdue, big first step.

First, it requires that FDA make equivalence determinations on imported food. This was developed with the FDA by Senator KENNEDY and my-
knowing that the food they eat is fit to eat. I'd like to thank FDA for their advice and consultation in developing this legislation and the American people who want to make America's food supply safer. This bill is an important step in that direction.

Mr. President, I ask unanimous consent that the statement of Ms. Carol Tucker Foreman, Distinguished Fellow and Director of the Food Policy Institute, be printed in the RECORD.

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

STATEMENT OF CAROL TUCKER FOREMAN, DISTINGUISHED FELLOW AND DIRECTOR OF THE FOOD POLICY INSTITUTE

I am here today on behalf of the Consumer Federation of America and the National Consumers' League to endorse the Imported Food Safety Act of 1999. I thank Senators Mikulski, Kennedy and Durbin and Congresswoman Eshoo for introducing this very important legislation.

It will improve the Food and Drug Administration's capacity to protect American consumers from food-borne illness caused by adulterated imported food.

Food-borne illness is a serious public health problem in the U.S. Food poisoning kills 9,000 Americans each year and causes as many as 33 million illnesses. It costs us at least $5 billion each year in medical costs and time lost from work. The human toll is incalculable.

Americans eat from a global plate. We want a wide variety of foods available on a year round basis. Health experts urge us to eat more fruits and vegetables. Imports make fresh fruits available to us even in the middle of February.

But no one wants imported foods served with a side helping of food poisoning. We want all our food, domestic and imported, to be safe.

We have not had that assurance. In recent years there have been a number of incidents of food-borne illness arising from imported food products. Last year, the Senate Permanent Subcommittee on Investigations revealed serious problems with the Food and Drug Administration's capacity to protect Americans from unsafe food.

The General Accounting Office reported that FDA can't protect us because the agency has no authority to require that foods coming into the United States be produced and packaged under circumstances that provide the same level of health protection required for domestic food producers and processors.

Most American consumers, and frankly most food producers and processors as well, would be shocked to learn that imported food is not required to be produced in a manner that provides the same level of health protection as domestic products and that FDA has no authority to check, in advance, for adequate public health safeguards. FDA can act only after the fact—after adulterated food has been found or someone has gotten sick.

The USDA inspects meat, poultry and egg products. GAO noted that USDA has the necessary power to protect consumers. The Department has the authority to require that meat and poultry produced and imported into the U.S. be produced in a system that provides a level of health protection equivalent to that imposed on U.S. producers. That level of protection may include limits on substances that cause human illness. In addition, USDA has federally sworn inspectors who examine the foreign systems and check food at the ports.

The Food and Drug Administration has jurisdiction over all other food products, including the fresh fruits and vegetables that are so essential to our nation's health and the health of future generations. FDA has no similar authority, no inspectors who visit foreign plants and virtually no inspectors to check food at the docks. Last year, FDA checked only two percent of the food imported into the U.S. In fact, FDA has established only a limited number of performance standards for domestically produced foods.

That point bears repeating. If you eat meat and poultry produced in another country and imported into the U.S., you can do so knowing that the food was produced under circumstances at least as clean and sanitary as meat, poultry and eggs produced in the U.S. If you consume fresh fruits and vegetables produced in another country, you have no assurance, even though you will cook your meat, poultry and eggs but may well eat the fruits and vegetables raw, increasing the chance that you will consume disease causing bacteria.

In a recent study, the Center for Science in the Public Interest surveyed 225 food-borne illness outbreaks that occurred between 1990 and 1998. Foods regulated by the FDA caused 82 outbreaks, while meat and poultry produced in another country and imported into the U.S. caused 118,000 entries of imported meat and poultry.

The Imported Food Safety Act is an important bill, and I commend Senator Mikulski for her leadership on this legislation to close the critical gaps in our imported food safety laws.

Citizens deserve to know that the food they eat is safe and wholesome, regardless of its source. The United States has one of the safest food supplies in the world. Yet every year, millions of Americans become sick, and thousands die, from eating contaminated food. Billions of dollars a year in medical costs and lost productivity are caused by food-borne illnesses. Often, the source of the problem is imported food.

We've heard recently about the thousands of cases of illness from Cyclospora in raspberries from Guatemala. But this high profile case is by no means the only case.

In 1997, school children in five states got Hepatitis A from frozen strawberries served in the school cafeteria. Fecal contamination is a potential source of Hepatitis A, and the strawberries the children ate came from a farm in Mexico where workers had no access to clean facilities.

Earlier this year, cases of typhoid fever in Florida were linked to a frozen tropical fruit product from Guatemala. Again, poor sanitary conditions appear to be at the root of the problem.

Gastrointestinal illness has been linked to soft cheeses from Europe. Bacterial food poisoning has been attributed to canned mushrooms from the Far East.

The emergence of highly virulent strains of bacteria, and an increase in the number of organisms that are resistant to antibiotics, make microbial contamination of food a major public health challenge.

Ensuring the safety of imported food is a huge task. Americans now enjoy a wide variety of foods from around the world and have access to fresh fruits and vegetables year round. In 1997, the Food Safety Inspection Service of the Department of Agriculture handled 118,000 entries of imported meat and poultry. The FDA handled far more—2.7 million entries of other imported food. Current FDA procedures and resources allowed for less than two percent of those 2.7 million imports to be physically inspected. Clearly, we need to do better.

The authority of the FDA is not sufficient to prevent contaminated food imports from reaching our shores. The Agency has no legal authority to require that food imported into the United States is prepared, packed and stored under conditions that provide the same level of public health protection as similar food produced in the U.S. Under current procedures, the FDA takes random samples of imports often continue on their way to stores in all parts of the country while testing is being done, and it is often difficult to recall the food if a problem
is found. Unscrupulous importers make the most of the loopholes in the law, including substituting cargo, falsifying laboratory results, and bringing in a refused shipment in again, at a later date or at a different port.

The legislation we are introducing today will give the Secretary of Health and Human Services the additional authority needed to assure that food imports are as safe as food grown and prepared in this country.

It will give the FDA greater authority to deal with outbreaks of food-borne illness and to bar further imports of dangerous foods until improvements at the source can guarantee the safety of future shipments. This authority covers foods that have repetitively been associated with food-borne disease, have repeatedly been found to be adulterated, or have been linked to a catastrophic outbreak of food-borne illness.

It will close loopholes in the law and give the FDA better tools to deal with unscrupulous importers.

It will authorize the Centers for Disease Control and Prevention to target resources toward enhanced surveillance and prevention activities to deal with food-borne illnesses, including new diagnostic tests, better training of health professionals, and increased public awareness about food safety.

Too many citizens today are at unnecessary risk of food-borne illness. The measure we are proposing is designed to reduce that risk as much as possible, both immediately and for the long term. We know that there are powerful special interests that put profits ahead of safety, but Americans need and deserve laws that better protect their food supply. This is essential legislation, and I look forward to working with my colleagues to see that it is enacted as soon as possible.

By Mr. KYL (for himself, Mr. KERRY, Mr. NICKLES, Mr. BREAUX, Mr. MACK, Mr. ROB, and Mr. GRAMM):

S. 1128. A bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited property; to the Committee on Finance.

ESTATE TAX ELIMINATION ACT OF 1999

Mr. KYL. Mr. President, I rise today with my colleagues, Senators BONEHOUR, DON NICKLES, JOHN BREAUX, CONNIE MACK, CHUCK ROBS, and PHIL GRAMM to introduce a bill that attempts to forge bipartisan consensus with regard to the future of the federal estate tax. The legislation we are offering today is titled the Estate Tax Elimination Act of 1999.

Mr. President, we know that many Americans are troubled by the estate tax’s complexity and high rates, and by the mere fact that it is triggered by a person’s death rather than the realization of income. For a long time, I have advocated its repeal, because I believe death should not be a taxable event.

Other people agree that the tax is problematic, but are concerned the appreciated value of certain assets might escape taxation forever if the estate tax is repealed while the step-up in basis allowed under Section 1014 of the Internal Revenue Code remains in effect.

The legislation we are introducing today attempts to reconcile these positions by eliminating both the estate tax and the step-up, and attributing a carryover basis to inherited property so that all gains are taxed at the time the property is sold and income is realized. This is an explicit trade-off: estate-tax repeal for implementation of a carryover basis. Both must occur, or this plan will not work.

The concept of a carryover basis is not new. It exists in current law with respect to gifts, Section 1015 of the Internal Revenue Code, and property transferred in cases of divorce, Section 1041, and in connection with involuntary conversions of property relating to theft, destruction, seizure, requisition, or condemnation.

In the latter case, when an owner receives compensation for involuntarily converted property, a taxable gain normally results to the extent that the value of the compensation exceeds the basis of the converted property. However, Section 1033 of the Internal Revenue Code allows the taxpayer to defer the recognition of the gain until the property is sold. The Kyl-Kerry bill would treat the transfer of property at death in the same way, the most involuntary conversion of all—the same way, deferring recognition of any gain until the inherited property is sold.

Our bill would also establish a limited capital-gains exclusion for inherited property to ensure that small estates, which are currently exempt from tax by virtue of the unified credit and the step-up in basis, do not find themselves with a new tax liability when the proposed law takes effect.

Mr. President, I have asked the Joint Tax Committee to review the proposal and provide an official revenue estimate. We are awaiting the results of that review now.

I hope the members of the Finance Committee will take a serious and careful look at this bipartisan proposal. With it, we ought to be able to finally eliminate the estate tax—and do it this year.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the Record.

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

Section 1. Short title

Designates the bill, the “Estate Tax Elimination Act of 1999.”

Section 2. Repeal of certain Federal transfer taxes

Repeals Subtitle D of the Internal Revenue Code (IRC), thus eliminating the federal estate, gift, and generation-skipping transfer taxes as of the date of enactment.

Section 3. Termination of a step-up in basis at death

Amends IRC Section 1014 to eliminate the step-up in basis at death with respect to property acquired from a decedent dying after the date of enactment. The basis for such property is to be determined pursuant a new IRC Section 1022 (section 4 of the bill).

Section 4. Carryover basis at death

Establishes a new IRC Section 1022 to provide for carryover basis for certain property acquired from a decedent.

(a) If property is classified as carryover basis property, its new basis in the hands of the acquiring person will be its initial basis, increased by its allowable share of the decedent’s exclusion allowance determined under (b) below.

(b) Carryover basis property means property which has been acquired from a decedent who died after the date of enactment, and which is not any of the following:

(1) Property acquired from the decedent and sold, exchanged, or otherwise disposed of by the acquiring person before the decedent’s death;

(2) An item of income in respect of a decedent;

(3) Life-insurance proceeds under IRC Section 1012;

(4) Foreign personal holding company stock as described in IRC Section 1041(b)(5); or

(5) Property transferred to a surviving spouse, the value of which would have been deductible from the value of the taxable estate of the decedent under IRC Section 2056.

(6) Tangible personal property (e.g., household effects) valued at $50,000 or less which was a capital asset in the hands of the decedent and for which the executor has made an election on a required information return.

(c) The decedent’s general exclusion allowance is equal to the lesser of:

(1) an applicable amount for the year of the decedent’s death as follows:

- $350,000 in 1999
- $475,000 in 2000 and 2001
- $500,000 in 2002 and 2003
- $550,000 in 2004
- $590,000 in 2005

(2) in million in 2006 and thereafter, or the aggregate net appreciation (fair market value, less initial basis) of all carryover basis property.

Except that, if the decedent had a deceased spouse whose own exclusion allowance was less than the applicable amount for that spouse, the decedent’s applicable amount will be increased by the unallocated portion of the deceased spouse’s applicable amount.

(2) As per current law, family-owned businesses and farms would be eligible for an additional exclusion, which combined with the general exclusion allowance could total up to $1.3 million.

(3) The executor will allocate the exclusion-allowance amount to the carryover basis property on a required information return. Any allocation may be changed at any time up to the 30th day after the initial-basis
By Mr. DOMENICI:

S. 1129. A bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL LAND TRANSACTION FACILITATION ACT

The sale or exchange of land which I have often referred to as "surplus," would be beneficial to local communities, adjoining land owners, and BLM land managers alike. First, it would allow for the reconfiguration of land ownership patterns to better facilitate resource management. Second, it would contribute to administrative efficiency within federal land management units, by allowing for better allocation of fiscal and human resources within the agency. Finally, in certain locations, the sale of public land which has been identified for disposal is the best way for the public to realize a fair value for this land.

The problem is that an orderly process for the efficient disposition of lands identified for disposal does not currently exist. This legislation corrects that problem by directing the BLM to fulfill all legal requirements for the transfer of land out of Federal ownership, and providing a dedicated source of funding generated from the sale of this land to continue this process.

I want to make it clear that this program will in no way detract from other programs with similar purposes. The bill clearly states that proceeds generated from the disposal of public land, and dedicated to the acquisition of inholdings, will supplement, and not replace, funds appropriated for that purpose through the Land and Water Conservation Fund. In addition, the bill states that the BLM should rely on non-Federal entities to conduct appraisals and other research required for the sale or exchange of this land, allowing for better allocation of fiscal and human resources within the agency.

This bill has been a long time in the making. For over a year, now, I have been working with and talking to knowledgeable people, both inside and outside of the current administration, to develop many of the ideas embodied in this bill. Prior to adjournment of the 105th Congress, my staff and I worked closely with the administration on this legislation. I have since received additional comments from the Interior Department, and have included many of their suggestions into this bill.
I feel comfortable in stating that by working together, we have reached agreement in principle on the best way to proceed with these very important issues involving the management of public land resources, namely, the disposition of surplus public land in combination with a program to address problems associated with inholdings within our Federal land management units.

I look forward to hearings on this matter, and anticipate that most of my fellow Senators will agree that Federal Land Transaction Facilitation Act logically addresses this management issue. I believe that in the end, we will be able to stand together and tell the American people that we truly have accomplished a great and innovative thing with this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1129
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 Land Transaction Facilitation Act".

SEC. 2. FINDINGS.
Congress finds that—
(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;
(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;
(3) Federal land management agencies of the Department of the Interior have authority under existing law to acquire land consistent with land use plans and the mission of each agency;
(4) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—
(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;
(B) contribute to administrative efficiency within Federal land management units; and
(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;
(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;
(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;
(b) such land lies within national parks, national forests, national wildlife refuges, and other areas designated for special management;
(c) Federal land management agencies are facing growing demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings;
(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis; and
(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will enhance the resource management ability of the Bureau of Land Management and adjoining landowners;
(12) public land management agencies to—
(A) work cooperatively with private landowners and State and local governments; and
(b) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;
(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the Federal Government to receive fair market value for the land; and
(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 3. DEFINITIONS.
In this Act:
(1) EXCLUSIVE RESOURCE.—The term ‘exclusive resource’ means a resource of scientific, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which extraordinary conservation and protection is required to maintain the resource for the benefit of the public;
(2) FEDERALLY DESIGNATED AREA.—The term ‘Federally designated area’ means land administered by the Secretary in Alaska and the eleven contiguous Western States that is subject to other Federal land management and policy (as defined in section 1712(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that on the date of enactment of this Act was within the boundary of—
(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;
(B) a unit of the National Park System; or
(C) the National Wilderness Area System;
(D) a wilderness area designated under the Wilderness Act (16 U.S.C. 1131 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), or the National Trails System Act (16 U.S.C. 1241 et seq.);
(3) INHOLDING.—The term ‘inholding’ means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.
(4) PUBLIC LAND.—The term ‘public land’ means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701)).
(5) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

SEC. 4. IDENTIFICATION OF INHOLDINGS.
(a) IN GENERAL.—The Secretary shall establish a procedure to—
(1) identify, by State, inholdings within federally designated areas for which the landowner has indicated a desire to sell the land or an interest in land to the Federal Government; and
(2) establish the date on which the land or interest in land identified became an inholding.
(b) NOTICE OF POLICY.—The Secretary shall provide, in the Federal Register and through other means as the Secretary determines to be appropriate, periodic notice to the public of the policy under subsection (a), including any information required by the Secretary to consider an inholding for acquisition under section 6.
(c) IDENTIFICATION.—An inholding—
(1) shall be considered for identification under this section only if the Secretary receives notification of a desire to sell from the landowner in response to public notice given under subsection (b); and
(2) shall be deemed to have been established as of the later of—
(A) the earlier of—
(i) the date on which the land was withdrawn from the public domain; or
(ii) the date on which the land was established or designated for special management; or
(B) the date on which the inholding was acquired by the current owner.
(d) APPLICATION TO THE SECRETARY OF AGRICULTURE.—If funds become available under section 6, the Secretary may use the funds to acquire an inholding under this Act;
SEC. 5. DISPOSAL OF PUBLIC LAND.
(a) IN GENERAL.—The Secretary shall establish a program, using funds made available under section 6, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712),
(b) SALE OF PUBLIC LAND.—
(1) IN GENERAL.—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).
(2) EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.
SEC. 6. FEDERAL LAND DISPOSAL ACCOUNT.
(a) Administration.—The Secretary shall maintain a Federal land disposal account, a report of activities under this section.
(b) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

CONGRESSIONAL RECORD—SENATE
May 26, 1999
proceeds to be distributed to any trust funds of any agency or proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the "Federal Land Disposal Account." 

(b) Availability.—Amounts in the Federal Land Disposal Account shall be available to the Secretary, without further Act of appropriation, to carry out this Act. 

(c) Use of the Federal Land Disposal Account.—

(1) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection. 

(2) Fund Allocation.—

(A) Purchase of Land.—Except as authorized under subparagraph (C), funds shall be used to purchase—

(i) inholdings; and

(ii) land adjacent to federally designated areas that contains exceptional resources. 

(B) Inholdings.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire—

(i) inholdings identified under section 4; and

(ii) National Forest System land as authorized under subparagraph (E). 

(C) Administrative and Other Expenses.—An amount not to exceed 20 percent of the funds in the Federal Land Disposal Account shall be used for administrative and other expenses necessary to carry out the land disposal program under section 5. 

(D) State Purchases.—Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State. 

(E) Purchase of National Forest System Land.—Beginning 5 years after the date of enactment of this Act, if, for any fiscal year, the Secretary determines that funds allocated for the acquisition of inholdings under this section exceed the availability of inholdings within a State, the Secretary may use the excess funds to purchase land, on behalf of the Secretary of Agriculture, within the boundaries of a national recreation area, scenic area, national monument, national volcanic area, or any other area designated for special management by an Act of Congress within the National Forest System. 

(3) Priority.—The Secretary may develop and use criteria for priority of acquisition that are based on—

(A) the date on which land or interest in land became an inholding; 

(B) the existence of exceptional resources on the land; and

(C) management efficiency. 

(4) Basis of Sale.—Any acquisition of land under this section shall be—

(A) from a willing seller; 

(B) contingent on the conveyance of title acceptable to the Secretary (and the Secretary of Agriculture, in the case of an acquisition of National Forest System land) using title standards of the Attorney General; and

(C) at not less than fair market value consistent with applicable provisions of the Uniform Primal Standards for Federal Land Acquisitions. 

(d) Contaminated Sites and Sites Difficult and Uneconomic to Manage.—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary—

(1) contains a hazardous substance or is otherwise so contaminated as to render the land unsafe or unsuitable for economic use; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land. 

(e) Inversion.—Investments in the Federal Land Disposal Account shall earn interest at a rate determined by the Secretary of the Treasury based on the current average market yield to maturity of marketable obligations of the United States of comparable maturities. 

(f) Land and Water Conservation Fund Account.—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 460l-4 et seq.). 

(g) Termination.—On termination of activities under section 5—

(1) the Federal Land Disposal Account shall be terminated; and


SEC. 7. SPECIAL PROVISIONS. 

(a) In General.—Nothing in this Act provides an exemption from any limitation on the acquisition of land or interest in land under any Federal Law in effect on the date of enactment of this Act. 

(b) OTHER LAW.—This Act shall not apply to land eligible for land under—

(1) Public Law 96-568 (commonly known as the "Santini-Burton Act") (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1995 (112 Stat. 2343). 

(c) Exchanges.—Nothing in this Act precludes, preempts, or limits the authority to exchange land under—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act. 

(d) New Right or Benefit.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies, its officers, or any other person. 

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. BOND, Mr. BURNS, Mr. GORTON, and Mr. INHOFE): 

S. 1130. A bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles; to the Committee on Commerce, Science, and Transportation. 


Mr. MCCAIN, Mr. President, I rise to introduce the Motor Vehicle Rental Fairness Act of 1999. The measure is aimed at ensuring that rental companies—whether public or private—are held liable based upon their action or inaction. Unfortunately, this is not a financial responsibility that companies are required to meet. This bill would still be liable if the vehicle did not operate properly. It makes clear that companies are not excused from meeting state minimum insurance requirements on their motor vehicles. Minimum insurance requirements ensure that people involved in accidents with vehicles owned by rental companies have recourse to recover some damages. 

The reason most often cited for imposing vicarious liability is to ensure that an innocent third party can recover damages in an accident. Unfortunately, this quest for a financially responsible defendant has lead to absurd results. If a vehicle is purchased from a bank or finance company, then there is no vicarious liability. However, if that same vehicle is leased, vicarious liability applies. 

This problem attracted my attention because of the impact the policies of a small number of states have on interstate commerce. Settlements and judgments from vicarious liability claims against rental companies cost the industry over $100 million annually. And let me be clear, it is the consumer who is paying this cost. 

For these reasons, this bill and the reforms it implements are long overdue. Everyone, companies and individuals alike should be held liable only for harm they caused or could have prevented. The only way these companies can prevent this harm would be to go out of business. This is an absurd expectation that will be remedied by this bill. 

I look forward to hearings on this matter and working with my colleagues to ensure its passage. I ask unanimous consent that a copy 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. 1130 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 "Motor Vehicle Rental Fairness Act of 1999". 

SEC. 2. FINDING. 

The Congress finds that the vicarious liability laws, the ultimate insurer laws, and the common law in a small minority of States—

(1) impose a disproportionate and undue burden on interstate commerce by increasing rental rates for motor vehicle rental and
leasing customers throughout the United States; and
(2) pose a significant competitive barrier to entry for smaller motor vehicle rental and leasing companies attempting to compete in these markets.

In conversation of a fundamental principle of fairness that there should be no liability in the absence of fault.

SEC. 3. LIMITATION ON LIABILITY.

(a) IN GENERAL.—Part C of subtitle VI of title 49, United States Code, is amended by adding at the end thereof the following:

“CHAPTER 33. LIABILITY FOR COMPANIES THAT RENT OR LEASE MOTOR VEHICLES.”

“Sec. 33301. Limitation of liability

§ 33301. Limitation of liability

“(a) IN GENERAL.—Notwithstanding any State statutory or common law, no State or political subdivision of a State may hold any business entity engaged in the trade or business of renting or leasing motor vehicles liable to others for harm caused by a person to himself or herself, to another person, or to property resulting from that person’s operation of a rented or leased motor vehicle solely because that business entity is the owner of that vehicle.

“(b) APPLICATION WITH CERTAIN OTHER LAWS.

“(1) NEGLIGENCE.—Subsection (a) does not apply to liability imposed under a State’s statutory or common law based on negligence of a motor vehicle owner.

“(2) FINANCIAL RESPONSIBILITY LAWS.—Nothing in this section supersedes the law of any State or political subdivision thereof.

“(A) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

“(B) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure of such entity to meet financial responsibility or liability insurance requirements under State law.

“(c) DEFINITIONS.—In this section:

“(1) BUSINESS ENTITY.—The term ‘business entity’ means a sole proprietorship, corporation, partnership, limited liability company, company, association, firm, partnership, society, joint stock company, or other legal entity, and includes a department, agency, or instrumentality of the government of the United States, a State, or a political subdivision of a State.

“(2) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given to that term by section 13102(14).

“(3) OWNER.—In this section, the term ‘owner’ means—

“(A) a person who is a record or beneficial owner or long-term lessee of a motor vehicle;

“(B) a person entitled to the use and possession of a motor vehicle subject to a security interest in another person;

“(C) a lessee or bailee of a motor vehicle in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

“(4) PERSON.—The term ‘person’ has the meaning given to it by section 1, but without discrimination as to the status of the entity or the persons affected.

“(5) GOVERNMENT ENTITY.—The term ‘government entity’ means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).”.

(b) CONFORMING AMENDMENT.—The analysis for part C of title 49, United States Code, is amended by inserting after the item relating to chapter 331, the following:

“331. Liability for companies that rent or lease motor vehicles 33301”.

SEC. 4. EFFECTIVE DATE.

Section 33301 of title 49, United States Code, as added by section 3 of this Act, applies to actions commenced on or after the date of enactment of this Act.

Mr. ASHCROFT. Mr. President, I rise today in support of the legislation being introduced by the distinguished Chairman of the Senate Commerce Committee, the senior Senator from Arizona. I strongly support the reforms to state vicarious liability laws contained in the “Motor Vehicle Rental Fairness Act of 1999” and urge my colleagues to support this important bill and move it swiftly towards enactment.

I commend the chairman for taking the lead on this important legislation. His bill, of which I am proud to be an original cosponsor, seeks to put a halt to an absurd aberration in our legal system. Under the vicarious liability laws of a very small number of states, companies that rent or lease motor vehicles are held strictly liable if their renters or lessees are negligent and cause an accident. The company does not have to be negligent in any way. The vehicle may operate perfectly and be maintained properly. These states simply hold the company liable because of the ownership of the vehicle.

The only way for these companies to avoid this liability would be to stop renting or leasing these vehicles. This is not an acceptable resolution to this problem. The American justice system should be based on the general principle that a defendant should be held liable only for harm he or she could prevent—not merely because the defendant has a “deep pocket.”

Vicarious liability laws undermine competition in these states and have driven smaller rental and leasing companies out of business. In fact, vicarious liability acts as a tax on all rental and leasing companies—and their customers—nationwide because these companies must try to recover their losses from vicarious claims through rental rates nationwide.

It is time to put a stop to this legal disconnect. Hold these companies liable if they are negligent. Hold them liable if they fail to properly maintain one of the vehicles they rent or lease. But do not hold them liable simply for being in business—for fulfilling the needs of customers and constituents.

Mr. President, I look forward to hearings on the Senator from Arizona’s legislation at the earliest possible date and hope to move this legislation through this body as quickly as possible.

By Mr. EDWARDS (for himself and Mr. HAGEL):

S. 1131. A bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X, to the Committee on Health, Education, Labor, and Pensions.

FRAGILE X RESEARCH BREAKTHROUGH ACT OF 1999

Mr. EDWARDS. Mr. President, I rise today with my colleague, Senator HAGEL, to introduce the Fragile X Research Breakthrough Act of 1999.

Most of my colleagues have probably never heard of Fragile X. But it is the leading known cause of mental retardation. And the measure we introduce today could help put us on the path to treat and ultimately, we hope, cure the disorder. This measure will launch a concerted and aggressive federal effort to deal with Fragile X.

Fragile X—which is a genetic defect that affects one in 4,000 females and one in 10,000 males—was only recently discovered. Given its prevalence, it’s surprising that it took us so long to discover this problem.

One in 2,000 males and one in 4,000 females have the gene defect. One in 200 women is a carrier. Current estimates indicate that as many as 90,000 Americans suffer from Fragile X. Yet up to 80 to 90 percent of them are undiagnosed. It does not affect one racial or ethnic group more than another.

Scientists have only known exactly what causes Fragile X since 1991. Fragile X occurs when a specific gene, which should hold a string of molecules that repeat six to fifty times, over-expands. It causes the gene to hold anywhere from 200 to 1,000 copies of the same sequence, repeating over and over, much like a record skipping out of control. The result of this error is that instructions needed for the creation of a specific protein in the brain are lost. Consequentially, the Fragile X protein is either low or absent in the affected person. The lower the level of the protein, the more severe the resulting disabilities.

People with Fragile X have effects ranging from mild learning disabilities to severe mental retardation. Behavioral problems associated with Fragile X include aggression, anxiety, and seizures. The effects on both the victims of the disorder and their families are profound, taking a huge emotional and financial toll. People with Fragile X have a normal life expectancy but usually incur special costs that add up to over $2 million on average over their lifetime. Because it is inherited, many families have more than one child with Fragile X.

But although Fragile X is now known in the scientific community, it is still neither widely studied by scientists nor known by the public at large. It’s shocking, considering its devastating effect. Let me give you an example: In 1989 Katie Clapp gave birth to her first child, Andy. She and her husband, Dr. Michael Tranfaglia were...
thrilled. There were some concerns ini-
tially because Andy was missing one
kidney and had some other medical
problems, and he then was quickly rem-
edied, and Michael knew from his
training as a medical doctor that Andy
could do fine with one kidney. Testing
did not reveal any other problems, so
the couple breathed easy.
But soon Andy started showing other
signs of problems. He had difficulty
feeding and was inconsolable except
when held by his mother. He was not as
responsive as other children his age, except to scream when put down. Over
the first year of life, he began to miss
achievement milestones, such as sit-
ting up and walking. Michael was in
his residency training at the Univer-
sity of North Carolina hospital, so a
wealth of medical resources were with-
in his reach. Andy was seen by neurolo-
gists and geneticists, but there were no
answers.
When Andy was two years old, Katie
came pregnant with a second child.
She wanted to be sure that her next baby
would be free of Andy's problems. So
Andy was tested some more for
genetics abnormalities, but nothing
showed up. Yet Andy's problems were
becoming more and more apparent, and
causing greater difficulties for the fam-
ily.
Finally, when he was three and a half
years old, Andy went to a new physi-
cian, a developmental pediatrician.
During the initial visit with the doc-
tor, Michael and Katie got their first
indication that there might be a name
for the problem they had been living
with. The doctor suggested that Andy
test be performed, and came
back positive. Katie Clapp and Michael
Tranaglia soon learned that not only
did Andy have inherited genetic dis-
order, but that their baby daughter
Laura was also afflicted.
Recent advances in Fragile X re-
search now make it possible to test de-
finitively for the disorder through DNA
analysis. Yet many doctors are still
not familiar with Fragile X, and subtle
symptoms in early childhood can make
it difficult to detect.
But there is good news. Because sci-
entists have identified the missing pro-
tein which causes the disorder, there is
hope for a cure. And because Fragile X
is the only single-gene disease known
to directly impact human intelligence,
understanding the disease can give us
insight into human intelligence and learning and into dealing with other
single gene defects. Understanding
Fragile X may also unlock some of the
mysteries of autism, schizophrenia,
and other neurological disorders. But
we need to fund research efforts into
this exciting area.
Mr. President, my proposal seeks to
capitalize on the good news. It would:
Expand and coordinate research into
Fragile X under the direction of the
National Institute of Child Health and
Human Development—a division of the
National Institutes of Health—
which would receive grants for research and development aimed at
improving the diagnosis and treatment of,
and finding a cure for, Fragile X;
Allow patients with Fragile X to par-
ticipate in clinical trials;
Coordinate activities and exchange of
information between the centers for
better understanding of the disorder,
and
Encourage wide scale research into
Fragile X by allowing qualified health
professionals who conduct research
into the disorder to be repaid for prin-
cipal and interest on educational loans
under the National Health Service
Corps Loan Repayment Program.
Today, in our country, thousands of
children have Fragile X, but their par-
ent have never heard of the disease.
These parents know something is
wrong, but they cannot give the prob-
lem a name, and neither can any doc-
tor—except to say, "Fragile X." Katie
and Michael, they may know their
child has a disability, but they do not
know why. They do not know if
they have more children, those chil-
dren may also be at risk. They do not
know there are treatments for the
problem.
They do not know that someone is
working on a cure.
The same holds true for many adults
in our society. They are living in group
homes and in institutions around the
country. They have been cared for
during entire lifetimes by devoted family
members. Yet they have never had a di-
agnosis beyond "mental retardation."
This summer in North Carolina, we
are hosting Fragile X - World Camps for
very special people. The Special Olym-
pics World Games will begin with an
opening ceremony in Raleigh on June
28th, and the Games will run through
July 4th. Among the participants will
be many athletes who have Fragile X.
Some of them know it, but many oth-
ers, along with their families, do not
even know that their particular dis-
order has a name. And with a name
comes knowledge, and with knowledge
comes hope for a better future—even
for a cure.
The job of these extraordinary ath-
letes this summer is to make the most
of their abilities and to achieve per-
personal goals and triumphs. Our role
in the games is to support their efforts,
and to cheer them on. But our respon-
sibility does not end there. It is our
responsibility to make the most of the
knowledge we now have, to expand that
knowledge, and to give these folks the
best chance possible. I ask all of my
colleagues to support this important research. Thank you.
Mr. President, I ask unanimous con-
sent that a copy of the legislation be
printed in the RECORD.

There being no objection, the bill was
ordered to be printed in the RECORD, as follows:
SEC. 1. SHORT TITLE. This Act may be cited as the "Fragile X
Research Breakthrough Act of 1999."
SEC. 2. FINDINGS. Congress makes the following findings:
(1) Fragile X is the most common inherited cause of mental retar-
dation. It affects 1 in every 2,000 boys and 1 in every 4,000 girls.
One in 250 women is a carrier.
(2) Most children with Fragile X require a lifetime of special care at
a cost of over $2,000,000 per child.
(3) Relatively newly-discovered and rel-
atively unknown, even in the medical profes-
sion, Fragile X is caused by the absence of a
single protein that can be produced syn-
thetically but that cannot yet be effectively
amplified.
(4) Fragile X research, both basic and ap-
plicated, is vastly underfunded in view of its
potential, the potential for the develop-
ment of a cure, the established benefits of
currently available interventions, and the
significance that Fragile X research has for
recess disorder.
(5) Fragile X is a powerful research model
for other forms of X-linked mental retarda-
tion, as well as neuropsychiatric disorders,
including autism, schizophrenia, mood dis-
orders, and pervasive developmental dis-
order. Individuals with Fragile X are a
homo
genous study population for advancing
understanding of these disorders.
SEC. 3. NATIONAL INSTITUTE OF CHILD HEALTH AND
HUMAN DEVELOPMENT; RE-
SEARCH ON FRAGILE X.
Subpart 7 of part C of title IV of the Public
Health Service Act (42 U.S.C. 265g et seq.) is
amended by adding at the end the following:
"SEC. 452E. FRAGILE X.
"(a) EXPANSION AND COORDINATION OF RE-
SEARCH ACTIVITIES.—The Director of the In-
stitute, after consultation with the advisory
council for the Institute, shall make grants
to, or enter into contracts with, public or
nonprofit private entities for the develop-
ment and operation of centers to conduct re-
search for the purposes of improving the di-
agnosis and treatment of, and finding the
cure for, Fragile X.
"(b) RESEARCH CENTERS.—
"(1) IN GENERAL.—The Director of the In-
stitute, after consultation with the advisory
council for the Institute, shall make grants
to, or enter into contracts with, public or
nonprofit private entities for the develop-
ment and operation of centers to conduct re-
search on Fragile X. The job of these centers
shall, to the extent that amounts are appro-
riated, provide for the establishment of at
least 3 Fragile X research centers.
"(3) ACTIVITIES.—
"(A) IN GENERAL.—Each center assisted
under paragraph (1) shall, with respect to
Fragile X—
"(i) conduct basic and clinical research,
which may include clinical trials of—
"(I) new or improved diagnostic methods;
and
"(II) drugs or other treatment approaches;
and
"(ii) conduct research to find a cure.
"(3) FEES.—A center may use funds pro-
vided under paragraph (1) to provide fees to
individuals serving as subjects in clinical
trials conducted under subparagraph (A)."
Mr. BREAUX. Mr. President, I rise today to introduce a measure that will not only promote employee ownership, but also enhance retirement savings. The "ESOP Dividend Reinvestment and Participant Security Act of 1999" will grant many workers their long-sought desire to share in the growth of their company while not sacrificing one nickel of their retirement security. This legislation will permit employees to reinvest dividends paid on employer securities held in an ESOP without going through the administrative complexity that companies currently face in order to encourage workers to keep their dividends in the plan.

Under current law, an employer may deduct the dividends paid on employer securities in an ESOP only if the dividends are used to repay an ESOP loan or they are paid in cash to participants. This runs counter to the important theme expressed by this administration as well as many others since the passage of ERISA—what to do about "leakage" in our retirement programs, or assets coming out of plans prematurely. In short, we need to encourage our nation's workers to keep their money in their retirement plans and not let small amounts drip out over time so that little is left by the time they enter retirement.

The Breakthrough Act is a practical, pro-active, and cost-effective vehicle by which Congress can accomplish these goals.

The National Institute of Child and Human Development (NICHD) is required by law to establish research centers in order to conduct clinical and scientific research aimed at helping infants and children. In accordance with that charge, the Fragile X Breakthrough Act authorizes $10 million for the NICHD, to make grants or enter into contracts with public or private entities to develop and operate three Fragile X research centers. It also provides $2 million for a program that encourages physicians to conduct Fragile X research, by offering to repay a portion of their educational loans. These proposals closely follow the recommendations that emerged from an international scientific conference held by the NICHD and the Fragile X Foundation (FRAXA) in December of 1998.

We are closing in on one of the principal genetic causes of mental retardation. It affects tens of thousands of children in this country every year. Fragile X is caused by a mutation that fails to produce specific protein necessary for proper brain function. Those afflicted with this condition often suffer mild to severe mental retardation, anxiety, seizures and a variety of learning disorders. Most children with Fragile X will require a lifetime of specialized care at a cost of over $2 million each.

For those afflicted and their families—like John and Megan Massey from Scottsbluff, Nebraska, whose two sons Jack and Jacob suffer from this disease—it is a frustrating, life-crippling, and heart-wrenching condition. But there is hope. In 1991, medical researchers were able to develop a synthetic version of this protein, and are now working on a way to deliver it to the brain's flawed cells.

Congress has an unprecedented opportunity to play a key role in solving the mystery of this disease, and encouraging the development of a treatment and eventual cure. The Fragile X Breakthrough Act is a practical, pro-active, and cost-effective vehicle by which Congress can accomplish these goals.

The National Institute of Child and Human Development (NICHD) is responsible for the genetic mutation. No employee would then be entitled to retain the dividends paid on employer stock, as the ESOP allows. This runs counter to one of the principal purposes of an ESOP—providing an efficient means for employees to build an ownership interest in their company. Congress has steadfastly maintained the ESOP dividend deductibility rules for over 15 years in order to encourage employers to establish ESOPs that hold dividend-paying company stock. These rules clearly are intended to provide ESOP participants a broader opportunity to share in the company's growth and to ultimately use such growth to provide retirement assets. Unfortunately, our present rules fall short of the mark.

This bill fulfills the promise inherent in the original ESOP dividend deduction provision. The "ESOP Dividend Reinvestment and Participant Security Act of 1999" would permit employees the ability to retain the dividends paid on employer stock in the ESOP and to reinvest these amounts in the employer stock for continuing growth and accumulation. No employee would then be forced to receive dividends that could instead be used to build retirement savings. And, all employees could receive the benefit of participating in their company's growth.
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. 1134

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 “ESOP Dividend Reinvestment and Participant Security Act of 1999.”

SEC. 2. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) In General.—Section 404(k)(2)(A) of the Internal Revenue Code of 1986 (defining applicable dividends) is amended by striking “or” at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

“(iii) is, at the election of such participants or their beneficiaries—

“(I) payable as provided in clause (i) or (ii), or

“(II) paid to the plan and reinvested in qualifying employee securities, or”.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

By Mr. GRAMS:

S. 1133. A bill to amend the Poultry Products Inspection Act to cover birds of the Ratitae order that are raised for use as human food; to the Committee on Agriculture, Nutrition, and Forestry.

POULTRY PRODUCTS INSPECTION ACT

AMENDMENTS LEGISLATION

Mr. GRAMS. Mr. President, I rise today to introduce a bill to amend the Poultry Products Inspection Act to include birds of the Ratitae order, such as ostriches, emus, and rhea, in the mandatory USDA meat inspection program. Currently producers of ratitae participate in a voluntary inspection program, but costs are borne by the producers and can add as much as $2 per pound to the price of the product. The USDA currently absorbs the cost of inspection for the more traditional agricultural products, such as turkey, poultry, and beef.

I introduce this legislation to encourage agricultural entrepreneurialism and diversification, and to level the economic playing field for those farmers willing to take innovative risks to bring new products to American and global consumers. Ratite meat is reported to be high in protein and low in fat and cholesterol, and byproducts from the animals are being studied by universities and medical labs for their potential uses. I would also note that farmers engaged in producing ratitate meat can now be found all over the country, not just in Minnesota.

With the increasing focus in our country on food safety, I believe this bill is a small but important step toward both encouraging development of alternative agricultural products and ensuring the safety of the food our citizens consume.

I ask my colleagues to join with me in support of this bill to help family farms diversify into new products that will provide them with new income sources and give American consumers more variety at the grocery store.

By Mr. ROTH:

S. 1134. An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; from the Committee on Finance; placed on the calendar.

AFFORDABLE EDUCATION ACT OF 1999

Mr. ROTH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1134

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

TITLE I—EDUCATION SAVINGS INCENTIVES

S. 1134
	SEC. 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Affordable Education Act of 1999.”

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EDUCATION SAVINGS INCENTIVES

S. 1134
	Sec. 101. Modifications to education individual retirement accounts.

(a) Maximum Annual Contributions.—

(1) IN GENERAL.—Section 530(b)(1)(A)(ii) (defining education individual retirement account) is amended by striking “$500” and inserting “the contribution limit for such taxable year”.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

“(4) CONTRIBUTION LIMIT.—The term ‘contribution limit’ means $500 ($2,000 in the case of any taxable year beginning after December 31, 1999, and ending before January 1, 2004).”

(b) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) IN GENERAL.—Section 530(b)(2)(B) (defining qualified higher education expenses) is amended to read as follows:

“(2) QUALIFIED EDUCATION EXPENSES.—

“(A) IN GENERAL.—The term ‘qualified education expenses’ means—

“(i) qualified higher education expenses (as defined in section 529(e)(3)), and

“(ii) qualified elementary and secondary school expenses (as defined in paragraph (5)).

Such expenses shall be reduced as provided in section 25A(g)(2).

“(B) QUALIFIED STATE TUITION PROGRAM.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2).”

(2) Qualified Elementary and Secondary Education Expenses.—Section 530(b)
CONGRESSIONAL RECORD—SENATE
May 26, 1999

10996

(related to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) In general.—The term ‘qualified elementary and secondary education expenses’ means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which is acquired in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) Special rule for homeschooling.—Such term includes expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law associate to such education.

"(C) School.—The term ‘school’ means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

"(6) ENTITIES PERMITTED TO CONTRIBUTE.—

"(A) In general.—Section 530(b)(1) (relating to contributions, as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

"(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules, as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

"(1) Credit coordination.—

"(I) In general.—Except as provided in clause (ii), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses.

"(II) Special coordination rule.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, any excess amount of qualified higher education expenses shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

(E) Coordination With Hope and Lifelong Learning Credits and Qualified Tuition Programs.—

"(1) IN GENERAL.—Section 530(b)(2)(C) is amended to read as follows:

"(C) Coordination With Hope and Lifelong Learning Credits and Qualified Tuition Programs.

"(i) Credit coordination.—

"(I) In general.—Except as provided in clause (ii), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses.

"(II) Special coordination rule.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, any excess amount of qualified higher education expenses shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

(E) Coordination With Hope and Lifelong Learning Credits and Qualified Tuition Programs.—

"(1) Credit coordination.—

"(I) In general.—Except as provided in clause (ii), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses.

"(II) Special coordination rule.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, any excess amount of qualified higher education expenses shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

(F) Permitted To Contribute to Accounts.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjustments to special rules, as amended by striking ‘‘The maximum amount which a contributor and inserting ‘‘In the case of a contributor who is an individual, the maximum amount the contributor”

"(G) Time When Contributions Deemed Made.—

"(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules, as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

"(1) Extension of time to return excess contributions.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

"(B) by striking ‘‘DUE DATE OF RETURN IN THE HEADLINE AND INSERTING ‘‘JUNE’’.

"(1) Coordination With Hope and Lifelong Learning Credits and Qualified Tuition Programs.—

"(i) Credit coordination.—

"(I) In general.—Except as provided in clause (ii), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses.

"(II) Special coordination rule.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, any excess amount of qualified higher education expenses shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

(G) Effective date.—The amendments made by clause (ii) of this section shall take effect beginning after December 31, 1999.

SEC. 102. MODIFICATIONS TO QUALIFIED TUTITION PROGRAMS.

(a) Eligible educational institutions permitted to maintain qualified tuition programs.—

"(1) In general.—Section 529(b)(1) (defining qualified State tuition program) is amended by striking ‘‘or by the educational institution after maintained by a State or agency or instrumentality thereof” before ‘‘may make’’.

"(2) Conforming amendments.—

"(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking ‘‘qualified State tuition program’’ and inserting ‘‘qualified tuition program’’.

"(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking ‘‘QUALIFIED STATE TUITION’’ and inserting ‘‘QUALIFIED TUITION’’.

"(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking ‘‘QUALIFIED STATE TUITION’’ and inserting ‘‘QUALIFIED TUITION’’.

"(D) The heading for section 529 is amended by striking ‘‘state’’.

"(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking ‘‘State’’.

"(2) Conforming amendment from gross income of education distributions from qualified tuition programs.—

"(1) In general.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) Distributions for qualified higher education expenses—

"(i) in general.—For purposes of this paragraph—

"(I) no amount shall be includible in gross income under subparagraph (A) by reason of a deduction or by a contribution of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense, and

"(II) the amount which is determined without regard to subclause (I) would be includible in gross income under subparagraph (A) by reason of a contribution of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense, and

"(II) Nonapplication of clause.—In the case of any taxable year beginning after December 31, 1999, any distribution shall be treated as a contribution to the qualified tuition and related expenses of an individual for such taxable year under a qualified tuition program
SEC. 201. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) In General.—Section 122(d) (relating to termination of exclusion for employer-provided educational assistance programs) is amended by striking “May 31, 2000” and inserting “June 30, 2004”.

(b) Repeal of Limitation on Graduate Education.—(1) In General.—The last sentence of section 127(c)(1) is amended by striking “, and” and inserting “,”.

(2) Effective Date.—The amendment made by this subsection applies to taxable years beginning after December 31, 1999.

SEC. 202. ELIMINATION OF 60-MONTH LIMIT ON STUDENT LOAN INTEREST DEDUCTION.

(a) In General.—Section 221(d)(1) is amended by striking “subsection (d)” and inserting “section 221(d)(1)”.

(b) Effective Date.—The amendment made by this subsection shall apply with respect to any loan interest paid after December 31, 1999.

SEC. 203. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL PUBLICATIONS SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) In General.—Section 234(d)(13) is amended by striking “$5,000,000” and inserting “$10,000,000”.

(b) Effective Date.—The amendment made by this subsection shall apply to any taxable year beginning after December 31, 1999.

TITLe II—EDUCATIONAL ASSISTANCE

SEC. 204. SPECIAL COORDINATION RULES.

(a) In General.—Section 221(e)(2)(A) is amended by inserting “or programs” after “related”.

(b) Effective Date.—The amendment made by this subsection shall apply with respect to any loan interest paid after December 31, 1999.

TITLe III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE BOND EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) In General.—Section 142(b)(2)(C)(iv) (relating to increase in exception for bonds financing public school capital expenditures) is amended by inserting “$5,000,000” after “$3,000,000”.

(b) Effective Date.—The amendment made by this subsection shall apply to any taxable year beginning after December 31, 1999.

TITLe IV—SCHOOLS AND UNIVERSITIES

SEC. 401. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITIES.

(a) In General.—Section 146(f)(6)(B) is amended by striking “$5,000,000” and inserting “$10,000,000”.

(b) Effective Date.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1999.

TITLe V—ASSISTANCE PROGRAMS

SEC. 501. TREATMENT OF CERTAIN LIMITATION ON INCOME.

(a) In General.—Section 135(d)(2) is amended by striking “$5,000,000” and inserting “$10,000,000”.

(b) Effective Date.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1999.
(c) **Exemption From General State Voluntary Contribution Agreement.**—Paragraph (g) of section 146(c) (relating to exception for certain bonds) is amended—

1. (1) by striking "or (12)" and inserting "(12), or (13)";

2. (2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities";

3. **Exemption From Limitation on Use for Local Housing Projects.**—Section 151(b) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

"(3) **Exempt facility bonds for qualified public-private schools.**—Subsection (c) shall apply to facility bonds issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities)."

4. **Definition of Certain Bonds.**—The heading for section 157(b) is amended by striking "MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

5. **Effective Date.**—The amendments made by this section shall apply to bonds issued after December 31, 1999.

SEC. 403. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL FINANCE BOARD.

(a) **In General.**—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(3) **Certain Guaranteed School Construction Bonds.**—Any bond issued as part of an issue of 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank Act 12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subsection, to the extent the face amount of such bond is not greater than the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed $500,000,000, and is not issued after December 31, 1999.

(b) **Effective Date.**—The amendment made by this section shall apply to bonds issued after December 31, 1999.

TITLE IV—REVENUE PROVISIONS

SEC. 401. MODIFICATION TO FOREIGN TAX CREDITS CARRYBACK AND CARRYOVER PERIODS.

(a) **In General.**—Section 904(c)(2) (relating to limitation on carryback amount) is amended—

1. (1) by striking "in the second preceding taxable year," and

2. (2) by striking "or fifth" and inserting "fifth, sixth, or seventh.

(b) **Effective Date.**—The amendment made by this section shall apply to elections made after the date of the enactment of this Act.

SEC. 402. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) **In General.**—Section 48(d)(5) (relating to special rule for services) is amended—

1. (1) by inserting "in fields described in paragraph (2)(A) after "services by such person", and

2. by inserting "certain personal" before "services" in the heading.

(b) **Effective Date.**—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(c) **Change in Method of Accounting.**—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

1. (A) such change shall be treated as initiated by the taxpayer;

2. (B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

3. (C) the first amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 years) beginning with such first taxable year.

SEC. 403. RETURNS RELATING TO CANCELLATIONS OF INDEBTEDNESS BY ORGANIZATIONS LENDING MONEY.

(a) **In General.**—Paragraph (2) of section 6050F(c) (relating to definitions and special rules) is amended by striking "at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and in-" and, by inserting after subparagraph (C) the following new subparagraph:

"(D) any organization a significant trade or business of which is the lending of money.

(b) **Effective Date.**—The amendment made by subsection (a) shall apply to discharges of indebtedness after December 31, 1999.

SEC. 404. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) **In General.**—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

(a) **General Rule.**—The Secretary shall establish a program requiring the payment of user fees for—

1. (1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

2. (2) other similar requests.

(b) **Program Criteria.**—

1. (1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters;

2. (2) other similar requests.

(a) **In General.**—(1) **Exemption from Assumption of Liability.**—Section 147(d) (relating to assu-}

mption of liability) is amended by striking '"or' and inserting 'or acquired from the taxpayer property subject to a liability'";

(b) **Effective Date.**—The amendments made by this section shall apply to liabilities incurred after December 31, 1999.

SEC. 405. PROPERTY SUBJECT TO A LIABILITY TREATED IN THE SAME MANNER AS AS-}

SUMPTION OF LIABILITY.

(a) **Regulations.**—Section 6050H(d)(1) (relating to assumption of liability) is amended by striking '"or acquired from the taxpayer property subject to a liability'";

(b) **Clarification of Assumption of Liability.**—

1. **In General.**—Section 51 is amended by adding the end the following new subsection:

"(d) **Determination of Amount of Liability Assumed.**—

1. (1) **In General.**—For purposes of this subsection, section 358(d), section 362(d), section 362(a)(1)(C), and section 362(a)(2)(B), except as provided in regulations—

(a) any recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability or portion thereof, whether or not the transferor has been relieved of such liability, and

(b) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

2. **Exception for Nonrecourse Liability.**—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

(a) the amount of such liability which an owner of other assets (determined without regard to section 7701(g)). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title.

(b) the fair market value of such other assets (determined without regard to section 7701(g).

3. **Regulations.**—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title.

2. **Limitation on Basis Increase Attributable to Assumption of Liability.**—

1. (1) **In General.**—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"(a) **Regulations.**—Section 6051 of the Revenue Act of 1987 is repealed.

(b) **Effective Date.**—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 406. PROPERTY SUBJECT TO A LIABILITY TREATED IN THE SAME MANNER AS AS-

SUMPTION OF LIABILITY.

(a) **Regulations.**—Section 6051 of the Revenue Act of 1987 is repealed.

(b) **Effective Date.**—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.
(1) IN GENERAL.—In no event shall the basis of the increased indebtedness under section (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of such liability.

(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

(a) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets transferred to such transferee, then, for purposes of determining the amount of any such liability, the rules of section 357(d) paragraph (a) shall apply.

(b) no person is subject to tax under this title on such gain, then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability were assumed (as determined under section 357(d) paragraph (a)) in determining the amount of any fund is subject to a liability, in subpart or to which the property transferred is subject to a liability, or acquisition (in the amount of the liability) designated by the transferee.

(c) application to provisions other than subsection.—

(1) section 584.—Section 584(b)(3) is amended—

(A) by striking ‘‘and the fact that any property transferred by the common trust fund subject to a liability, in subpart or to which the property transferred is subject to a liability, or acquisition (in the amount of the liability)’’;

(B) by striking clause (ii) of subparagraph (B) and inserting—

‘‘(ii) Assumed liabilities.—For purposes of clauses (A), the term ‘assumed liabilities’ means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A), and

(C) assumption.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply.

(2) section 1031.—The last sentence of section 1031(d) is amended—

(A) by striking ‘‘assumed a liability of the taxpayer property subject to a liability and inserting ‘‘assumed (as determined under section 357(d)) a liability of the taxpayer, and

(B) by striking clause (ii) of subparagraph (B) and inserting—

‘‘(ii) assumed liabilities.—For purposes of subsection (c), the term ‘assumed liabilities’ means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A), and

(d) conforming amendments.—

(1) section 551(b)(1) is amended by striking ‘‘or acquires property subject to a liability, ‘‘;

(2) section 357 is amended by striking ‘‘or acquisition’’ each place it appears in subsection (a) or (b).

(3) section 357(b)(1) is amended by striking ‘‘or acquired’’.

(4) section 357(c)(1) is amended by striking ‘‘the amount of the liabilities to the which the property is subject.’’.

(5) section 357(c)(3) is amended by striking ‘‘or to which the property transferred is subject’’.

(6) section 358(d)(1) is amended by striking ‘‘or acquisition (in the amount of the liability)’’.

(e) effective date.—The amendments made by this section shall apply to transfers after October 19, 1998.

SECTION 406. CHARITABLE SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOWMENT CONTRACTS.

(a) IN GENERAL.—Subsection (f) of section 401(a), the term ‘split-dollar life insurance, annuity, and endowment contracts’ is amended by adding at the end the following new paragraph:

(10) Split-dollar life insurance, annuity, and endowment contracts.—

(A) IN GENERAL.—Nothing in this section or in section 563(b)(2), 564(b)(2), 642(c), 2055, 2106(a)(2), or 2522 shall be construed to allow a deduction, and no deduction shall be allowed, for any payment made on such contract in connection with a transfer for which a deduction is not allowable under subparagraph (A), determined without regard to whether such contract is a split-dollar life insurance, annuity, or endowment contract under the charitable gift annuity regulations of this Act.

(B) PERSONAL BENEFIT CONTRACT.—For purposes of subparagraph (A), the term ‘personal benefit contract’ means, with respect to a transferor, any life insurance, annuity, or endowment contract if any direct or indirect beneficiary under such contract is the transferor, any member of the transferor’s family, or any other person (other than an organization described in subparagraph (c)) designated by the transferor.

(C) APPLICATION TO CHARITABLE REMAINder Trusts.—In the case of a transfer to a charitable remainder trust referred to in subparagraph (E), references in subparagraphs (A) and (F) to an organization described in subsection (c) shall be treated as a reference to such trust.

(D) EXCEPTION FOR CERTAIN ANNUITY CONTRACTS.—If, in connection with a transfer to or for the use of an organization described in subparagraph (A), such organization incurs an obligation to pay a charitable gift annuity (as defined in section 501(m)) and such organization purchases any annuity contract to fund such obligation, persons receiving payments under the charitable gift annuity shall not be treated for purposes of subparagraph (B) as indirect beneficiaries under such contract if—

(i) such organization possesses all of the incidents of ownership under such contract, and

(ii) such organization is entitled to all the payments under such contract, and

(iii) the timing and amount of payments under such contract are substantially the same as the timing and amount of payments to beneficiaries under the charitable gift annuity (as such obligation is in effect at the time of such transfer).

(E) EXCEPTION FOR CERTAIN CONTRACTS HELD BY CHARITABLE REMAINder TRUSTS.—A person shall not be treated for purposes of subparagraph (B) as an indirect beneficiary under any life insurance, annuity, or endowment contract held by a charitable remainder annuity trust or a charitable remainder unitrust (as defined in section 664(d)(1)) solely by reason of being entitled to any payment referred to in paragraph (1)(A) or (2)(A) of section 664(d) if—

(i) such contract possesses all of the incidents of ownership under such contract, and

(ii) such trust is entitled to all the payments under such contract.

(F) EXCISE TAX ON PREMIUMS PAID.—

(i) IN GENERAL.—There is hereby imposed a tax equal to the premiums paid after the date of enactment of this Act on premiums paid under any life insurance, annuity, or endowment contract if the payment of such premium on such contract is in connection with a transfer for which a deduction is not allowable under subparagraph (A), determined without regard to whether such contract is a split-dollar life insurance, annuity, or endowment contract under the charitable gift annuity regulations of this Act.

(ii) PAYMENTS BY OTHER PERSONS.—For purposes of clause (i), payments made by any other person pursuant to an understanding or expectation referred to in subparagraph (A) shall be treated as made by the organization.

(g) special rule where state requires specification of charitable gift annuity in contract.—In the case of an obligation to pay a charitable gift annuity referred to in subparagraph (d) which is entered into under the laws of a State which requires, in order for the charitable gift annuity to be exempt from insurance regulations by such State, that each beneficiary under the charitable gift annuity be named as a beneficiary under an annuity contract issued by an insurance company authorized to transact business in such State, the requirements of clauses (i) and (ii) of subparagraph (D) which is entered into under such State law shall be treated as met if—

(i) such contract is in connection with a transfer for which a deduction is not allowable under subparagraph (A), determined without regard to whether such contract is a split-dollar life insurance, annuity, or endowment contract under the charitable gift annuity regulations of this Act.

(ii) each such beneficiary under the charitable gift annuity is a bona fide resident of such State at the time the obligation to pay a charitable gift annuity is entered into, and

(iii) the only persons entitled to payments under such contract are persons entitled to payments under such State law requirement.

(h) regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations to prevent the avoidance of such purposes.

(i) effective date.—This subsection shall apply to transfers made after December 31, 2000.

(B) Section 408(c)(1) of such Act (29 U.S.C. 1108(c)(1)) is amended by striking "1995" and inserting "2001".

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking "in a taxable year beginning before January 1, 2001" and inserting "made before October 1, 2009", and

(ii) by striking "1996" and inserting "2001".

(b) Application of Minimum Cost Requirements.—

(1) In general.—Section 420(c)(3) is amended to read as follows:

"(3) Minimum cost requirements.—

(A) In general.—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall be the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the qualified transfer.

(B) Applicable Employer Cost.—For purposes of this paragraph, the term 'applicable employer cost' means, with respect to any taxable year, the amount determined by dividing—

(i) the qualified current retiree health liabilities of the employer for such taxable year determined—

(II) in the case of a taxable year in which there was no qualified transfer, in the same manner as if there had been such a transfer at the end of the taxable year, by

(ii) the number of individuals to whom coverage for applicable health benefits was provided during such taxable year.

(C) Election to compute cost separately.—An employer may elect to have this paragraph applied separately with respect to individuals not so eligible.

(II) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made.

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.

(c) Effective Date.—The amendments made by this section shall apply to qualified transfers occurring after December 31, 2009, and before October 1, 2009.

SEC. 408. LIMITATION ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS

(a) Benefits to which exception applies.—Section 419A(f)(6)(A) (relating to exception for 10 or more employer plans) is amended to read as follows:

"(A) In general.—This subpart shall not apply to welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

1. Medical benefits.

2. Disability benefits.

3. Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.

(b) Limitation on use of amounts for other purposes.—Section 419F(b) (defining disqualified arrangements) is amended by adding at the end the following new subparagraph:

"(5) Special rule for 10 or more employer plans exempted from prefunding limits.—For purposes of paragraph (1)(C), if—

(A) a subpart D of part I of chapter D of title 1 does not apply by reason of section 419A(f)(6)(C),

(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.

(c) Effective Date.—The amendments made by this section shall apply to any installment sale if such income would be reported under an accrual method of accounting without regard to this section.

For me, this bill arises out of unpleasant personal experience. I was elected to this body in a special election against the man I am now proud to call my friend and colleague, GORDON SMITH. That campaign was the nastiest, most negative, least edifying political season that my state has ever been through. The unabashedly negative ads that both of our campaigns put out were a sour departure from Oregon's tradition of responsible, thoughtful politics.

I eventually became so disgusted with what my own campaign had become, that with only a few weeks before the election, I got rid of all my ads, destroyed negative mailings that were about to be sent out, asked others who were airing negative ads on my behalf to desist, and started over with a campaign that was 100 percent positive. I know if it's not the smart campaign strategy or a kind of political suicide, and I didn't much care. Win or lose, I wanted to be proud of the way that I had conducted myself.
There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1135
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 "Political Candidate Personal Responsibility Act of 1999"

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) Local broadcasters are currently required to offer the "lowest unit charge" for advertisements to candidates for all political offices 45 days before a primary election, and 60 days before a general election.

(2) The "lowest unit charge" requirement results in broadcast time. If a candidate fails to demonstrate personal responsibility for the tenor of the candidate's advertising.

(4) The Government should take action to ensure that it does not subsidize negative and attack-oriented television and radio advertising.

The second requirement is that in any television and radio advertisements, the lowest unit rate will only be available if a candidate, when referring to his or her opponent, makes the reference him or herself. Radio advertisements must also contain a statement by the candidate in the which the candidate identifies himself or herself and the office for which the person is running.

The second requirement is that in any television or radio ad where a candidate makes reference to his or her opponent, the candidate must appear or be heard for at least 75 percent of the broadcast time. If a candidate chooses to air an advertisement that does not comply with these requirements, he or she will be ineligible to receive the lowest unit rate for a period of 45 days in a primary and 60 days in a general election.

In other words, if you want the benefits of discounted broadcast time, you can’t make disparaging statements that you aren’t willing to say yourself. No more hiding behind grainy photographs, ominous music, and anonymous announcers.

Ultimately, one of our greatest responsibilities as elected officials is to encourage greater public participation in all levels of the political process. Campaign activities should not only represent the views of the candidates, but they should also encourage voters to participate in the democratic process.

The growing negative trend of campaign advertisements degrades the process, discounting people from becoming involved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

"(2) Campaign activities should not only represent the views of the candidates, but they should also encourage voters to participate in the democratic process.

The growing negative trend of campaign advertisements degrades the process, discounting people from becoming involved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

"(1) Local broadcasters are currently required to offer the "lowest unit charge" for advertisements to candidates for all political offices 45 days before a primary election, and 60 days before a general election.

(2) The "lowest unit charge" requirement results in broadcast time. If a candidate fails to demonstrate personal responsibility for the tenor of the candidate's advertising.

(4) The Government should take action to ensure that it does not subsidize negative and attack-oriented television and radio advertising.

The second requirement is that in any television and radio advertisements, the lowest unit rate will only be available if a candidate, when referring to his or her opponent, makes the reference him or herself. Radio advertisements must also contain a statement by the candidate in the which the candidate identifies himself or herself and the office for which the person is running.

The second requirement is that in any television or radio ad where a candidate makes reference to his or her opponent, the candidate must appear or be heard for at least 75 percent of the broadcast time. If a candidate chooses to air an advertisement that does not comply with these requirements, he or she will be ineligible to receive the lowest unit rate for a period of 45 days in a primary and 60 days in a general election.

In other words, if you want the benefits of discounted broadcast time, you can’t make disparaging statements that you aren’t willing to say yourself. No more hiding behind grainy photographs, ominous music, and anonymous announcers.

Ultimately, one of our greatest responsibilities as elected officials is to encourage greater public participation in all levels of the political process. Campaign activities should not only represent the views of the candidates, but they should also encourage voters to participate in the democratic process.

The growing negative trend of campaign advertisements degrades the process, discounting people from becoming involved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

"(2) Campaign activities should not only represent the views of the candidates, but they should also encourage voters to participate in the democratic process.

The growing negative trend of campaign advertisements degrades the process, discounting people from becoming involved.

I ask unanimous consent that the text of the bill be printed in the RECORD.
claims brought on by a catastrophe. This bill gives the two Florida catastrophes the same tax-exempt status that is already enjoyed by a number of not-for-profit insurance provers.

State law authorizes the FWUA and the JUA to assess property insurance policyholders throughout Florida to pay for losses generated by catastrophic storms or other perils. Thus, the benefits of the tax exemption would reduce the frequency and severity of assessments levied against individuals and businesses. Greater funds would be available to cover losses which otherwise would be paid for by higher assessments on Florida policyholders—cutting taxes for the approximately 5,000,000 property owners in the state of Florida.

This legislation has the bipartisan support of the entire Florida Congressional delegation in addition to strong backing from Governor Jeb Bush, the State's Insurance Commissioner, the Florida Senate President and Florida's House Speaker. And this change in the tax code would result in only a negligible loss of federal tax revenue, according to Joint Tax.

Our legislation is extremely important to homeowners and businesses throughout the state of Florida, all of whom are subject to assessment if reserves are not sufficient to pay claims in the event of a severe hurricane or other catastrophe. With hundreds of miles of magnificent coastline, Florida remains sensitive to the perils of nature. Enactment of our legislation permits Florida to prepare for the next Hurricane Andrew while alleviating some of the economic hardship exacted on Florida property owners.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record, as follows:

SEC. 1. EXEMPTION FROM INCOME TAX FOR STATE-CREATED ORGANIZATIONS PROVIDING PROPERTY AND CASUALTY INSURANCE FOR PROPERTY FOR WHICH SUCH COVERAGE IS OTHERWISE UNAVAILABLE.

(a) In General.—Subsection (c) of section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by adding at the end the following new paragraph:

"(BB) Any association created before January 1, 1999, by State law and organized and operated exclusively to provide property and casualty insurance coverage for property located within the State for which the State has determined that coverage in the authorized insurance market is limited or unavailable at reasonable rates, if—

"(i) no part of the net earnings of which inures to the benefit of any private shareholder or individual,

"(ii) except as provided in clause (v), no part of the assets of which may be used for, or diverted to, any purpose other than—

(1) to satisfy, in whole or in part, the liability of the association for, or with respect to, claims made on policies written by the association,

(2) to invest in investments authorized by applicable law,

(3) to pay reasonable and necessary administrative expenses in connection with the establishment and operation of the association and the processing of claims against the association,

(4) the assets of the association revert to the benefit of any private shareholder, shareholder association described by section 501(c)(28) of the Internal Revenue Code of 1986, as amended by subsection (a).

(b) TRANSITIONAL RULE.—No income or gain shall be recognized by an association as a result of a change in status to that of an association described by section 501(c)(28) of the Internal Revenue Code of 1986, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

Mr. GRAHAM. Mr. President, as we prepare for next week's start of the 1999 Hurricane Season, we have proposed to join my colleague, Senator MACK, in introducing legislation that will help protect Florida from economic devastation in the event of a catastrophic disaster.

Our legislation would amend Section 501(c) of the Internal Revenue Code to grant tax-exempt status to state chartered, not-for-profit insurers serving markets in which commercial insurance is not available. In our state, this legislation will primarily assist the Florida Windstorm Underwriting Association (FWUA) and the Florida Residential Property and Casualty Joint Underwriting Association (JUA).

The Florida Windstorm Association was created in 1970. Twenty-two years later, in 1992, the legislature authorized the Joint Underwriting Association. These organizations operate as residual market mechanisms. They provide residential property and casualty insurance coverage for those residents who need, but are unable to procure coverage through the voluntary market.

The JUA was created in direct response to $16 billion in covered losses during Hurricane Andrew. The destructive force of Andrew rendered a number of property insurance companies insolvent. Other firms recovered from the catastrophe by withdrawing from Florida markets.

During those fortunate years when we are not impacted by major hurricanes or other natural catastrophes, the FWUA and JUA take in premiums that are paid out in claims and expenses. Florida law prevents those funds from being distributed so that needed reserves will accumulate in preparation for inevitable disasters.

Unfortunately, the Internal Revenue Service penalizes Florida for this responsible, forward thinking practice. It requires that 35% of those funds be sent to Washington as federal income taxes rather than used to fund reserves. Designating state chartered, non profit insurers as tax-exempt will help Florida accumulate the necessary reserves to pay claims brought on by a catastrophe.

State law also authorizes the FWUA and the JUA to assess property insurance policyholders for losses generated by natural disasters. Tax exemptions should reduce the frequency and severity of assessments levied against individual policyholders, because it would make more funds available to cover losses which otherwise would be paid for by higher assessments on policyholders.

Mr. President, even seven years later, Hurricane Andrew is still a nightmarish memory for Floridians. The 1999 Hurricane season will begin on June 1, 1999. The National Weather Service expects this hurricane season—which begins next Tuesday, to be another active storm season. It is imperative that the federal government avoid the comfortable habit of ignoring lessons presented by Andrew and other recent catastrophes.

This legislation has bipartisan support in the state’s Congressional delegation. It is backed by our state governor, our insurance Commissioner, our state Senate President and House Speaker.

Also, Mr. President, the Joint Committee on Taxation has ruled that this legislation will have a negligible effect on the federal budget.

Our legislation is extremely important to homeowners and businesses throughout Florida, all of whom are subject to assessment if reserves are not sufficient to pay claims in the event of a catastrophe. Florida remains sensitive to the perils of nature. Enactment of this legislation will permit our state to prepare for the next Hurricane Andrew while alleviating some of the economic hardship exacted on Florida property owners.

By Mr. REID (for himself and Mr. FRIST):

S. 1139. A bill to amend title 49, United States Code, relating to civil
penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information for other purposes; to the Committee on Commerce, Science, and Transportation.

INCREASE OF CIVIL PENALTIES ON UNRULY AIRLINE PASSENGERS LEGISLATION

Mr. REID. Mr. President, years ago, when air travel was in its infancy, the greatest threat to passenger safety was mechanical failure.

Over the last half-century, the dedication of the men and women who service our airlines, coupled with advances in technology and know-how, have made air travel the safest method of transportation we have.

But it’s not always the most convenient way to travel. As air travel has become safer, it has also become more popular—among the unruly.

As all of my colleagues in this chamber well know, air travel is an increasingly stressful and chaotic experience, at times trying even the most patient among us.

I commend my colleagues for introducing the passenger’s bill of rights earlier this Congress, which hopefully will alleviate some of the stress of air travel.

I rise today to address a different aspect of that stress, and that is the safety hazard created to all passengers when a passenger who can’t control his behavior or emotions, or simply refuses to do so, acts in a way that jeopardizes the safety of the flight.

Over the last few years, the number of reported incidents in which unruly airline passengers have interfered with flight crews, or even physically assaulted them, has increased dramatically and dangerously.

One airline alone reports that the number of incidents caused by violent or unruly passengers more than tripled in only three years—from 296 cases in 1994 to 921 cases in 1997.

In 1996, the Federal Aviation Administration imposed civil penalties against 121 unruly passengers. In 1997, that number jumped to 195—a sixty percent increase in only one year.

These incidents represent a serious threat to the safety of both flight crews and passengers alike.

Today I rise to introduce my colleague Senator Frist, am introducing a bill that addresses this problem.

Briefly, my bill will allow the Secretary of Transportation to increase the civil penalty from its current level of $1,000, up to $25,000, on any airline passenger who interferes with the duties or responsibilities of the flight crew or cabin crew or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft.

We need not only to punish passengers who threaten the safety of their passengers. We also need to give airlines the power to prevent particularly violent or disruptive passengers from committing similar acts in the future.

When someone drives in an unsafe manner on our roads, local police have the power to fine them. When that someone commits the same offenses repeatedly, or drives in a way that is especially dangerous, local authorities have the power to revoke or suspend their driver’s licenses—to take those drivers off the road.

I think we need to do something similar with air travelers who commit particularly dangerous acts, or who insist on repeatedly disrupting airline flight crews. We need them off of our airlines, so that they do not have the opportunity to jeopardize the lives of other passengers in the future.

The bill I am introducing today gives the Department of Transportation the authority to raise the civil penalty up to $25,000.

Second, and most important, my bill would also give the Secretary of Transportation the authority to impose a ban on flying, for a year on all commercial air travel on passengers guilty of such incidents.

The bill enforces this ban by making airlines which provide air transportation to a banned traveler liable to the Government for a civil penalty of up to $25,000.

Third, this bill would give whistleblower protection to flight attendants who report unsafe behavior by co-workers.

Fourth, this bill will make the investigation of in-flight incidents easier by giving the Attorney General the authority to deputize local law enforcement officials to investigate incidents when the plane lands, wherever it lands.

Mr. President, everyone in this body travels extensively by air. Every time we get into an airplane, we put our lives in the hands of the hardworking men and women who staff our airlines.

When we, or any other American, get on an airplane, we should be able to sit back and relax, confident in the knowledge that those men and women can perform the jobs they were trained to do without interference by unreasonable or violent passengers.

We should also have the security of knowing that if a passenger does choose to commit a particularly unruly or violent act that threatens the safety of other passengers or the flight crew, that passenger won’t be able to get on another plane tomorrow and do the same thing to another unsuspecting planeload of passengers.

I urge my colleagues to join me in supporting this important bill.

Mr. President, 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:

SECTION 1. PENALTIES FOR UNRULY PASSENGERS.

(a) In General.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"§ 46317. Interference with cabin or flight crew

"(a) General Rule.—

"(1) In General.—An individual who interferes with the duties or responsibilities of the flight crew or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

"(2) Additional Penalties.—In addition or as an alternative to the penalty under paragraph (1), the Secretary of Transportation (referred to in this section as the ‘Secretary’) may prohibit the individual from flying as a passenger on an aircraft used to provide air transportation for a period of not more than 1 year.

"(b) Notification of Air Carriers.—Not later than 10 days after issuing an order prohibiting an individual from flying under subsection (a)(2), the Secretary shall notify all air carriers of—

"(1) the prohibition; and

"(2) the period of the prohibition.

"(c) Responsibility of Air Carriers.—After a notification of an order issued under subsection (a)(2), an air carrier who provides air transportation for the individual prohibited from flying during the period of the prohibition under that subsection is liable to the United States Government for a civil penalty of not more than $25,000.

"(d) Compromise and Setoff.—After a notification of an order issued under subsection (a)(2), an air carrier who provides air transportation for the individual prohibited from flying during the period of the prohibition under that subsection is liable to the United States Government for a civil penalty of not more than $25,000.

"(2) Setoff.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.

"(b) Conforming Amendment.—The table of sections for chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"46317. Interference with cabin or flight crew.

SEC. 2. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) In General.—Chapter 421 of title 49, United States Code, is amended by adding at the end the following:

"Subchapter III—Whistleblower Protection Program

"§ 42121. Protection of employees providing air safety information

"(a) Discrimination Against Airline Employees.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)
PROCEDURE.—

of the Secretary's findings.

have committed a violation of subsection (a)

there is reasonable cause to believe that the

Secretary to present statements from wit-

response to the complaint and an oppor-

complaint shall state the alleged violation.

days after an alleged violation occurs. The

findings referred to in clause (i) with a pre-

lieve that a violation of subsection (a) has

on the record.

plainant may file objections to the findings

have committed the violation or the com-

after the date of notification of findings

written or oral testimony in such a pro-

ceiling; or

(4) assisted or participated or is about to

assist or participate in such a proceeding;

(b) DEPARTMENT OF LABOR COMPLAINT

PROCEDURE.—

FILING AND NOTIFICATION.—

(A) IN GENERAL.—If a complaint is filed

in accordance with this paragraph, a person may file (or have a per-

son file on behalf of that person) a complaint

with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

(ii) SETTLEMENT AGREEMENT.—At any
time before issuance of a final order under this paragraph, the district court shall have
jurisdiction to grant any appropriate form of
relief, including injunctive relief and compen-
satory damages.

(b) REMEDY.—If, in response to a com-
plaint filed under paragraph (1), the Sec-

retary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor to require the air carrier (or an agent, contractor, or subcon-
tractor of the air carrier), deliberately or negligently relating to
air carrier safety under this subtitle or any
other law of the United States.

(C) NOTIFICATION.—Upon receipt of a com-
plaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the
Federal Aviation Administration of the

(i) filing of the complaint;

(ii) allegations contained in the com-

plainant.

(iii) substance of evidence supporting the complaint;

(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

(2) INVESTIGATION: PRELIMINARY ORDER.—

(A) IN GENERAL.—

(i) INVESTIGATION.—Not later than 60 days

after receipt of a complaint filed under para-

graph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an oppor-
tunity to meet with a representative of the Secretary to present statements from wit-

nesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed the violation.

(ii) ORDER.—Except as provided in sub-
paragraph (B), if the Secretary of Labor con-
cludes that there is reasonable cause to be-

lieve that a violation of subsection (a) has
occurred, the Secretary shall accompany the findings referred to in clause (i) with a pre-
liminary order affording the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the order.

(2) EFFECT OF FILING.—The filing of ob-

jections under clause (iii) shall not operate
to stay any reinstatement remedy contained in the preliminary order.

(3) FINAL ORDER.—If an air carrier, con-
tractor, or subcontractor named in the order in paragraph (2) is subject to a final order issued under this subparagraph, the person alleged to have committed the violation shall assess against the air car-
rier (or contractor, or subcontractor) in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connec-
tion with, the bringing of the complaint that resulted in the issuance of the order.

A review conducted under this section may be terminated on the basis of a
settlement agreement entered into by the Secretary of Labor, at the request of the
complainant, that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the
complainant, shall assess against the air car-
rier (or contractor, or subcontractor) in the
order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connec-
tion with, the bringing of the complaint that resulted in the issuance of the order.

not conduct an investigation otherwise re-
quired under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contrib-
uting factor in the unfavorable personnel ac-

(iii) RELIEF.—

Any non-discretionary
decision imposed by this section shall be en-
forceable in a mandamus proceeding brought
under section 1361 of title 28.

(c) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air

(iii) provide compensatory damages to

the complainant. The appropriate United States district court shall have jurisdic-
tion, without regard to the amount in controversy or the citizenship of the parties, to
enforce the order.

(b) ATTORNEY FEES.—In issuing any final
order under this paragraph, the court may award costs of litigation (including reason-
able attorney and expert witness fees) to any
party if the court determines that the awarding of those costs is appropriate.

(MANDAMUS.—Any non-discretionary
decision imposed by this section shall be en-
forceable in a mandamus proceeding brought
under section 1361 of title 28.

(iii) RELIEF.—Any order or final order
under paragraph (3) may commence a civil action against the air carrier, contractor, or sub-
contractor named in the order to require compliance with the order. The appropriate
United States district court shall have jurisdic-
tion, without regard to the amount in controversy or the citizenship of the parties, to
enforce the order.

(iii) provide compensatory damages to

the complainant. The appropriate United States district court shall have jurisdic-
tion, without regard to the amount in controversy or the citizenship of the parties, to
enforce the order.
SEC. 3. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in section 40102 of title 49, United States Code.

(3) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) establish a program under which the Federal Government may deputize State and local law enforcement officers as Deputy United States Marshals for the limited purpose of enforcing any Federal law described in subsection (b)(1)(A), including any individual who violates a provision of Federal law, subject to a civil penalty under section 46501 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(B) limit the authority that a State or local law enforcement officer may otherwise exercise in the capacity under any other applicable State or Federal law.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) may arrest and apprehend an individual suspected of violating any Federal law as described in subsection (b)(1)(A), including any individual who violates a provision of Federal law, subject to a civil penalty under section 46501 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program established under subsection (b) shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(d) ADDITIONAL POWERS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. Graig, the name of the Senator from South Dakota (Mr. Johnson) was added as a co-sponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 343

At the request of Mr. Bond, the names of the Senator from Florida (Mr. Mack), the Senator from Idaho (Mr. Crapo), and the Senator from Utah (Mr. Bennett) were added as co-sponsors of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 414

At the request of Mr. Grassley, the name of the Senator from South Dakota (Mr. Johnson) was added as a co-sponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 434

At the request of Mr. Breaux, the name of the Senator from Colorado (Mr. Campbell) was added as a co-sponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 445

At the request of Mr. Jeffords, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a co-sponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with Medicare reimbursement for Medicare services provided to certain Medicare-eligible veterans.

S. 459

At the request of Mr. Hatch, the name of the Senator from South Carolina (Mr. Thurmond) was added as a co-sponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. Grassley, the name of the Senator from North Carolina (Mr. Helms) was added as a co-sponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational duty in determining the exclusion of gain from the sale of such residence.

S. 309

At the request of Mr. McCaskill, the name of the Senator from Missouri (Mr. Bond) was added as a co-sponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to load the deficit by increasing the maximum amount of Social Security benefits and earnings that individual and joint filers are treated as qualified for purposes of the cap on Social Security benefits.

S. 318

At the request of Mr. Reed, the name of the Senator from South Dakota (Mr. Breaux) was added as a co-sponsor of S. 318, a bill to amend the Social Security Act to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 447

At the request of Mr. Grassley, the name of the Senator from South Dakota (Mr. Johnson) was added as a co-sponsor of S. 447, a bill to amend the Social Security Act to provide certain Medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational duty in determining the exclusion of gain from the sale of such residence.
therapies under part B of the Medicare program, and for other purposes.

S. 643

At the request of Mr. Abraham, the name of the Senator from Minnesota (Mr. Grams) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Mr. Chafee, the name of the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 680

At the request of Mr. Hatch, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 757

At the request of Mr. Lugar, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 774

At the request of Mr. Breaux, the name of the Senator from Colorado (Mr. Allard) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses.

S. 796

At the request of Mr. Wellstone, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 805

At the request of Mr. Duren, the name of the Senator from Nevada (Mr. Reid) 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. 810

At the request of Mr. Graham, the name of the Senator from Georgia (Mr. Cleland) was added as a cosponsor of S. 808, a bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes.

S. 880

At the request of Mr. Inhofe, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from Alaska (Mr. Murkowski) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program.

S. 902

At the request of Mr. Torricelli, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to permit States the option to provide medical aid coverage for low-income individuals infected with HIV.

S. 913

At the request of Mr. Kerry, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 922

At the request of Mr. Abraham, the names of the Senator from Hawaii (Mr. Akaka), the Senator from South Carolina (Mr. Thurmond), and the Senator from Oklahoma (Mr. Inhofe) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 965

At the request of Mr. Jeffords, the name of the Senator from Nevada (Mr. Reid) was added as a cosponsor of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 1006

At the request of Mr. DeWine, the names of the Senator from New Mexico (Mr. Bingaman) and the Senator from Virginia (Mr. Robb) were added as cosponsors of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1017

At the request of Mr. Graham, the names of the Senator from Michigan (Mr. Levin), the Senator from Vermont (Mr. Leahy), the Senator from Indiana (Mr. Bayh), and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.
May 26, 1999

CONGRESSIONAL RECORD—SENATE

Mr. LOTT (for himself, Mr. WARNER, Mr. SHELLY, Mr. MURkowski, Mr. HATCH, Mr. TOMENTO, Mr. THOMAS, Mr. KYL, and Mr. HUTCHINSON) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 387, below line 24, add the following:

SEC. 1061. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.—
(a) NOTICE TO CONGRESS OF INVESTIGATIONS.—The President shall promptly notify Congress whenever an investigation is undertaken pursuant to an allegation of violation of United States export control laws in connection with a commercial satellite of United States origin.
(b) NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS AND LICENSES.—The President shall promptly notify Congress whenever an export license or waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the license or waiver.
(c) NOTICE IN APPLICATIONS.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

SEC. 1062. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.—
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—
(1) to authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;
(2) to establish appropriate professional and technical qualifications for such personnel;
(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;
(4) to establish mechanisms in accordance with the provisions of section 154(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—
(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and
(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;
(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;
(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;
(7) to submit, on an annual basis, briefings to the officers and employees of United States commercial satellite entities...
CONGRESSIONAL RECORD—SENATE  May 26, 1999

11008

on United States export license standards, guide United States export license and technical data controls, and encourage United States businesses and employees to participate in such briefings;

(8) to establish a system for—

(A) the preparation and filing by personnel of the Director of each national intelligence satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(9) to establish a counterintelligence office within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—The Secretary shall submit to Congress each year, as part of the annual report for that year under section 1514a(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(1) A summary of the satellite launch campaigns and activities observed by the Defense Threat Reduction Agency during the preceding year.

(2) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(3) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(4) An assessment of the record of United States satellite makers in cooperating with Agency monitors in complying with United States export control laws, during that year.

SEC. 1063. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall prescribe regulations to provide notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as applicable, under the policies of the Defense Threat Reduction Agency.

SEC. 1064. ENHANCEMENT OF INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1065. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should take all actions appropriate under the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and

(B) adopted an effective export control system under the MTCR Annex.

(b) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" means the policy statement, between the United States, the United Kingdom, France, Germany, Italy, Japan, and the People's Republic of China, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

(c) A UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY. It is the sense of Congress that—

(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to competitiveness in the United States commercial space launch industry; and

(2) Congress and the President should—

(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(C) if the phase out of the policy is adopted, permit launches of commercial satellites of United States origin by the People's Republic of China only if—

(i) such launches are licensed as of the commencement of the phase out of the policy; and

(ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

SEC. 1067. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.

(a) IN GENERAL.—Not later than March 15 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) REPORT ELEMENTS.—Each report shall include—

(1) an analysis of the military forces facing Taiwan from the People's Republic of China;

(2) an evaluation of contributions during the preceding year to the offensive military capabilities of the People's Republic of China; and

(3) an assessment of any challenges during the preceding year to the military forces of the People's Republic of China.

SEC. 1068. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking "(3)'' and inserting "(4)''.

(b) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" means the policy statement, between the United States, the United Kingdom, France, Germany, Italy, Japan, and the People's Republic of China, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1069. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.
SEC. 516. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COORDINATION OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employee and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Secretary shall ensure that at least one employee from the pool established under paragraph (1) accompanies any group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country by the Secretary of State.

KERRY (AND OTHERS)
AMENDMENT NO. 395

Mr. KERRY (for himself, Mrs. BOXER, Mr. FEINGOLD, Mr. DASCHLE, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

ALLARD (AND OTHERS)
AMENDMENT NO. 396

Mr. ALLARD (for himself, Mr. HAR- KIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. MURkowski, Ms. SNOWE, Mr. FEINGOLD, Mr. COVER- DELL, and Mr. GRASSLEY) proposed an amendment to the bill, S. 1059, supra, as follows:

Strike section 994, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the govern-ernance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improve-ments to Civil Air Patrol operations, includ-ing Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Comptroller General shall submit a report on the results of the study to the congressional defense committees.

(c) INPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and manage-ment operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the Congress

sional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any rec-ommendations that the Inspector General considers appropriate regarding actions nec-essary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

MURRAY (AND OTHERS)
AMENDMENT NO. 397

Mrs. MURRAY (for herself, Ms. SNOWE, Ms. MUKULSKI, Mrs. BOXER, Mr. LANDER, Mr. KENNEDY, Mr. SCHUMER, Mr. INOUYE, Mr. KENNEDY, Mr. JEFFORDS, and Mr. ROBB) proposed an amendment to the bill, S. 1059, supra, as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OR OWNERSHIP OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a) Restriction on Use of Funds.—".

HARKIN (AND BOXER)
AMENDMENT NO. 398

(Ordered to lie on the table.)

Mr. HARKIN (for himself, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra, as follows:

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental benefits and inserting "shall carry out a program to provide supplemental foods and nutrition education.

(b) FUNDING.—Subsection (b) of such sec- tion is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supple-mental foods and nutrition education and to pay for costs for nutrition services and admin-istration under the program required by subsection (a)."

PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the deter-mination of eligibility for the program ben-efits, a person already certified for participa-tion in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1706(b)) shall be considered eligible for the duration of the certification period under that program.

(d) NUTRITIONAL RISK STANDARDS.—Sub- section (c)(1)(B) of such section is amended by inserting "and nutritional risk stand-ards" after "income eligibility standards".

(d) REPLACEMENT DECORATION DEFINED.— For the purposes of this section, the term "replacement decoration" means a memorial or other decora-tion offered by a former member of the Armed Forces was awarded by the United States for military service of the United States.

GORTON (AND MURRAY)
AMENDMENT NO. 400

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra, as follows:

In title VII, at the end of subtitle A, add the following:

SEC. 705. CONTINUOUS OPEN ENROLLMENT IN MANAGED CARE PLANS OF THE FORMER SERVICES TREATMENT FACILITIES.

Section 724 of the National Defense Au-thorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 173 note) is amended by adding at the end the following:

"(c) CONTINUOUS OPEN ENROLLMENT.—Covered beneficiaries shall be allowed to enroll at any time in a managed care plan of one of the TRICARE Prime options under the TRICARE program."

BOND (AND KERRY)
AMENDMENT NO. 401

(Ordered to lie on the table.)
Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

SEC. 3179. USE OF 9975 CANISTERS FOR SHIPMENT OF WASTE FROM ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) APPROVAL OR DENIAL OF USE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall either grant or deny approval for the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site, Colorado.

(b) ALTERNATIVE MEANS OF SHIPMENT OF WASTE.—(1) If approval of the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site is denied under subsection (a), the Secretary shall identify an alternative to 9975 canisters for use for the shipment of waste from the Rocky Flats Environmental Technology Site.

(2) The alternative under paragraph (1) shall be identified not later than 10 days after the date of the denial of approval under subsection (a).

(c) COSTS.—Amounts to cover any costs associated with the identification of an alternative under subsection (b), and any costs associated with delays in the shipment of waste from Rocky Flats Environmental Technology Site as a result of delays in approval, shall be subtracted from amounts appropriated for travel by the Secretary of Energy.

BOXER AMENDMENT NO. 403

(Ordeled to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1059 supra; as follows:

In title X, at the end of subtitle A, add the following:

SEC. 1301. SHORT TITLE.

This title may be cited as the “Community-Army Cooperation Act of 1999”.

SEC. 1302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would not be the fastest and most efficient means for the destruction of the chemical weapons stockpile.

(6) Communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104–208) require that the Department of the Army employ methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with the Chemical Weapons Convention will require an accelerated decommissioning and transportation of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the official in charge of each department with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority:

(1) to meet the April 29, 2007 deadline for the destruction of United States chemical weapons stockpile stockpile as required by the Chemical Weapons Convention.

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to accelerate the decommissioning of chemical agents and munitions, and related materials;

(3) to enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile so as to comply with the requirements of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(6) To negotiate and execute agreements, including incentive-based agreements, with nongovernmental entities, to accelerate the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to comply with the requirements of the chemical weapons stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(b) MANAGEMENT WITHIN DEPARTMENT OF THE ARMY.—The Secretary of the Army shall designate or establish in the Office of the Secretary of the Army an office to facilitate compliance with the requirements in subsection (a).

(c) RESPONSIBILITIES OF OFFICE.—The office designated or established under subsection (b) shall have the following responsibilities:

(1) To provide overall guidance to the Army on issues relating to compliance with the requirements in subsection (a).

(2) Except as provided in section 1905, to allocate within the Department amounts appropriated for the Department for chemical demilitarization activities.

(3) To negotiate, renegotiate, and execute contracts, including performance-based contracts and incentive-based contracts, with nongovernmental entities, to mitigate such disruptions as the Secretary considers appropriate.

(4) To negotiate and execute agreements, including incentive-based agreements, with other departments, agencies, and instrumentalities of the United States.

(5) To delegate authority and functions to other departments, agencies, and instrumentalities of the United States.

(6) To negotiate and execute agreements with the chief executive officers of the States.

(7) Such other responsibilities as the Secretary considers appropriate.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army, the Secretary of the Army, the Secretary of Defense, and the Secretary of the Army shall transfer to any department, agency, or instrumentality of the United States for which Federal funds are available, amounts to mitigate such disruptions as the Secretary considers appropriate.

(b) USE OF AMOUNTS TRANSFERRED.—Funds transferred to any department, agency, or instrumentality of the United States for which Federal funds are available shall be used by that department, agency, or instrumentality to mitigate disruptions as the Secretary considers appropriate.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (b) is in addition to the transfer authority provided in section 1901.
materials, at chemical demilitarization fac-

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from appropriations available to the Depart-
ment of the Army for chemical demilitariza-

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $35,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) DATE OF PAYMENT.—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on March 1 of each year.

(2) In the case of a payment to be made on September 29, 2007, the payment shall be made on December 31 of the preceding year.

(e) ALLOCATION OF PAYMENT.—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of each payment under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period with respect to the facility.

(f) COMPUTATION OF PAYMENT.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to 19,000 multiplied by the number of tons of chemical agents and munitions, and related materials, demilitarized at the facility during the applicable payment period.

(2) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(b) This paragraph shall not apply with respect to a facility if the demilitarization of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) INTEREST ON UNTIMELY PAYMENTS.—(1) Any payment required to be made with respect to a chemical demilitarization facility in the United States for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise required under this section, interest at the rate of 1.5 percent per month.

(b) LIMITATIONS ON STANDING.—(1) A person may be a party to an action described in this subsection if the person has—

(i) the State in which the facility is lo-

cated; or

(ii) a community or Indian tribe located within 2 miles of the facility.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) The period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(d) USE OF PAYMENTS.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

There are two subparts: (1) Environmental Protection and (2) Use of Facilities.
SMITH (AND OTHERS)  AMENDMENT NO. 405

Mr. SMITH of New Hampshire (for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. OBAMA, and Mr. HUTTINSON) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. 1308. DEFINITIONS.

In this title:

(1) CHEMICAL AGENT AND MUNITION.—The term "chemical agent and munition" has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).


(3) COMMUNITY.—The term "community" means a country, parish, or other unit of local government.

(4) DECOMMISSION.—The term "decommission", with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450v(e)).

SMITH (AND OTHERS)  AMENDMENT NO. 406

Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. ENWARDS) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1601. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA-35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay’s conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize McVay’s lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL C确定.——(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA-35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

SMITH (AND OTHERS)  AMENDMENT NO. 407

Mr. ABRAHAM submitted an amend- ment intended to be proposed by him to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. 1602. RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

MADE IN USA LABEL DEFENSE ACT OF 1999

ABRAHAM AMENDMENT NO. 407

Mr. ABRAHAM submitted an amend- ment intended to be proposed by him to the bill S. 922, to prohibit the use of the ‘Made in the USA’ label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment; as follows:

At the appropriate place, insert the following:

SEC. 401. ANNUAL REVENUES DEDICATED TO TAX RELIEF OR DEBT REDUCTION.

Notwithstanding any other provisions of law, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985—

(1) the Office of Management and Budget shall estimate the revenue increase resulting from the enactment of this Act, for fiscal years 2000 through 2009; and

(2) the amount estimated pursuant to para- graph (1) shall only be available for revenue reduction (without any requirement of an increase in revenues or reduction in direct spending) or debt reduction.

NATIONAL DEFENSE AUTHORIZA- TION ACT FOR FISCAL YEAR 2000

HATCH AMENDMENT NOS. 408–409

Mr. HATCH submitted two amend- ments intended to be proposed by him to the bill S. 1059, supra; as follows:

AMENDMENT NO. 408

At the appropriate place, insert the following:

SEC. 409. AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUP- PORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) IN GENERAL.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the applicable base closure law of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in sub- section (c). Any such transfer shall be without consideration to the United States.

(b) TRANSFER UNDER PARAGRAPH (A) MAY INCLUDE REAL PROPERTY ASSOCIATED WITH THE FACILITY CONCERNED.

(1) The Administrator for Public Benefit Transfer to Certain Tax-Supported Educational Institutions of Surplus Property Under the Base Closure Laws shall—

(A) authorize the transfer of any property described in subsection (b) to any tax-supported educational institution of the United States that is—

(i) a public or private nonprofit educational institution that meets the requirements of section 108 of the Act of May 26, 1999 (Public Law 105-277; 10 U.S.C. 2906); and

(ii) financial condition satisfactory to the Administrator; and

(B) subject to the restrictions in subsection (e).
Amendment No. 409

Page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2006, a report on the Air Force Distributed Mission Training program.

(b) CONTENT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to implementation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force entities contribute to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

SMITH AMENDMENT NO. 410

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

Title XIII—Chemical Demilitarization Activities

SEC. 1301. SHORT TITLE.

This title may be cited as the “Community-Army Cooperation Act of 1999”.

SEC. 1302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army, in consultation with the Secretary of Defense, shall—

(A) determine that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(B) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of chemical weapons.

(5) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) and section 8065 of the Department of Defense Appropriation Act, 1997 (Public Law 104–206) require that the Secretary of Defense execute a program at the Department of the Army that develops methods other than incineration for the destruction of the chemical weapons stockpile.

(6) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(7) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(8) It is appropriate for the United States to mitigate such disruptions.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall—

(1) facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(2) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(3) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(4) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of chemical weapons.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from amounts available to the Department of the Army for chemical demilitarization activities.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the total amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) DATE OF PAYMENT.—Payments under this section with respect to a chemical demilitarization facility shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term "applicable payment period" means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on January 1 and ending on March 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on September 1 and ending on September 30 of the year.

(e) ALLOCATION OF PAYMENT.—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) COMPUTATION OF PAYMENT.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(3) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) INTEREST ON UNTIMELY PAYMENTS.—(1) A payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment otherwise due under this section, interest at the rate of 1.5 percent per month.
(2) Amounts for payments of interest under this section may be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(b) USE OF PAYMENTS.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe may consider appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (a) of section 1312(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

"(2) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

"(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

"(ii) Any chemical facility designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

"(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

"(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

"(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population;

"(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census;

"(iii) That the transfer of such facilities shall include any easements necessary for reasonable access to such facilities.

"(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) LIMITATION ON JURISDICTION.—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States.

(b) LIMITATIONS ON STANDING.—(1) A person shall have standing to bring an action against the United States relating to the decommissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within the Positive Action Zone of the facility.

(2) A court referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(3) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) INTERIM RELIEF.—(1) During the pendency of an action referred to in subsection (a), a court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of Transportation may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) STANDARDS TO BE EMPLOYED IN ACTIONS.—In considering an action under this section, including an appeal from an order under subsection (c), the court of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards under the DoD/Army Conference on Disarmament, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) PARTICIPATION IN ACTIONS AS BAR TO PAYMENTS.—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, during the construction, operation, or demolition of a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(2)(A) The Secretary of the Army may, in an action or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(B) A court of the United States may assess damages against a nongovernmental entity implicated under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subpart (A) may include an assessment of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) CHEMICAL AGENT AND MUNITION.—The term "chemical agent and munition" has the meaning given the term "chemical weapon", as defined in section 1305; or


(3) COMMUNITY.—The term "community" means a country, parish, or other unit of local government.

(4) DECOMMISSION.—The term "decommission", with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 26 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERTS. Mr. President, I ask consent for the Committee on Agriculture, Nutrition, and Forestry to meet on May 26, 1999 in SH-216 to consider livestock issues.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 26, 1999, at 2:00 p.m. on FCC oversight.

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

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, May 26, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 9:30 a.m. to conduct a hearing on American Indian Youth Activities and Initiatives. The hearing will be held in room 485 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Judiciary Committee be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 2:00 p.m. to hold a closed hearing on Intelligence matters.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Judiciary Committee be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 2:00 p.m. to hold a hearing on the Constitution, Rights of Crime Victims.”

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

SUBCOMMITTEE ONEMPLOYMENT, SAFETY, AND TRAINING

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Judiciary Committee be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 9:30 a.m. to conduct a hearing on “Corporate Trades 1.”

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

ADDITIONAL STATEMENTS

JEMEZ-PECOS REPATRIATION

• Mr. BINGAMAN. Mr. President, I rise today to commemorate a truly historic event that took place in my state of New Mexico last Saturday—the nation’s largest act of Native American repatriation. The “Jemez-Pecos Repatriation,” resulted in the repatriation of nearly 2,000 human remains and artifacts unearthed from what should have been their final resting place over 70 years ago.

On the Wednesday before the repatriation, over 300 people started the 120 mile walk from Jemez Pueblo in northern New Mexico to the ruins of the Pecos Pueblo. The journey is a long one in the dry New Mexico sun. The group, both young and old, traveled across three counties and through the beautiful Jemez Mountains before arriving at the former site of the Pecos Pueblo. But the journey of their ancestors is much more remarkable.

Prior to the 1820’s, the Pueblo was a thriving community and center for trade. The Pecos interacted extensively with the Plains Indians to the east, the neighboring Pueblos to the west and the nearby Spanish communities. However, years of disease and warfare eventually decimated the population. In 1838, the remaining Pecos Pueblo relocated to the Pueblo of Jemez, in order to protect their traditional leaders, sacred objects and culture. This decision reflects the fact that Jemez and Pecos cultures were intricately linked by blood, language and spiritual beliefs as well as through their “origin stories”. In 1936, Congress formally merged the two tribes into one, with the Pueblo of Jemez named as the legal representative of the Pecos culture and administrative residence.

When the Pecos Pueblo was abandoned in 1838, it likely did not occur to the few surviving members of the Pecos that their burial site would be disturbed during the 20th century. However, the famed archaeologist Alfred V. Kidder unearthed the remains and artifacts during ten excavations between 1915 and 1929. The remains were housed at the Peabody Museum of Archaeology and Ethnology in Cambridge, Massachusetts and the artifacts were held at the Robert S. Peabody Museum of Archaeology at Phillips Academy in Andover, Massachusetts. On May 26, 1999, Harvard University turned over the human remains and artifacts of nearly 2,000 people formerly buried at the Pecos Pueblo to the Pueblo of Jemez.

Last Saturday, in a solemn private ceremony, the thousands of human remains and artifacts buried in the Pecos National Historical Park in a grave that was 6 feet deep, 600 feet long and 10 feet wide. The current burial site is near the former Pecos Pueblo.

The historical event last Saturday reflects the close relationship of the Jemez and Pecos people and the strong commitment the Pueblo of Jemez has to the beliefs of their ancestors. Some of the remains and artifacts that were reburied date back to the 12th century.

With the passage of the Native American Graves Protection and Repatriation Act in 1990, the current members of the Pueblo of Jemez were able to fulfill the dreams of many of their ancestors who longed to have the remains of their people returned to their homeland. NAGPRA was drafted to protect burial sites on tribal and federal land and to enable tribes to obtain the return of human remains and associated funerary objects to the culturally affiliated tribes.

I commend the Pueblo of Jemez, and particularly the Governor, Raymond Gachupin, and the many governors before him, who worked tirelessly to get to this day of repatriation. It took eight years of negotiations and persistence to achieve the final goal of repatriation. In a private tribal ceremony...
Mr. ASHCROFT. Mr. President, it is with great pride that I stand before this body to congratulate yet another truly remarkable Missourian, Mr. Thomas Michael Dunn—the Small Business Administration’s Young Entrepreneur of the Year. Mr. Dunn, at the age of 26, is the second Missourian to win a national award from the Small Business Administration this year.

This young man’s story is impressive. Tom began his lawn care business while still attending St. Louis University High School, and continued to operate his business during the summers while pursuing a double major in marketing and management at Indiana University. At the end of his junior year of college, Tom began his first venture, operating a party favor franchise. By his senior year, the business was transformed into a flourishing million dollar industry.

Beginning in 1994, Dunn Lawn and Land employed only two staff members, and had only two lawn mowers. By 1998, Dunn Lawn and Land employed over 22 employees, eight trucks, over 12 lawn machines and $1.2 million in revenue. Today, Dunn Lawn and Land offers a variety of services including lawn mowing, landscape bed and plant maintenance, lawn renovation, leaf removal, fertilizer and weed control, irrigation services and complete landscape design and installation.

In addition to his thriving lawn maintenance business, Tom remains an active community leader. He has created the Impact Group of Cardinal Glennon Children’s Hospital, which provides funds for special projects at the hospital.

Mr. Dunn was selected for this prestigious award because of his extraordinary success as a small business owner and demonstrated entrepreneurial potential for long-term economic growth. The Young Entrepreneur of the Year award is part of the SBA’s National Small Business Week celebration. This annual event is held in recognition of the nation’s small business community’s contributions to the American economy and society. Winners are selected on their record of stability, growth in employment and sales, sound financial status, innovation, ability to respond to adversity, and community service.

It honors me to stand before you today to congratulate Mr. Dunn as the Small Business Administration’s Young Entrepreneur of the Year. I envy Mr. Dunn’s initiative, and am proud to say he is a Missourian. He is a role model for the children of the next generation, and is living proof that with hard work and dedication any one individual can succeed no matter how old they are. Mr. Dunn’s success exemplifies the “American Dream,” and what it means to be “a man with a mission.”

TRIBUTE TO DANIEL BELL

Mr. MOYNihan. Mr. President, David Ignatius has written a charming brief essay for The Washington Post on his former teacher Daniel Bell, “the dean of American sociology.” Professor Bell, who is now Scholar in Residence at the American Academy of Arts and Sciences in Cambridge, Massachusetts, was a colleague and neighbor of mine for many years and a friend for even longer. He has no equal, and as he turns 80 he is indeed, as Mr. Ignatius writes, “a kind of national treasure—a strategic intellectual reserve.” The nation is hugely in his debt. (A thought which I fear would horrify him!)

I ask that the article by David Ignatius in The Washington Post on May 23, 1999 be printed in the RECORD.

The article follows:

(From The Washington Post, May 23, 1999)

BIG QUESTIONS FOR DANIEL BELL

(By David Ignatius)

CAMBRIDGE—Having a conversation about ideas with Daniel Bell is a little like getting to rally with John McEnroe. Trying to keep up is hopeless, but it’s exhilarating just to be on the court with him.

Bell, the dean of American sociology, turned 80 this month. In an era when big ideas have largely gone out of fashion, he continues to think bigger than anyone I know, of any age. That makes him a kind of national treasure—a strategic intellectual reserve.

The questions that interest Bell today remain the great, woolly ones that make most people the question hand. What are the forces shaping modern life? What are the relationships between economics, politics and culture? Where is the human story heading? You can chart the intellectual history of the past 50 years in part through Bell’s attempts to answer these big questions: “The End of Ideology,” published in 1960; “The Coming of Post-Industrial Society,” published in 1973; “The Cultural Contradictions of Capitalism,” published in 1976.

Next month, Basic Books will reissue Bell’s prophetic study of post-industrial society. That was in many ways the first serious effort to describe the new technological society that has emerged in the United States over the past quarter-century. Many of Bell’s ideas are now commonplaces. He is surrounded by evidence that his analysis was correct—but at the time, the transformation wasn’t at all obvious.

To accompany the 1999 edition, Bell has written a new 30,000-word foreword. (“I don’t know how to write short,” he says.) Bell writes a lot in the new millennium, even the boundaries of time and space no longer hold. Economic activity is global and instantaneous; the traditional infrastructure that gave rise to cities—roads, rivers and harbors—is becoming irrelevant. We are connected with everywhere. Yet with all diffusion of information, Bell observes, true knowledge remains rare and precious.

The problem that vexes Bell is one of scale. He argues that societies tend to work smoothly when economic, social and political structures fit well. There is an obvious mismatch in today’s global economy—where financial life is centralized as never before but political life is increasingly fragmented among ethnic and even tribal lines.

“The national state has become too small for the big problems of life, and too big for the small problems,” he writes. We find that the older social structures are cracking because political scales of sovereignty and authority do not match the economic scales.

Bell is part of the Dream Team of American letters—the group of Jewish intellectuals who grew up poor in New York in the 1920s, learned their debating skills in the cloisters of City College and went on to found the magazines and write the books that shaped America’s understanding of itself. Because of the anti-Semitism of American universities at the time, most of them couldn’t get teaching jobs at first. But today, their names are legendary: Irving Kristol, Irving Howe, Nathan Glazer, Norman Podhoretz and Bell.

What’s especially admirable about Bell is how little he’s changed over the years. Many of the New York intellectuals began as radical socialists and ended up as neo-conservatives—a long journey, indeed. But Bell holds roughly the same views he did when he was 15.

“I’m a socialist in economics, a liberal in politics and a conservative in culture,” he said. He thinks it’s a mistake to force these different areas of thought onto a single template. That way lies dogmatism.

Another of Bell’s virtues is that he doesn’t go looking for fights. He explains that as a matter of life history. His father died in the influenza epidemic of 1920, when Bell was just eight months old. His mother had to work in a garment factory—leaving him in an orphanage part of the time. Bell wanted to hold onto his friends, he says.

Religion has been an anchor in Bell’s life, too. Indeed, he said he began to doubt the Marxist view of history when he considered the durability of the world’s great religions. He concluded that there were certain fundamental, existential questions—about the meaning of life and death—that were universal and unchanging, for which the great religions had provided enduring answers.

The most endearing aspect of Bell’s personality is his sense of humor. He is not always nimble and light-hearted, but Bell can’t go five minutes without telling a
Some Drug Courts target first drug treatment programs instead of placing non-violent drug abusers of official criminal justice practice by behind Drug Courts departs from traditional criminal justice system. The strategy in growth is a product of success. Established in 1989, there are currently 100 top educators, 266 of the very best teachers, researchers and community leaders will be attending the conference. These Drug Court professionals’ dedication has had a significant positive impact on the communities they serve.

The two and a half day conference will coincide with National Drug Court Week, June 1st though 7th, 1999. All across America, state and local governments have been recognizing drug courts and their dedicated professionals with resolutions, ceremonies and celebrations.

The Drug Court growth rate has been accelerating over the past several years. While the first Drug Court was established in 1989, there are currently over 600 Drug Courts that are either operating or being established. This surge in growth is a product of success.

Drug Courts are revolutionizing the criminal justice system. The strategy behind Drug Courts departs from traditional criminal justice practice by placing non-violent drug abusing offenders into intensive court supervised drug treatment programs instead of prison. Some Drug Courts target first time offenders, while others concentrate on habitual offenders. They all aim to reduce drug abuse and crime by employing a number of tools including comprehensive judicial monitoring, drug testing and supervision, treatment and rehabilitative services, and sanctions and incentives for drug offenders.

Statistics show us that Drug Courts work. It has been well documented that both drug use and associated criminal behavior are substantially reduced among those offenders participating in the Drug Courts. More than 70 percent of drug court clients have successfully completed the program or remain as active participants.

Drug Courts are also clearly cost-effective and help convert many drug users into productive members of society. Traditional incarceration has yielded few gains for our drug offenders. The costs are too high and the rehabilitation rate is minimal. Our Drug Courts are proving to be an effective alternative to traditional rehabilitation methods and are making strides forward in our fight against both drugs and crime.

In 1997, General McCaffrey and I had the opportunity to visit the Denver Drug Court. Through this experience I was able to meet with Denver’s Drug Court professionals and observe their judicial procedures and other program activities first hand. I was impressed with the Denver Drug Court professionals and procedures, and believe they will yield many successes.

Today, as the chairman of the Treasury and General Government Appropriations Subcommittee, which funds the Office of National Drug Control Policy, I feel it is fitting to recognize on the floor of the U.S. Senate the important contributions our nation’s Drug Courts are making to our communities’ goal toward reducing drug use and crime in our communities in time for National Drug Court Week.

Thank you Mr. President.

TRIBUTE TO TIOGUE SCHOOL: 1999 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

Mr. REED. Mr. President, I rise today to recognize the achievement of Tiogue School of Coventry, Rhode Island, which was recently honored as a U.S. Department of Education Blue Ribbon School. This is the second time in 3 years that a school from Coventry has earned this honor.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 100 top educators, 266 of the very best teachers, researchers and community leaders were selected from the Nation’s public schools. Tiogue School was chosen as one of the best schools in the Nation because of the special recognition that these schools have achieved. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today’s children.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. That is what Tiogue School is doing. Tiogue is a kindergarten through sixth grade school, which proudly says that it is a school “where everybody is somebody” and where children come first. These are more than just catch-phrases for Tiogue, which seeks to reach out to every student in the community and engages teachers, parents, and business and community leaders in the important job of education.

Teams of teachers work to develop appropriate but rigorous standards for all students. The results are impressive. Tiogue students have exceeded the norms on state assessments in each of the past five years. But Tiogue’s teachers also work to develop a curriculum that extends far beyond what the assessments measure. Each year, the school focuses on a particular issue, subject, or theme. As a preface to the Summer Olympics, students studied world cultures with a focus on the diverse background of the student population. During another year, students studied the arts and worked to develop their skills as artists, writers, musicians, and dancers. This year, Tiogue is taking their education to another level with an exploration of outer space.

Mr. President, Tiogue School is dedicated to the highest standards. It is a school committed to a process of continuous improvement with a focus on high student achievement. Most importantly, Tiogue recognizes the value of the larger community and seeks its support and involvement. This school and community are making a huge difference in the lives of its students.

Mr. President, the Blue Ribbon School initiative shows us the very best we can do for students and the techniques that can be replicated in other schools to help all students succeed. I am proud to say that in Rhode Island we can look to a school like Tiogue School. Under the leadership of its principal, Denise Richtarik, its capable faculty, and students, Tiogue School will continue to be a shining example for years to come.

93RD ANNIVERSARY OF THE BOYS AND GIRLS CLUBS OF AMERICA

Mr. GRAMS. Mr. President, I rise today to pay tribute to the national Federated Boys Clubs, known today as the Boys and Girls Club of America. Although the Boys Clubs were not organized nationally until 1906, origins of the club can be traced as far back as the mid-1800s. As early as 1853, a Club-like facility was established in New
York City for the purpose of lodging newsboys. However, the first Boys Club, as we know it today, wasn't established until 1900. The Dashawas Club in Hartford, Connecticut is recognized as the first known Boys Club, which provided afterschool activities for children from disadvantaged homes.

Soon the idea of a shelter for youth to spend time during non-school hours caught on. These clubs offered a safe place for children to congregate and stay out of trouble. Rapidly, Boys Clubs sprouted up around the country. In the early years, the clubs were concentrated mostly in New England. By 1906, 53 separate Boys Clubs were in existence. It was decided that these clubs should somehow work collectively. On May 13, 1906, a group of businessmen and Boys Clubs representatives met to discuss the idea of a national federation. Thus, the Boys Clubs of America was born.

Although the clubs continue to operate autonomously, the national organization provides staff recruitment and training, program research, facility construction, fundraising, and marketing. In addition, the national club addresses legislative and public policy issues affecting young people. In 1956, the Boys Club celebrated its 50th anniversary and received a U.S. Congressional Charter. As more and more clubs were formed, the organization grew and began serving girls as well as boys. In 1990, the name was officially changed to the Boys and Girls Clubs of America. Today, there are over 2,200 clubs operating nationwide, serving over three million children. Minnesota is proud to be home to 21 Boys and Girls Clubs, serving 33,456 children.

The Boys and Girls Clubs provide hope, inspiration, and the opportunity for children to realize their full potential as citizens. These clubs provide guidance, support, and leadership, while encouraging youth to abstain from drugs and alcohol, strive for scholastic achievement, become involved in community service, develop personal talents such as music or art, and explore career opportunities. Dedicated volunteers have helped the Boys and Girls Clubs of America become a success.

Mr. President, on the 93rd anniversary of its founding, I applaud the hard work and dedication of the men, women and youth who have contributed to the success of the Boys and Girls Clubs of America. Through their persistence and encouragement, youth across the country have benefited greatly.

TRIBUTE TO 1998 AIR FORCE ACADEMY FOOTBALL TEAM

Mr. ALLARD. Mr. President, I rise today to recognize the accomplishments of the 1998 United States Air Force Academy Football Team. The 1998 "Falcons" may go down in history as one of the greatest football teams in Academy history. Their 12-1 record included their first outright Western Athletic Conference Championship, a bowl victory over the University of Washington, and the Commander-in-Chief's Trophy, which is the most prized possession of the three service academies.

This team of over-achieving young men was lead by their Head Football Coach Fisher DeBerry, and his assistant coaches Richard Bell, Todd Bynum, Dee Dowis, Dick Enga, Larry Fedora, Jimmy Hawkins, Jeff Hayes, Cal McCombs, Tom Miller, Bob Noblitt, Jappy Oliver, Chuck Peterson, and Sammy Steinmark. They are recognized as one of the finest coaching staffs in the country.

On offense, the team was lead by seniors Mike Barron, Joe Cashman, Spanky Gilliam, Ryan Hill, Frank Mindrup, Blane Morgan, James Nate, Dylan Newman, Matt Paroda, Brian Phillips, Barry Roche, Jermal Singleton, Matt Waszak, and Eric Woodring.

The defense was lead by seniors Tim Curry, Bryce Fisher, Billy Free, Jeff Haugh, Jason Sanderson, Mike Tyler, and Charlton Warren.

Special team seniors Jason Kirkland and Alex Wright took care of the punting and place kicking duties.

The most impressive thing about these outstanding young men is that following their graduation from the Academy they will all be moving on to serve our country as 2nd Lieutenants in the United States Air Force. They are true student athletes who play the game for the enjoyment of the sport. These young men are tremendous role models for the youth of our country, and our nation can take pride in their accomplishments.

I commend the Superintendent of the Air Force Academy, Lt. General Tad Oelstrom, and Athletic Director Randy Spetman for their leadership in developing an outstanding group of young men. They clearly possess the "right stuff."
with several professional waiters at the Gross M. Sattler Totem in Saratoga Springs, N.Y. One day, she heard that the hotel planned to lay off some of the waiters.

"I don't know where I got the nerve, but I said, 'Let's get together and have a meeting.'" she said in a 1974 interview in The New York Times.

Ms. Klaus became the spokeswoman for the waiters and waitresses, and told the hotel management that if anyone was discharged, they would all go.

"At which point, Mr. Baum said he knew he should hire college girls," she recalled. "But he didn't fire anyone."

Ms. Klaus's desire to become a lawyer also derived from the experience of watching her mother battle the court system for 10 years over her husband's estate.

After graduating from Hunter College and, in 1925, from the Teachers Institute of Jewish Theological Seminary of America, now the Albert A. List College, she was denied admission to Columbia University Law School because she was a woman.

She returned to New York in 1962 as director of staff relations for the Board of Education, where she negotiated what was reported to be the first citywide teachers' contract in the country.

At graduation in 1929, when she was admitted to the law school with the first class to accept women, she received her law degree in 1931.

After graduation, Ms. Klaus worked as a review lawyer for the National Labor Relations Board in Washington. In 1948, she took the post of solicitor for the National Labor Relations Board, a position that made her the highest-ranking female lawyer in the Federal Government.

In 1964, she was hired as counsel to the New York City Department of Labor under Mayor Robert F. Wagner. She became known as the author of the so-called Little Wagner Act, the city version of the National Labor Relations Act, which recognized workers' rights to organize and bargain collectively through unions of their choosing. The Federal Wagner Act was named for the mayor's father, Senator Robert F. Wagner.

She also wrote Mayor Wagner's executive order creating the first detailed code of labor relations for city employees.

"She was one of the pioneers and champions of bringing law and order into labor relations," said Robert S. Rifkin, a lawyer and protege of former conservative judge Robert H. Bork. "She definitely noticing that Thomas has found his voice," said Daniel E. Troy, a District lawyer and protege of former conservative judge Robert H. Bork. "He is more willing to strike out on his own."

This term offers new evidence of Thomas's independent thinking. Of the 45 decisions handed down so far (31 still remain), Thomas has differed from Scalia in the bottom-line high court, and in five other cases he has been on the same side as Scalia but has offered a separate rationale. It's a substantial departure from their previous pattern: Since 1991, Thomas and Scalia have voted together seven more than 1989. And even in the past two years, the two voted together in all but one case.

For years, the reputations and practices of the two men have helped feed the widespread impression that Thomas was content to follow Scalia's lead. Scalia, a former law professor at the University of Chicago and a longtime judge, was already known for his narrow textualist reading of the Constitution and federal statutes when he joined the high court in 1986. His creative, aggressive approach inspired an admiring appeals court judge to call Scalia a "giant flywheel in the great judicial machine."

Thomas, meanwhile, had little reputation as a scholar when he joined the court in 1991. He had worked in the federal bureaucracy for nearly a decade, becoming prominent as chairman of the Equal Employment Opportunity Commission. His conservatism, which included opposition to affirmative action programs, was viewed mostly in political terms.

These impressions were reinforced by the two justices' behavior at the high court. Scalia, the first Italian American justice, is a stylist of the first order, with a sharp, sarcastic edge. Last year, for example, when he rejected a legal standard used by the majority, Scalia quipped that the court had "a stylist of the first order, a sharp, sardonic edge. Last year, for example, when he rejected a legal standard used by the majority, Scalia quipped that the court had "Today's opinion resurrects the ne plus ultra, the Napoleon Brandy, the Mahatma Gandhi, the Celophone of subjectivity, the oil sheiks-the-conservative case," he said. "I join the opinion of the court except that portion which takes seriously, and thus encourages in the future, an argument that should be laughed out of court."

Thomas, by contrast, was quiet in his early years, rarely speaking during oral arguments and writing few of his own concurring or dissenting opinions. He let Scalia hold the pen: Whatever their joint views, Scalia, 63, tended to write them up. Thomas, 56, merely signed on. Legal scholars on both the right and left publicly criticized Thomas as a "puppet" of Scalia.

Now, however, Thomas is showing an increased willingness to express himself, speaking before broader audiences and writing more of his own opinions.

Thomas and Scalia are still very like-minded justices. More than the other conservative members of the Court, they believe the Constitution should be interpreted by looking at its exact words and establishing the intentions of the men who wrote them. They are unwilling to read into a statute anything not explicitly stated. They want the government—particularly the federal government—to get out of people's lives. Thomas is a "consistent standard-bearer of this brand of conservatism. He would go further than Scalia..."
Congressional Record—Senate

May 26, 1999

Section 1. Short Title; Table of Contents.
(a) Short Title.—This Act may be cited as the “Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.”
(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Severability.

Title I—Juvenile Justice Reform

Sec. 101. Surrender to State authorities.
Sec. 102. Treatment of Federal juvenile offenders.
Sec. 103. Definitions.
Sec. 104. Notification after arrest.
Sec. 105. Release and detention prior to disposition.
Sec. 106. Speedy trial.
Sec. 107. Dispositional hearings.
Sec. 108. Use of juvenile records.
Sec. 109. Implementation of a sentence for juvenile offenders.
Sec. 110. Magistrate judge authority regarding juvenile defendants.
Sec. 111. Federal sentencing guidelines.
Sec. 112. Study and report on Indian tribal jurisdiction.

Title II—Juvenile Gangs

Sec. 201. Solicitation or recruitment of persons in criminal street gang activity.
Sec. 202. Increased penalties for using minors to distribute drugs.
Sec. 203. Penalties for use of minors in crimes of violence.
Sec. 204. Criminal street gangs.
Sec. 205. High intensity interstate gang activity.
Sec. 206. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.
Sec. 207. Authority to make grants to prosecutors’ offices to combat gang crime and youth violence.
Sec. 208. Increase in offense level for participation in crime as a gang member.
Sec. 209. Interstate and foreign travel or transportation in aid of criminal gangs.
Sec. 211. Clone pagers.

Title III—Juvenile Crime Control, Accountability, and Delinquency Prevention

Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974
Sec. 301. Findings; declaration of purpose; definition.
Sec. 302. Juvenile crime control and prevention.
Sec. 303. Runaway and homeless youth.
Sec. 304. National Center for Missing and Exploited Children.
Sec. 305. Transfer of functions and savings provisions.

Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants
Sec. 321. Block grant program.
Sec. 322. Pilot program to promote replication of recent successful juvenile crime reduction strategies.
Sec. 323. Repeal of unnecessary and duplicative programs.
Congressional Record—Senate

May 26, 1999

Sec. 324. Extension of Violent Crime Reduction Trust Fund

Sec. 325. Reimbursement of States for costs of incarcerating juvenile aliens.

Subtitle C—Alternative Education and Delinquency Prevention

Sec. 331. Alternative education.

Subtitle D—Youth Crime Gun Interdiction

Sec. 341. Short title.

Sec. 342. Establishment of program.

Sec. 343. National Parenting Support and Education Commission.

Sec. 344. State and local parental support and education grant program.

Sec. 345. Grants to address the problem of violence related stress to parents and children.

Title IV—Voluntary Media Agreements for Children's Protection

Subtitle A—Children and the Media.

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Purposes: construction.

Sec. 404. Exemption of voluntary agreements on guidelines for certain entertainment material from applicability of antitrust laws.

Sec. 405. Exemption of activities to ensure compliance with ratings and labeling systems from applicability of antitrust laws.

Sec. 406. Definitions.

Subtitle B—Other Matters.

Sec. 411. Study of marketing practices of motion picture, recording, and video/ personal computer game industries.

Title V—General Firearm Provisions

Sec. 501. Special licensees; special registration and licensing trust fund.

Sec. 502. Clarification of authority to conduct firearm transactions at gun shows.

Sec. 503. “Instant check” gun tax and gun owner privacy.

Sec. 504. Effective date.

Subtitle VI—Restricting Juvenile Access to Certain Firearms

Sec. 601. Penalties for unlawful acts by juveniles.

Sec. 602. Effective date.

Title VII—Assault Weapons

Sec. 701. Short title.

Sec. 702. Ban on importing large capacity ammunition feeding devices.

Sec. 703. Definition of large capacity ammunition feeding device.

Sec. 704. Effective date.

Title VIII—Effective Gun Law Enforcement

Subtitle A—Criminal Use of Firearms by Felons

Sec. 801. Short title.

Sec. 802. Findings.

Sec. 803. Criminal Use of Firearms by Felons Program.

Sec. 804. Annual reports.

Sec. 805. Authorization of appropriations.

Subtitle B—Armed Violent Criminals

Sec. 811. Apprehension and procedural treatment of armed violent criminals.

Subtitle C—Youth Crime Gun Interdiction

Sec. 821. Youth crime gun interdiction initiative.

Subtitle D—Gun Prosecution Data

Sec. 831. Collection of gun prosecution data.

Subtitle E—Firearms Possession by Violent Offenders

Sec. 841. Prohibition on firearms possession by violent juvenile offenders.

Subtitle F—Juvenile Access to Certain Firearms

Sec. 851. Penalties for firearm violations involving the firearms industry.

Subtitle G—General Firearm Provisions

Sec. 861. National instant criminal background check system improvements.

Title IX—Enhanced Penalties

Sec. 901. Straw purchases.

Sec. 902. Stolen firearms.

Sec. 903. Increased in penalties for crimes involving firearms.

Sec. 904. Increased penalties for distributing drugs to minors.

Sec. 905. Increased penalty for drug trafficking in or near a school or other protected location.

Title X—Child Handgun Safety

Sec. 1001. Short title.

Sec. 1002. Purposes.

Sec. 1003. Firearms safety.

Sec. 1004. Effective date.

Title XI—School Safety and Violence Prevention

Sec. 1101. School safety and violence prevention program.

Sec. 1102. Study.

Sec. 1103. School uniforms.

Sec. 1104. Transfer of school disciplinary records.

Sec. 1105. School violence research.

Sec. 1106. National character achievement award.

Sec. 1107. National Commission on Character Development.

Sec. 1108. Juvenile access to treatment.

Sec. 1109. Background checks.

Sec. 1110. Drug tests.

Sec. 1111. Sense of the Senate.

Title XII—Teacher Liability Protection Act

Sec. 1201. Short title.

Sec. 1202. Findings and purpose.

Sec. 1203. Preemption and election of State records.

Sec. 1204. Limitation on liability for teachers.

Sec. 1205. Liability for noneconomic loss.

Sec. 1206. Definitions.

Sec. 1207. Effective date.

Title XIII—Violence Prevention Training for Early Childhood Educators

Sec. 1301. Short title.

Sec. 1302. Purpose.

Sec. 1303. Findings.

Sec. 1304. Definitions.

Sec. 1305. Program authorized.

Sec. 1306. Application.

Sec. 1307. Selection priorities.

Sec. 1308. Authorization of appropriations.

Title XIV—Preventing Juvenile Delinquency Through Character Education

Sec. 1401. Purpose.

Sec. 1402. Authorization of appropriations.

Sec. 1403. School-based programs.

Sec. 1404. After school programs.

Sec. 1405. General provisions.

Title XV—Violent Offender DNA Identification Act of 1999

Sec. 1501. Short title.

Sec. 1502. Elimination of convicted offender DNA backlog.

Sec. 1503. DNA identification of Federal, District of Columbia, and military violent offenders.

Title XVI—Miscellaneous Provisions

Subtitle A—General Provisions

Sec. 1601. Prohibition on firearms possession by violent juvenile offenders.

Sec. 1602. Safe students.

Sec. 1603. Study of marketing practices of the firearms industry.

Sec. 1604. Provision of Internet filtering or screening software by certain Internet service providers.

Sec. 1605. Application of section 922 (j) and (m).

Sec. 1606. Constitutionality of memorial services and memorials at public schools.

Sec. 1607. Twenty-first Amendment enforcement.

Sec. 1608. Interstate shipment and delivery of intoxicating liquors.

Sec. 1609. Disclaimer on materials produced, procured or distributed from funding authorized by this Act.

Sec. 1610. Aimee’s Law.

Sec. 1611. Drug tests and locker inspections.

Sec. 1612. Waiver for local match requirement under community policing program.

Sec. 1613. Carjacking offenses.

Sec. 1614. Special forfeiture of collateral profits of crime.

Sec. 1615. Caller identification services to elementary and secondary schools as part of universal service obligation.

Sec. 1616. Parent leadership model.

Sec. 1617. National media campaign against violence.

Sec. 1618. Victims of terrorism.

Sec. 1619. Truth-in-sentencing incentive grants.

Sec. 1620. Application of provision relating to a sentence of death for an act of animal enterprise terrorism.

Sec. 1621. Prohibitions relating to explosive materials.

Sec. 1622. District judges for districts in the States of Arizona, Florida, and Nevada.

Sec. 1623. Behavioral and social science research on youth violence.

Sec. 1624. Sense of the Senate regarding mentoring programs.

Sec. 1625. Families and Schools Together program.

Sec. 1626. Amendments relating to violent crime in Indian country and areas of exclusive Federal jurisdiction.


Sec. 1628. Local enforcement of local alcohol prohibitions that reduce juvenile crime in remote Alaska villages.

Sec. 1629. Rule of Construction.

Sec. 1630. Bounty hunter accountability and quality assistance.

Sec. 1631. Assistance for unincorporated neighborhood watch programs.

Sec. 1632. Findings and sense of Congress.

Sec. 1633. Prohibition on promoting violence on Federal property.

Sec. 1634. Provisions relating to pawn shops and special licensees.

Sec. 1635. Extension of Brady background checks to gun shows.

Sec. 1636. Appropriate interventions and services; clarification of Federal law.

Sec. 1637. Safe schools.

Sec. 1638. School counseling.
Sec. 1639. Criminal prohibition on distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.

Subtitle B—James Guelfi Body Armor Act

Sec. 1641. Short title.
Sec. 1642. Findings.
Sec. 1643. Definitions.
Sec. 1644. Amendment of sentencing guidelines with respect to body armor.
Sec. 1645. Prohibition of purchase, use, or possession of body armor by violent felons.
Sec. 1646. Donation of Federal surplus body armor to State and local law enforcement agencies.
Sec. 1647. Additional findings; purpose.
Sec. 1648. Safe and grant programs for law enforcement bullet resistant equipment and for video cameras.
Sec. 1649. Sense of Congress.
Sec. 1650. Technology development.
Sec. 1651. Matching grant program for law enforcement armor vests.

Subtitle C—Animal Enterprise Terrorism and Ecoterrorism
Sec. 1652. Enhancement of penalties for animal enterprise terrorism.
Sec. 1653. National animal terrorism and ecoterrorism incident clearinghouse.

Subtitle D—Jail-Based Substance Abuse
Sec. 1654. Jail-based substance abuse treatment programs.

Subtitle E—Safe School Security
Sec. 1655. Short title.
Sec. 1656. Establishment of School Security Technology Center.
Sec. 1657. Grants for local school security programs.
Sec. 1658. Safe and secure school advisory report.

Subtitle F—Internet Prohibitions
Sec. 1659. Short title.
Sec. 1660. Findings; purpose.
Sec. 1661. Prohibitions on uses of the Internet.
Sec. 1662. Effective date.

Subtitle G—Partnerships for High-Risk Youth
Sec. 1663. Short title.
Sec. 1664. Findings.
Sec. 1665. Purposes.
Sec. 1666. Establishment of demonstration project.
Sec. 1667. Edicts.
Sec. 1668. Uses of funds.
Sec. 1669. Authorization of appropriations.

Subtitle H—National Youth Crime Prevention Demonstration Project
Sec. 1670. Short title.
Sec. 1671. Purposes.
Sec. 1672. Establishment of National Youth Crime Prevention Demonstration Project.
Sec. 1673. Eligibility.
Sec. 1674. Uses of funds.
Sec. 1675. Reports.
Sec. 1676. Definitions.
Sec. 1677. Authorization of appropriations.

Subtitle I—National Youth Violence Commission
Sec. 1678. Short title.
Sec. 1680. Duties of the Commission.
Sec. 1681. Powers of the Commission.

Sec. 1682. Commission personnel matters.
Sec. 1683. Authorization of appropriations.
Sec. 1684. Termination of the Commission.

Subtitle J—School Safety
Sec. 1685. Short title.
Sec. 1686. Amendments to the Individuals with Disabilities Education Act.

SEC. 2. FINDINGS AND PURPOSES.
(a) Findings.—Congress finds that—
(1) at the outset of the 20th century, the States adopted a separate justice system for juvenile offenders;
(2) violent crimes committed by juveniles, such as homicide, rape, and robbery, were an unknown phenomenon then, but the rate at which juveniles commit such crimes has escalated astronomically since that time;
(3) in 1994—
(A) the number of persons arrested overall for murder in the United States decreased by 5.8 percent, but the number of persons who are less than 15 years of age arrested for murder increased by 4 percent; and
(B) the number of persons arrested for all violent crimes decreased by 1.3 percent, but the number of persons who are less than 15 years of age arrested for violent crimes increased by 9.2 percent, and the number of persons who are 15 years of age or older arrested for such crimes increased by 6.5 percent;
(4) from 1985 to 1996, the number of persons arrested for all violent crimes increased by 52.3 percent, but the number of persons under age 18 arrested for violent crimes rose by 75 percent;
(5) the number of juvenile offenders is expected to undergo a massive increase during the first 2 decades of the twenty-first century, culminating in an unprecedented number of violent offenders who are less than 18 years of age;
(6) the rehabilitative model of sentencing for juveniles, which Congress rejected for adult offenders when Congress enacted the Sentencing Reform Act of 1984, is inadequate and inappropriate for dealing with many violent and repeat juvenile offenders;
(7) the Federal Government should encourage the States with progressive solutions to the escalating problem of juvenile offenders who commit violent crimes and who are repeat offenders, including prosecuting such offenders as adults, but should not impose specific strategies or programs on the States;
(8) an effective strategy for reducing violent juvenile crime requires greater collection of investigative data and other information, such as fingerprints and DNA evidence, as well as greater sharing of such information—
(A) among Federal, State, and local agencies, including the courts; and
(B) among the law enforcement, educational, and social service systems;
(9) data regarding violent juvenile offenders should be made available to the adult criminal justice system if recidivism by criminals is to be addressed adequately;
(10) holding juvenile proceedings in secret denies victims of crime the opportunity to attend and be heard at such proceedings, helps juvenile offenders to avoid accountability for their actions, and shields juvenile proceedings from public scrutiny and accountability;
(11) the injuries and losses suffered by the victims of violent crime are no less painful than the injuries and losses suffered by the victims of violent crime committed by adults; and
(12) the prevention, investigation, prosecution, adjudication, and punishment of criminal offenses committed by juveniles, and the rehabilitation and correction of juvenile offenders, and should share the responsibility of the States, to be carried out without interference from the Federal Government.
(b) Purposes.—The purposes of this Act are—
(1) to reform Federal juvenile justice programs and policies in order to promote the emergence of juvenile justice systems in which the paramount concerns are providing for the safety of the public and holding juvenile wrongdoers accountable for their actions, while providing juveniles a genuine opportunity for self-reform;
(2) to revise the procedures in Federal court that are applicable to the prosecution of juvenile offenders; and
(3) to encourage and promote, consistent with the ideals of federalism, adoption of policies by the States to ensure that the victims of violent crimes committed by juveniles receive the same level of justice as do victims of violent crimes that are committed by adults.

SEC. 3. SEVERABILITY.
If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—JUVENILE JUSTICE REFORM

SEC. 101. SURRENDER TO STATE AUTHORITIES.
Section 5001 of title 18, United States Code, is amended by striking the first undesignated paragraph and inserting the following:
"(1) whenever any person who is less than 18 years of age is arrested and charged with the commission of an offense (or an act of delinquency that would be an offense if it committed by an adult) punishable in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—
"(1) such person has committed an act that is also an offense or an act of delinquency under the law of any State or the District of Columbia;
"(2) such State or the District of Columbia, as applicable, can and will assume jurisdiction over such juvenile and will take such juvenile into custody and deal with the juvenile in accordance with the law of such State or the District of Columbia, as applicable; and
"(3) it is in the best interests of the United States and of the juvenile offender.
"(b) TREATMENT OF FEDERAL JUVENILE OFFENDERS.
(a) in the case of an offense described in subsection (c), and except as provided in subsection (l), if the juvenile was not less than 14 years of age at the time of the offense, as
an adult at the discretion of the United States Attorney in the appropriate jurisdiction, upon certification by that United States Attorney (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

"(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

"(ii) the ends of justice otherwise so require; (c) the term 'Indian tribe' has the meaning given in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

"(b) in the case of a felony offense that is not de novo in subsection (c), and except as provided in subsection (a)(1), if the juvenile was not less than 14 years of age at the time of the offense, as an adult, upon certification by the Attorney General (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

"(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

"(ii) the ends of justice otherwise so require; (d) unless otherwise provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (a)(1) shall not be reviewable in any court.

"(2) DETERMINATION BY COURT ON TRIAL AS ADULT OF CERTAIN JUVENILES.—In any prosecu-

tion concerning the arrest or prosecution of a defendant under paragraphs (a)(1) and (b), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant or for referral under subsection (a).

"(D) in all other cases, as a juvenile.

"(A) IN GENERAL.—If the United States At-

torney in the appropriate jurisdiction (or in the case of an offense under paragraph (1)(B), the Attorney General), declines prosecution of an offense under this section, the matter may be referred to the appropriate legal authorities of the State or Indian tribe with jurisdiction over both the offense and the juvenile.

"(B) APPLICATION TO CONCURRENT JURISDI-

CTION.—The United States Attorney in the appro-

priate jurisdiction (or, in the case of an offense under paragraph (1)(B), the Attorney General), in cases in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile, shall exercise a presumption in favor of treating the defendant as an adult (A), unless the United States Attorney pursuant to paragraph (1)(A) (or the Attorney General pursuant to paragraph (1)(B)) certifies that the information shall not be subject to review in or by any court) that—

"(i) the prosecuting authority or the juvenile court or other appropriate court of the State or Indian tribe, refuses, declines, or will refuse or will decline to assume jurisdiction over the conduct or the juvenile; and

"(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(C) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

"(b) J OINDER; L ESSER INCLUDED OF-

FENSES.—In a prosecution under this section, a juvenile may be prosecuted and convicted as an adult for any offense that is properly joined in a single indictment (21 U.S.C. 841(c)).

"(D) the extent and nature of the prior criminal or delinquency record of the juvenile;

"(f) APPLICATION OF LAWS.—

"(A) IN GENERAL.—Except as otherwise pro-

vided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (a)(1) shall not be reviewable in any court.

"(2) CONSIDERATION OF ENTIRE RECORD .—In making a determination under paragraph (2), the court may consider—

"(2) CONSIDERATION OF ENTIRE RECORD .—In making a determination under paragraph (2), the court may consider—

"(A) the nature of the alleged offense, in-

cluding the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities; (B) whether prosecution of the juvenile as an adult is necessary to protect property or public safety; (C) the age and social background of the juvenile; (D) the extent and nature of the prior criminal or delinquency record of the juvenile;

"(g) the intellectual development and psychologi-

cal maturity of the juvenile;

"(f) NATURE OF THE OFFENSE.—

"(A) IN GENERAL.—Except as provided in subpar-

graph (2), the court shall not be a final order for transfer a defendant to juvenile status under paragraph (2) unless the defendant establishes by a preponderance of the evidence or information that removal to juvenile status would be in the interest of justice. In making determinations under paragraph (2), the court may consider—

"(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

"(ii) the ends of justice otherwise so require; (d) unless otherwise provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (a)(1) shall not be reviewable in any court.

"(2) DETERMINATION BY COURT ON TRIAL AS ADULT OF CERTAIN JUVENILES.—In any prosecu-

tion concerning the arrest or prosecution of a defendant under paragraphs (a)(1) and (b), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant or for referral under subsection (a).

"(A) APPLICABILITY OF SENTENCING PROVI-

SIONS.—

"(1) IN GENERAL.—In making a determina-

tion concerning the arrest or prosecution of a juvenile under subsection (a), the Attorney General, shall have complete access to the prior Federal juve-

nile records of the subject juvenile and, to the extent permitted by State law, the prior juvenile or criminal records of the subject juvenile.
access to the prior Federal juvenile records of the subject, to the extent permitted under State law, the prior State juvenile records of the subject juvenile. At sentencing, the district court shall consider the entire available prior juvenile record of the subject juvenile.

(1) APPLICABILITY TO INDIAN COUNTRY.—Notwithstanding sections 1152 and 1153, certification under subparagraph (A) or (B) of subsection (a) shall not be made nor granted with respect to a juvenile who is subject to the jurisdiction of an Indian tribal government because the juvenile is less than 15 years of age at the time of offense and is alleged to have committed an offense for which there would be Federal jurisdiction based solely on commission of the offense in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place where the alleged offense was committed, notified the Attorney General in writing of its election that prosecution as an adult may take place under its jurisdiction.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 103 of title 18, United States Code, is amended by adding at the end the following:

"(i) APPLICATION TO INDIAN COUNTRY.—Notwithstanding sections 1152 and 1153, certification under subparagraph (A) or (B) of subsection (a) shall not be made nor granted with respect to a juvenile who is subject to the jurisdiction of an Indian tribal government because the juvenile is less than 15 years of age at the time of offense and is alleged to have committed an offense for which there would be Federal jurisdiction based solely on commission of the offense in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place where the alleged offense was committed, notified the Attorney General in writing of its election that prosecution as an adult may take place under its jurisdiction."

(2) ADULT SENTENCING.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"42. Offenses described.—The offenses described in this section include the following:

(a) Offense of violence; 
(b) Controlled substance offense; 
(c) any other offense for which the defendant received a sentence or disposition of imprisonment of 1 year or more; and

"(2) OFFENSES DESCRIBED.—The offenses described in this section include the following:

(a) Offense of violence; 
(b) Controlled substance offense; 
(c) any other offense for which the defendant received a sentence or disposition of imprisonment of 1 year or more; and

"(3) DEFINITIONS.—The Federal sentencing guidelines promulgated in paragraphs (1) and (2) shall define the terms "crime of violence" and "controlled substance offense" in substantially the same manner as those terms are defined in section 4B1.1 of the November 1, 1995, Guidelines Manual.

(1) JUVENILE ADJUDICATIONS.—In carrying out this subsection, the Commission—

(A) shall assign criminal history points for juvenile adjudications based principally on the nature of the acts committed by the juvenile; and

(B) may provide for some adjustment of the score in light of the length of sentence the juvenile received.

(2) EMERGENCY AUTHORITY.—The Commission shall promulgate the Federal sentencing guidelines and amendments under this subsection as soon as practicable, and in any event not later than 90 days after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1984, though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments not later than 90 days after their submission to Congress.

(3) CAREERS OFFENDER DETERMINATION.—Pursuant to its authority under section 994 of title 28, the Commission shall amend the Federal sentencing guidelines to provide for incarceration, in any determination regarding whether a juvenile or adult offender is a career offender under section 994(h) of title 28, and any computation of the sentence that any defendant found to be a career offender should receive, of any act for which the defendant was previously convicted or adjudicated delinquent as a juvenile that would be a felony covered by that section if it had been committed by the defendant as an adult."

(4) JUVENILE ADIUDICATIONS.—In carrying out this subsection, the Commission—

(A) shall assign criminal history points for juvenile adjudications based principally on the nature of the acts committed by the juvenile; and

(B) may provide for some adjustment of the score in light of the length of sentence the juvenile received.

(5) EMERGENCY AUTHORITY.—The Commission shall promulgate the Federal sentencing guidelines and amendments under this subsection as soon as practicable, and in any event not later than 90 days after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1984, though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments not later than 90 days after their submission to Congress.

(6) CAREERS OFFENDER DETERMINATION.—Pursuant to its authority under section 994 of title 28, the Commission shall amend the Federal sentencing guidelines to provide for incarceration, in any determination regarding whether a juvenile or adult offender is a career offender under section 994(h) of title 28, and any computation of the sentence that any defendant found to be a career offender should receive, of any act for which the defendant was previously convicted or adjudicated delinquent as a juvenile that would be a felony covered by that section if it had been committed by the defendant as an adult."

SEC. 104. NOTIFICATION AFTER ARREST.

Section 5033 of title 18, United States Code, is amended by adding at the end the following:

"(1) IN GENERAL.—(A) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission (referred to in this subsection as the ‘Commission’) shall amend the Federal sentencing guidelines to provide that, in determining the criminal history score under the Federal sentencing guidelines for any adult offender or any juvenile offender being sentenced as an adult, prior juvenile convictions and adjudications for offenses described in paragraph (2) shall receive a score similar to that which would have been received if those offenses had been committed by the defendant as an adult, if any portion of the sentence for the offense was imposed or served within 15 years after the commencement of the instant offense.

(B) REVIEWS.—The Commission shall review the criminal history treatment of juvenile and adult convictions for offenses other than those described in paragraph (2) to determine whether the treatment should be adjusted as described in subparagraph (A), and recommend to the Congress the Federal sentencing guidelines as necessary to make whatever adjustments the Commission considers necessary to implement the results of the review.

"(2) OFFENSES DESCRIBED.—The offenses described in this paragraph include any—

(a) crime of violence; 
(b) Controlled substance offense; 
(c) any other offense for which the defendant received a sentence or disposition of imprisonment of 1 year or more; and

"(3) DEFINITIONS.—The Federal sentencing guidelines promulgated in paragraphs (1) and (2) shall define the terms ‘crime of violence’ and ‘controlled substance offense’ in substantially the same manner as those terms are defined in section 4B1.1 of the November 1, 1995, Guidelines Manual.

SEC. 105. RELEASE AND DETENTION PRIOR TO SENTENCING.

Section 5051 of title 18, United States Code, is amended by adding at the end the following:

"(1) JUVENILE.—(A) JUVENILE.—(B) JUVENILE.—(C) JUVENILE.—(D) JUVENILE.—(E) JUVENILE.—(F) JUVENILE.—(G) JUVENILE.—(H) JUVENILE.—(I) JUVENILE.—(J) JUVENILE.—(K) JUVENILE.—(L) JUVENILE.—(M) JUVENILE.—(N) JUVENILE.—(O) JUVENILE.—(P) JUVENILE.—(Q) JUVENILE.—(R) JUVENILE.—(S) JUVENILE.—(T) JUVENILE.—(U) JUVENILE.—(V) JUVENILE.—(W) JUVENILE.—(X) JUVENILE.—(Y) JUVENILE.—(Z) JUVENILE.—

"(a) DUTIES OF MAGISTRATE.—Section 5034 of title 18, United States Code, is amended by adding at the end the following:

"(1) IN GENERAL.—(A) REPRESENTATION BY COUNSEL.—The magistrate shall ensure—

(B) by striking the magistrate may appoint and inserting the following:

"(2) GUARDIAN AD LITEM.—The magistrate may appoint—

"(3) by striking ‘If the juvenile’ and inserting the following:

"(a) DUTIES OF MAGISTRATE.—Section 5034 of title 18, United States Code, is amended by adding at the end the following:

"(1) IN GENERAL.—(A) REPRESENTATION BY COUNSEL.—The magistrate shall ensure—

(B) by striking the magistrate may appoint and inserting the following:

"(2) GUARDIAN AD LITEM.—The magistrate may appoint—

"(3) by striking ‘If the juvenile’ and inserting the following:
Congressional Record — Senate

May 26, 1999

11025

CONGRESSIONAL RECORD—SENATE

"(b) RELEASE PRIOR TO DISPOSITION.—Except as provided in subsection (c), if the juvenile:

(4) by adding at the end the following:

(c) RELEASE OF CERTAIN JUVENILES.—A juvenile who has been tried as an adult pursuant to section 5032 shall be released pending trial only in accordance with the applicable provisions of chapter 207. The release shall be conducted in the same manner and shall be subject to the same terms, conditions, and sanctions for violation of a release condition as provided for an adult under chapter 207.

(d) DISCLAIMER—WHILE ON RELEASE.—

"(1) IN GENERAL.—A juvenile alleged to have committed, while on release under this section, an offense that, if committed by an adult, would be a Federal criminal offense, shall be subject to prosecution under section 5032.

"(2) APPLICABILITY OF CERTAIN PENALTIES.—Section 3147 shall apply to a juvenile who is to be tried as an adult pursuant to section 5032 for an offense committed while on release under this section.

(b) DETENTION PRIOR TO DISPOSITION.—Section 5035 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) striking ‘‘A juvenile’’ and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), a juvenile:

(2) in subsection (b), as redesignated—

(A) in the third sentence, by striking ‘‘regular contact’’ and inserting ‘‘prohibited physical contact or sustained oral communication’’; and

(B) after the fourth sentence, by inserting the following:

‘‘(to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.’’;

(3) by adding at the end the following:

"(b) DETENTION OF CERTAIN JUVENILES.—

"(1) IN GENERAL.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be subject to detention in accordance with chapter 207 in the same manner, to the same extent, and subject to the same terms and conditions as an adult would be subject to under that chapter.

"(2) EXCEPTION.—A juvenile shall not be detained in any institution in which the juvenile has prohibited physical contact or sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

SEC. 106. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended—

(1) by inserting ‘‘who is to be proceeded against as a juvenile pursuant to section 5032 and’’ after ‘‘If an alleged delinquent’’;

(2) by striking ‘‘thirty’’ and inserting ‘‘70’’; and

(3) by striking ‘‘the court,’’ and all that follows through the end of the section and inserting the following: ‘‘the court. The period of exclusion under section 3161(h) shall apply to this section. In determining whether an information should be dismissed with or without prejudice, the court shall consider the same factors that a court would consider in the case of an accused juvenile delinquency, the facts and circumstances of the case that led to the dismissal of a prosecution on the administration of justice.’’

SEC. 107. DISPOSITIONAL HEARINGS.

Section 5037 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

‘‘(a) IN GENERAL.—Throughout a juvenile delinquency case pending under section 5032 or 5037, the records of such proceeding shall be safeguarded from disclosure to unauthorized persons, and shall only be released to the extent necessary for purposes of—

(1) compliance with section 5032(b);

(2) docketing and processing by the court;

(3) responding to an inquiry received from another court of law;

(4) responding to an inquiry from an agency preparing a presentence report for another court;

(5) responding to an inquiry from a law enforcement agency, if the request for information is related to the investigation of a crime or a position within that agency or analysis requested by the Attorney General;

(6) responding to a written inquiry from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

(7) responding to an inquiry from an agency considering the person for a position immediately and directly affecting national security;

(8) responding to an inquiry from any victim of such juvenile delinquency or, if the victim is deceased, from a member of the immediate family of the victim, related to the final disposition of such juvenile by the court in accordance with section 5032 or 5037, as applicable; and

(9) communicating with a victim of such juvenile delinquency or, in appropriate cases, with the official representative of a victim, in order to—

(a) assist in the allocation at disposition of the victim or the representative of the victim;

(b) RECORDS OF ADJUDICATION.—

‘‘(1) TRANSMISSION TO FBI.—Upon an adjudication of delinquency under section 5032 or 5037, the court shall transmit to the Director of the Federal Bureau of Investigation a record of such adjudication.

‘‘(2) MAINTAINING RECORDS.—The Director of the Federal Bureau of Investigation shall maintain, in the central repository of the Federal Bureau of Investigation, in accordance with the established practices and policies relating to adult criminal history records, a record of the Federal Bureau of Investigation—

‘‘(A) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense, that is equivalent to, and maintained and disseminated in the same manner and for the same purposes, as are adult criminal history records for the same offenses; and

‘‘(B) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be any felony offense (other than an offense described in subparagraph (A)) that is equivalent to, and maintained and disseminated in the same manner, as are adult criminal history records for the same offenses—

(1) for use by and within the judicial system for the detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of an adult criminal offender, or juvenile delinquent; and

(2) for purposes of responding to an inquiry from an agency considering the subject of the record for a position or clearance immediately and directly affecting national security,

(8) any other offense of a nature that is similar or analogous to an adult felony offense—

(w) FEDERAL JUVENILE RECORDS.—

Section 5038 of title 18, United States Code, is amended to read as follows:

§ 5038. Use of juvenile records

(1) IN GENERAL.—Throughout a juvenile delinquency case pending under section 5032 or 5037, the records of such proceeding shall be safeguarded from disclosure to unauthorized persons, and shall only be released to the extent necessary for purposes of—

(1) compliance with section 5032(b);

(2) docketing and processing by the court;
"(3) AVAILABILITY OF RECORDS TO SCHOOLS IN JURISDICTION.—Notwithstanding paragraph (2), the Director of the Federal Bureau of Investigation shall make an adjudication record of a juvenile maintained pursuant to subparagraph (A) or (B) of that paragraph, or conviction record described in subsection (d), available to an official of an elementary, secondary, or post-secondary school, in appropriate circumstances (as defined by and under rules issued by the Attorney General), if— 
"(A) the juvenile who is adjudged delinquent or found guilty of an offense as a juvenile, and is tried as an adult, is tried as an adult in Federal court, the Federal Bureau of Investigation shall make the adjudication record of the juvenile which shows that the juvenile is a convicted felon to be used by a court in determining the sentence to be imposed on a juvenile adjudged delinquent pursuant to section 5032 of title 18, United States Code, and sentenced pursuant to a dispositional hearing under section 5037 of title 18, United States Code.
"(2) DETERMINATIONS.—In carrying out this subsection, the Commission (as defined) may make determinations required by subsection (a)(1) and promulgate the policy statements and guidelines required by paragraphs (2) and (3) of subsection (a).
"(3) CONSIDERATIONS.—In addition to any other considerations required by this section, the Commission, in promulgating guidelines— 
"(A) pursuant to paragraph (1)(A), shall promulgate the guidelines required by paragraph (2) and (3) of subsection (a) so that the guidelines provide substantial and appropriate sanctions that are adequate to reflect the gravity or repeated nature of violations, for each subsequent violation, and reflect the specific interests and circumstances of juvenile defendants; and 
"(B) pursuant to paragraph (1)(B), shall ensure that the guidelines— 
"(i) reflect the wide range of sentencing options available to the court under section 5037 of title 18, United States Code; and 
"(ii) effectuate a policy of an account-based, juvenile justice system that provides substantial and appropriate sanctions that are adequate to reflect the gravity or repeated nature of violations, for each subsequent violation, and reflect the specific interests and circumstances of juvenile defendants.
"(4) REVIEW PERIOD—The review period specified by subsection (p) applies to guidelines promulgated pursuant to this subsection and any amendments to those guidelines.
"(2) TECHNICAL CORRECTION TO ASSURE COMPLIANCE OF SENTENCING GUIDELINES WITH PROVISIONS OF ALL FEDERAL STATUTES.—Section 994(a) of title 28, United States Code, is amended by striking "consistent with all pertinent provisions of this title and title 18, United States Code," and inserting "consistent with all pertinent provisions of any Federal statute".
SEC. 112. STUDY AND REPORT ON INDIAN TRIBAL JURISDICTION.
Not later than 18 months after the date of enactment of this Act, the Attorney General shall conduct a study of the juvenile justice systems of Indian tribes described in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) and shall report to the Chairman and Ranking Member of the Committee on the Judiciary and the Committee on Indian Affairs of the Senate and the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives on—
"(1) the extent to which tribal governments are equipped to adjudicate felonies, misdemeanors, and acts committed by juveniles subject to tribal jurisdiction; and
"(2) the need for and benefits from expanding the jurisdiction of tribal courts and the authority to impose the same sentences that can be imposed by Federal or State courts on such juveniles.

TITLE II—JUVENILE GANGS
SEC. 201. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITIES.
"(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:
$522. Recruitment of persons to participate in criminal street gang activity.

(a) Prohibited Action.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participate in an offense described in section 521(c) of this title.

(b) Penalties.—Any person who violates subsection (a) shall—

(1) if the person recruited, solicited, induced, commanded, or caused—

(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; and

(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

(2) if the term 'minor' means a person who is younger than 18 years of age.

(b) Conforming Amendment.—The analysis for chapter 26 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (c), by inserting after ''10 years'' the following:

'(1) be subject to 2 times the maximum fine that would otherwise be imposed for the offense; and

'(2) be subject to a term in section 1501(b) of this title.''

$25. Use of minors in crimes of violence.

(a) Penalties.—Except as otherwise provided by law, whoever, being not less than 18 years of age, knowingly and intentionally uses a minor to commit a Federal offense that is a crime of violence, or to assist in avoiding detection or apprehension for such an offense, shall—

(1) be subject to 2 times the maximum imprisonment and 2 times the maximum fine that would otherwise be imposed for the offense; and

(2) if the offense is a second or subsequent conviction under this subsection, be subject to 3 times the maximum imprisonment and 3 times the maximum fine that would otherwise be imposed for the offense.

(b) Definitions.—In this section:

(1) Definition.—The term 'crime of violence' has the meaning given the term in section 16 of this title.

(2) Definition.—The term 'minor' means a person who is less than 18 years of age.

(3) Uses.—The term 'uses' means employs, hires, persuades, induces, entices, or coerces.

(b) Conforming Amendment.—The analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

'25. Use of minors in crimes of violence.'

SEC. 204. CRIMINAL STREET GANGS.

(a) In General.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

'(A) by striking ''5'' and inserting ''3'';

'(B) by inserting 'whether formal or informal' after 'coerced'; and

'(C) in subparagraph (A), by inserting 'or activities' after 'purposes';

(2) in subsection (b), by inserting after '10 years' the following:

'(1) the term 'criminal street gang' has the meaning given the term in section 521.

'(2) the term 'criminal street gang activity area' has the meaning given the term in section 1501(b) of this title.

'(3) the term 'high intensity interstate gang activity area' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

'(4) [(b) Conforming Amendment.—The analysis for chapter 26 of title 18, United States Code, is amended—

'(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

'(2) in subsection (c), by inserting after ''10 years'' the following:

'(1) be subject to 2 times the maximum fine that would otherwise be imposed for the offense; and

'(2) be subject to a term in section 1501(b) of this title.''

(b) Penalties.—Any person who violates subsection (a) shall—

(1) if the person recruited, solicited, induced, commanded, or caused—

(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; and

(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

(2) if the term 'minor' means a person who is younger than 18 years of age.

(b) Conforming Amendment.—The analysis for chapter 26 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (c), by inserting after ''10 years'' the following:

'(1) be subject to 2 times the maximum fine that would otherwise be imposed for the offense; and

'(2) be subject to a term in section 1501(b) of this title.''

SEC. 205. HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.

(a) Definitions.—In this section:

(1) Governor.—The term 'Governor' means a Governor of a State or the Mayor of the District of Columbia.

(b) High Intensity Interstate Gang Activity Area.—The term 'high intensity interstate gang activity area' means an area—

(1) in which the Attorney General considers to be appropriate.

(b) High Intensity Interstate Gang Activity Areas.

(1) Designation.—The Attorney General, upon consultation with the Secretary of the Treasury and the Governors of appropriate States, may designate as a high intensity interstate gang activity area a specified area that is located—

(A) within a State; or

(B) in more than 1 State.

(2) Assistance.—In order to provide Federal assistance to a high intensity interstate gang activity area, the Attorney General may—

(A) facilitate the establishment of a regional task force, consisting of Federal, State, and local law enforcement authori-ties, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the high intensity interstate gang activity area; and

(b) direct the detailing from any Federal department or agency subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice, of personnel to the high intensity interstate gang activity area.

(c) Criteria for Designation.—In considering an area (within a State or within more than 1 State) for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(1) the extent to which the area is affected by the criminal activity of gang members who—

(A) are in violent crimes of violence;

(B) are involved in interstate or international criminal activity; and

(C) are involved in any other activity the Attorney General considers to be appropriate.

(c) Authorization of Appropriations.—

(1) In General.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 1999 through 2004, to be used in accordance with paragraph (2).

(d) Use of Funds.—Of amounts made available under paragraph (1) in each fiscal year—

(1) 60 percent shall be used to carry out subsection (b)(2); and

(2) 40 percent shall be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(2) Requirement.—The Attorney General shall ensure that not less than 10 percent of amounts made available under paragraph (1) in each fiscal year are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(b) Definition of Rural State.—In this paragraph, the term "rural State" has the meaning given the term in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 376b(b)).

SEC. 206. INCREASING THE PENALTY FOR USING PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "as provided in paragraph (2)" and inserting "as provided in paragraph (1)"; and

(B) by redesigning paragraph (2) as paragraph (3);
Sec. 207. Authorization of Appropriations.—

(a) In General.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for offenses described in section 521(c) of title 18, United States Code as amended by section 204 of this Act, if the offense was both committed in connection with, or for the purpose of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(b) Amendment of Sentencing Guidelines.—

(1) In general.—Section 31702 of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13882) is amended as follows:

Sec. 31707. Authorization of Appropriations.—

(a) Improved Definition of Criminal Street Gang.—In this section, the term "criminal street gang" has the meaning given that term in section 521(a) of title 18, United States Code, as amended by section 204 of this Act.

(b) Amendment of Sentencing Guidelines.—

(1) In General.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for offenses described in section 521(c) of title 18, United States Code as amended by section 204 of this Act, if the offense was both committed in connection with, or for the purpose of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) Factors to be Considered.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person caused by the offense.

(c) Construction with Other Guidelines.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 209. Interstate and Foreign Travel or Transportation in Aid of Criminal Gangs.

(a) Travel Act Amendment.—Section 1952 of title 18, United States Code, is amended to read as follows:

Sec. 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises.

(a) Prohibited Conduct and Penalties.—

(1) In General.—(A) A Travel Act Amendment.—Section 1952 of title 18, United States Code, is amended to read as follows:

Sec. 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises.

(b) Amendment of Sentencing Guidelines.—

(1) In General.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) Unlawful Activity Defined.—In this subsection, the term "unlawful activity" has the meaning given that term in section 1956(b) of title 18, United States Code, as amended by this section.

(3) Sentencing Enhancement for Recruitment Across State Lines.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who in violating section 522 of title 18, United States Code (as added by section 201 of this Act), recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.


(a) Serious Juvenile Drug Offenses as Armed Career Criminal Predicates.—Section 924(e)(3)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking "or" at the end;
§ 3121. General prohibition on pen register, trap and trace device, or clone pager; exceptions

(a) GENERAL PROHIBITION.—Section 3121(2)(b) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

"(i) to use a pen register, trap and trace device, or clone pager, as those terms are defined in chapter 206 of this title (relating to pen registers, trap and trace devices, and clone pagers) or;"

(b) EXCEPTION.—Section 3121 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) General prohibition—Except as provided in this section, no person may install or use a pen register, trap and trace device, or clone pager, a court orders authorizing the use of a clone pager under section 3123 or 3129 of this title, or under the Foreign Intelligence Surveillance Act of 1978 (30 U.S.C. 1801 et seq.)."

(2) in paragraph (2), by striking "a pen register or a trap and trace device" and inserting "a pen register, trap and trace device, or clone pager";

(3) by striking the section heading and inserting the following:

"§ 3121. General prohibition on pen register, trap and trace device, and clone pager use; exceptions"

(c) ASSISTANCE.—Section 3124 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by inserting after subsection (b) the following:

"(c) Clone pager.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of electronic communication services shall furnish to such investigative or law enforcement officer all information, facilities, and technical assistance necessary to accomplish the underlying investigation unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order, as provided in section 3129(b)(2) of this title;";

(3) by striking the section heading and inserting the following:

"§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager"

(d) EMERGENCY INSTALLATIONS.—Section 3125 of title 18, United States Code, is amended—

(1) by striking "pen register or a trap and trace device" and "pen register or trap and trace device" each place they appear and inserting "pen register, trap and trace device, or clone pager";

(2) in subsection (a), by striking "an order approving the installation or use is issued in accordance with section 3122 of this title" and inserting "an application is made for an order approving the installation or use in accordance with section 3122 or section 3128 of this title";

(3) in subsection (b), by adding at the end the following: "If such application for the use of a clone pager is denied, or in any other case in which the use of the clone pager is terminated without an order having been issued, an inventory shall be served as provided for in section 3129(e) of this title,"; and

(4) by striking the section heading and inserting the following:

"§ 3125. Emergency installation and use of pen register, trap and trace device, and clone pager".

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) by striking "§ 3125. Emergency installation and use of pen register, trap and trace device, and clone pager";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting ";"; and

(4) by adding at the end the following:

"(5) the identity, if known, of the person who is subject of the criminal investigation; and

(6) an affidavit or affidavits, sworn to be true under the court of competent jurisdiction, respecting probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

§ 3129. Issuance of an order for use of a clone pager

(a) In General.—Upon an application made under section 3128 of this title, the court may enter an order authorizing the use of a clone pager within the jurisdiction of the court if the court finds that information likely to be obtained by the clone pager relates to—

(b) CONTENTS OF AN ORDER.—An order issued under this section—

(1) shall specify—

(A) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned; or

(B) the numeric display paging device to be cloned; and

(c) CLONE PAGER.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of electronic communication service shall furnish to such investigative or law enforcement officer all information, facilities, and technical assistance necessary to accomplish the underlying investigation unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order, as provided in section 3129(b)(2) of this title; and

(d) Assistance.—Section 3124 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by striking "a pen register or a trap and trace device" and inserting "a pen register, trap and trace device, or clone pager";

(3) by striking the section heading and inserting the following:

"§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager"

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end; and

(B) by striking subparagraph (B) and inserting the following:

"(B) with respect to an application for the use of a pen register or a trap and trace device, a court orders authorizing the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or"

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting ";";

(4) by adding at the end the following:

"(7) the term "clone pager" means a numeric display device that receives communications intended for another numeric display paging device.".

(g) APPLICATION.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

"§ 3128. Application for an order for use of a clone pager

(a) APPLICATION.—

(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

(b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

(1) the identity of the attorney for the Government or the State law enforcement investigative officer conducting the investigation; and

(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

(3) a description of the numeric display paging device to be cloned;

(4) a description of the offense to which the information likely to be obtained by the clone pager relates;

(5) the identity, if known, of the person who is subject of the criminal investigation; and

(6) an affidavit or affidavits, sworn to be true under the court of competent jurisdiction, respecting probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

§ 3129. Issuance of an order for use of a clone pager

(a) In General.—Upon an application made under section 3128 of this title, the court may enter an order authorizing the use of a clone pager within the jurisdiction of the court if the court finds that information likely to be obtained by the clone pager relates to—

(b) CONTENTS OF AN ORDER.—An order issued under this section—

(1) shall specify—

(A) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned; or

(B) the numeric display paging device to be cloned; and

(c) CLONE PAGER.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of electronic communication service shall furnish to such investigative or law enforcement officer all information, facilities, and technical assistance necessary to accomplish the underlying investigation unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order, as provided in section 3129(b)(2) of this title; and

(d) Assistance.—Section 3124 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by striking "a pen register or a trap and trace device" and inserting "a pen register, trap and trace device, or clone pager";

(3) by striking the section heading and inserting the following:

"§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager"

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end; and

(B) by striking subparagraph (B) and inserting the following:

"(B) with respect to an application for the use of a pen register or a trap and trace device, a court orders authorizing the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a clone pager; or"

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting ";";

(4) by adding at the end the following:

"(7) the term "clone pager" means a numeric display device that receives communications intended for another numeric display paging device.".

(g) APPLICATION.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

"§ 3128. Application for an order for use of a clone pager

(a) APPLICATION.—

(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

(b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

(1) the identity of the attorney for the Government or the State law enforcement investigative officer conducting the investigation; and

(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

(3) a description of the numeric display paging device to be cloned;

(4) a description of the offense to which the information likely to be obtained by the clone pager relates;
``(B) the date of the entry and the period of clone page, as authorized, or the denial of the application; and
``(C) whether or not information was obtained through the use of the clone page.
``(2) Placement of such items may not be required in a document if good cause is shown. A court of competent jurisdiction may in its discretion postpone the serving of the notice required by this subsection.
``(h) CLERICAL AMENDMENTS.—The table of sections for chapter 206 of title 18, United States Code, is amended—
``(1) by striking the item relating to section 3121 and inserting the following:
``3121. General prohibition on use of a clone page, trap and trace device, and clone pager; use exception.
``(2) by striking the items relating to sections 3124, 3125, and 3126 and inserting the following:
``3124. Assistance in installation and use of a pen register, trap and trace device, and clone pager.
``3125. Emergency installation and use of pen register, trap and trace device, and clone pager.
``3126. Reports concerning pen registers, trap and trace devices, and clone pagers.
``(3) by adding at the end the following:
``3128. Application for an order for use of a clone page.
``3129. Issuance of an order for use of a clone page.
``3130. Operation with business and private organizations.
``(i) CONFORMING AMENDMENT.—Section 704(a) of the Communications Act of 1934 (47 U.S.C. 605(a)) is amended by striking "chapter 119," and inserting "chapters 119 and 206 of
``TITLE III—JUVENILE CRIME CONTROL, ACCOUNTABILITY, AND DELINQUENCY PREVENTION
Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974
SEC. 101. FINDINGS; DECLARATION OF PURPOSE; DEFINITIONS.
``Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:
``TITLE I—FINDINGS AND DECLARATION OF PURPOSE
``SEC. 101. FINDINGS.
``(A) Congress makes the following findings:
``(1) The past decade, the United States has experienced an alarming increase in arrests of adolescents for murder, assault, and weapons offenses.
``(2) In 1994, juveniles accounted for 5 arrests for violent crimes, including murder, robbery, aggravated assault, and rape, including 514 such arrests per 100,000 juveniles 10 through 17 years of age.
``(3) Ununderstaffed and overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities no longer adequately address the changing nature of juvenile crime, protect the public, or correct youth offenders.
``(4) The juvenile justice system has proven inadequate to meet the needs of society and the needs of many who may be at risk of becoming delinquents are not being met.
``(5) Existing programs and policies have not adequately responded to the particular threats of juvenile alcohol, abuse, violence, and gangs pose to the youth of the Nation.
``(6) Projected demographic increases in the number of youth offenders require reexamination of prosecution and incarceration policies for serious violent youth offenders and crime prevention policies.
``(7) State and local communities require assistance in meeting the problems of juvenile delinquency.
``(8) Existing Federal programs have not provided the States with necessary flexibility, nor have these programs guided the States in coordinating, resources, and leadership required to meet the crisis of youth violence.
``(9) Overlapping and uncoordinated Federal programs have created a multitude of Federal funding streams to States and units of local government, that have become a barrier to effective program coordination, re- sponding to the needs of the States, and the provision of comprehensive services for children and youth.
``(10) Violent crime by juveniles constitutes a growing threat to the national welfare that requires an immediate and comprehensive governmental response, combining flexibility and coordinated evaluation.
``(11) The role of the Federal Government should be to encourage and empower communities to develop and implement policies to protect adequately the public from serious juvenile crime as well as implement quality prevention programs that work with at-risk juveniles, their families, local public agencies, and community organizations.
``(12) A strong partnership among law enforcement, local government, juvenile and family courts, schools, public recreation agencies, businesses, philanthropic organiza- tions, families, and the religious community, can create a community environment that supports the youth of the Nation in reaching their highest potential and reduces the destructive trend of juvenile crime.
``SEC. 102. PURPOSE AND STATEMENT OF POLICY.
``(a) IN GENERAL.—The purposes of this Act are to—
``(1) empower States and communities to develop and implement comprehensive programs that support families, reduce risk fac- tors, and prevent serious youth crime and juvenile delinquency;
``(2) protect the public and to hold juve-
niles accountable for their acts;
``(3) encourage the States, consistent with the ideals of federalism, the adoption by the States of policies recognizing the rights of victims in the juvenile justice sys-
tem, and ensuring justice and accountability for those who commit violent crimes committed by juveniles receive the same level of justice as do the victims of vio-
lent crimes committed by adults;
``(4) provide for the thorough and ongoing evaluation of all federally funded programs addressing juvenile crime and delinquency;
``(5) provide technical assistance to public and private nonprofit entities that protect public safety, administer justice and correc-
tions to delinquent youth, or provide services to youth at risk of delinquency, and their families;
``(6) establish a centralized research effort on the problems of youth crime and juvenile delinquency, including the dissemination of the findings of such research and all related data;
``(7) establish a Federal assistance program to deals with the problems of runaway and homeless youth;
``(8) assist States and units of local govern-
ment in improving the administration of jus-
tice for juveniles;
``(9) assist the States and units of local government in reducing the level of youth violence and juvenile delinquency;
``(10) assist States and units of local govern-
ment in promoting public safety by en-
suring accountability for acts of juvenile delinquency;
``(11) encourage and promote programs de-
signed to keep in school juvenile delinquents expelled or suspended for disciplinary rea-
sons;
``(12) assist States and units of local gov-
ernment in promoting public safety by en-
couraging accountability for acts of juvenile delinquency;
``(13) assist States and units of local gov-
ernment in promoting public safety by im-
proving the extent, accuracy, availability and usefulness of juvenile court and law enforce-
ment records and the openness of the juvenile justice system;
``(14) assist States and units of local govern-
ment in promoting public safety by en-
couraging the identification of violent and means a juvenile;
``(15) assist States and units of local govern-
ment in promoting public safety by pro-
viding resources to States to build or expand juvenile detention facilities;
``(16) provide for the evaluation of federally assisted juvenile crime control programs, and dis-
bursements necessary for the establish-
ment and operation of such programs;
``(17) ensure the dissemination of informa-
tion regarding juvenile crime control pro-
grams by providing a national clearinghouse; and
``(18) provide technical assistance to public and private nonprofit juvenile justice and delin-
quency prevention programs.
``(b) STATEMENT OF POLICY.—It is the pol-
cy of Congress to provide resources, leader-
ship, and coordination of
``(1) combat youth violence and to prose-
cute and punish effectively violent juvenile offenders;
``(2) enhance efforts to prevent juvenile crime and delinquency; and
``(3) improve the quality of juvenile justice in the United States.
``SEC. 103. DEFINITIONS.
``(In this Act:
``(1) ADMINISTRATOR.—The term ‘Admin-
istrator’ means the Administrator of the Of-
``(2) ADULT INMATE.—The term ‘adult in-
mate’ means an individual who—
``(3)網絡 crime.—The term ‘network crime’ means a crime committed through the use of a computer, computer network, or other technology.
``(4) Boot camp.—The term ‘boot camp’ means a residential facility (excluding a private residence) at which there are provided—
``(5) Counseling and treatment for sub-
stance abuse.—The term ‘counseling and treatment for substance abuse’ means—
``(6) Bureau of Justice Assistance.—The term ‘Bureau of Justice Assistance’ means


(6) COLLOCATED FACILITIES.—The term ‘collocated facilities’ means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

(7) COMBINATION.—The term ‘combination’ as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

(8) COMMUNITY-BASED.—The term ‘community-based’ facility, program, or service means a small, open group home or other suitable place located near the juvenile’s home or family and programs of community supervision and service that maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, medical, educational, social, and peer group counseling.

(9) COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES.—The term ‘comprehensive and coordinated system of services’ means a system that—

(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate support services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

(B) identifies, and involves early on the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

(C) encourages collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

(D) encourages private and public partnerships, among services, in the prevention and treatment of juvenile delinquency.

(10) CONSTRUCTION.—The term ‘construction’ means erection of new buildings or acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects’ fees but not the cost of acquisition of land for buildings).

(11) FEDERAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—The term ‘Federal juvenile crime control, prevention, and juvenile offender accountability program’ means any Federal program a primary objective of which is the prevention of juvenile crime or reduction of the incidence of arrest, the commission of criminal acts or acts of delinquency, the use of alcohol or illegal drugs, or the involvement in gangs among juveniles.

(12) GENDER-SPECIFIC SERVICES.—The term ‘gender-specific services’ means services specifically designed to address needs unique to the gender of the individual to whom such services are provided.

(13) GRADUATED SANCTIONS.—The term ‘graduated sanctions’ means an accountability-based juvenile justice system that protects the public, and holds juvenile delinquents accountable for acts of delinquency by providing substantial and appropriate sanctions that are graduated in such a manner as to reflect (for each act of delinquency or pattern of delinquency) the nature of that act or offense, and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender.

(14) HOME-BASED ALTERNATIVE SERVICES.—The term ‘home-based alternative services’ means services provided to a juvenile in the home or the alternative to incarcerating the juvenile, and includes home detention.

(15) INDIAN TRIBES.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or diversity, integration, or other rehabilitative services.

(16) INCREASED INTERAGENCY COLLABORATION.—The term ‘increased interagency collaboration’ means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

(17) JAIL OR LOCKUP FOR ADULTS.—The term ‘jail or lockup for adults’ means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

(A) pending the filing of a charge of violating a criminal law;

(B) awaiting trial on a criminal charge; or

(C) convicted of violating a criminal law.

(18) JUVENILE.—The term ‘juvenile’ means a person who has not attained the age of 18 years, or any person who has been adjudicated as having committed an act that would be an offense if committed by an adult.

(19) JUVENILE DELINQUENCY PROGRAM.—The term ‘juvenile delinquency program’ means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, training, education, and research, including—

(A) drug and alcohol abuse programs;

(B) the movement of the juvenile justice system; and

(C) any program or activity that is designed to reduce known risk factors for juvenile delinquency, providing activities that build on protective factors for, and develop competencies in, juveniles to prevent and reduce the rate of delinquent juvenile behavior.

(20) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term ‘law enforcement and criminal justice’ means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defense services), activities of corrections, probation, or parole authorities, and programs related to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.


(22) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means an organization described in section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(23) OFFICE.—The term ‘Office’ means the Office of Justice of Crime Control and Prevention established under section 201.


(25) OUTCOME OBJECTIVE.—The term ‘outcome objective’ means an objective that relates to the impact of a program or initiative, that measures the reduction of high risk behaviors, such as incidence of arrest, the commission of criminal acts or acts of delinquency, failure in school, violence, the use of alcohol or illegal drugs, involvement of youth gangs, violent and unlawful acts of animal cruelty, and teenage pregnancy, among youth in the community.

(26) PROCESS OBJECTIVE.—The term ‘process objective’ means an objective that relates to the manner in which a program or initiative is carried out, including—

(A) an objective relating to the degree to which the program or initiative is reaching the target population; and

(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth.

(27) PROHIBITED PHYSICAL CONTACT.—The term ‘prohibited physical contact’ means—

(i) any physical contact between a juvenile and an adult inmate; and

(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

(28) PROHIBITED PHYSICAL CONTACT.—The term ‘prohibited physical contact’ means—

(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

(B) the specialized services that are allowable under section 31.303(e)(3)(1)(C)(3) of title 28, Code of Federal Regulations, as in effect on December 10, 1996.

(29) SECURE CORRECTIONAL FACILITY.—The term ‘secure correctional facility’ means any public or private residential facility that—

(A) includes correctional fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

(30) SECURE DETENTION FACILITY.—The term ‘secure detention facility’ means any public or private residential facility that—

(A) includes correctional fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having
committed an offense or of any other individual accused of having committed a criminal offense.

‘‘(31) SERIOUS CRIME.—The term ‘serious crime’ means criminal homicide, rape or other sex offenses punishable as a felony, kidnapping, maiming, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

‘‘(32) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

‘‘(33) STATE OFFICE.—The term ‘State office’ means an office designated by the chief executive officer of a State to carry out this title, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

‘‘(34) SUSTAINED ORAL COMMUNICATION.—(A) IN GENERAL.—The term ‘sustained oral communication’ means the imparting or interchange of speech by or between an adult inmate and a juvenile.

‘‘(B) EXCEPTION.—The term does not include—

(i) communication that is accidental or incidental; or

(ii) sounds or noises that cannot reasonably be considered to be speech.

‘‘(35) TREATMENT.—The term ‘treatment’ includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicts and other users by—

(A) eliminating their dependence on alcohol or other addictive or nonaddictive drugs; or

(B) controlling or reducing their dependence and susceptibility to addiction or use.

‘‘(36) UNIT OF LOCAL GOVERNMENT.—The term ‘unit of local government’ means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial circuit district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

(C) an Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia; or

(ii) any Trust Territory of the United States.

‘‘(37) VALID COURT ORDER.—The term ‘valid court order’ means a court order given by a juvenile court judge to a juvenile—

(A) that was brought before the court and made subject to such order; and

(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.

‘‘(38) VIOLENT CRIME.—The term ‘violent crime’ means—

(A) murder or negligent manslaughter into punishable, or robbery; or

(B) aggravated assault committed with the use of a firearm.
“(iv) provide a description of the activities for which amounts are expended under this title;  

“(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards and methodologies; and  

“(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile crime reduction and juvenile offender accountability goals; and  

“(B) SUMMARY AND ANALYSIS.—Each summary and analysis under subparagraph (A)(iii) shall set out the information required by clauses (i), (ii), and (iii) of this subparagraph separately for juvenile non-offenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address whether each category of juveniles specified in the preceding sentence—  

“(i) the types of offenses with which the juveniles were charged;  

“(ii) the ages of the juveniles;  

“(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults); and  

“(iv) the time length of time served by juveniles in custody; and  

“(v) the number of juveniles who died or who suffered serious bodily injury while in custody and the circumstances under which each juvenile died or suffered such injury.  

“(C) DEFINITION OF SERIOUS BODILY INJURY.—In this paragraph, the term ‘serious bodily injury involving extremity physical pain or the impairment of a function of a bodily member, organ, or mental faculty that requires medical intervention such as surgery, hospitalization, or physical rehabilitation.’  

“(D) ANNUAL REVIEW.—The Administrator shall annually—  

“(A) review each plan submitted under this subsection;  

“(B) revise the plans, as the Administrator considers appropriate; and  

“(C) submit, by March 1 of each year, the plans to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives.  

“(b) DUTIES OF ADMINISTRATOR.—In carrying out this title, the Administrator shall—  

“(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile crime control, prevention, and juvenile offender accountability programs, and Federal policies regarding juvenile crime and justice, including policies relating to juveniles prosecuted or adjudicated in the Federal courts;  

“(2) implement and coordinate Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies; and  

“(3) develop, coordinate, and implement Federal programs and activities that the Administrator determines may have an important bearing on the success of Federal juvenile crime control, prevention, andjuvenil offender accountability effort, including, in consultation with the Director of the Office of Management and Budget, to coordinate Federal juvenile crime control, prevention, and juvenile accountability programs to be considered Federal juvenile crime control, prevention, and juvenile accountability programs for the following fiscal year;  

“(4) serve as a single point of contact for States, units of local government, and private entities to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs;  

“(5) provide for the auditing of grants provided pursuant to this title;  

“(6) collect, prepare, and disseminate useful data regarding the prevention, correction, and control of juvenile crime and delinquency;  

“(7) consult with appropriate authorities in the States with and appropriate entities in the development, review, and revision of the plans required by subsection (a) and in the development of policies relating to juveniles prosecuted or adjudicated in the Federal courts;  

“(8) provide technical assistance to the States, units of local government, and private entities in implementing programs funded under this title;  

“(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if such an organization agrees to carry out activities that include—  

“(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;  

“(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 261; and  

“(C) advising the Administrator with respect to particular functions or aspects of the work of the Office; and  

“(10) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist such organization to carry out the functions specified under subparagraph (A).  

“(A) To be eligible to receive such assistance such organization shall agree to carry out activities that include—  

“(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;  

“(ii) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261.  

“(c) INFORMATION, REPORTS, STUDIES, AND SURVEYS FROM OTHER AGENCIES.—The Administrator shall be coordinated with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies engaged in any activity involving Federal crime control, prevention, and juvenile offender accountability program to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator determines to be necessary to carry out the purposes of this title.  

“(d) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REMUNERATION.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.  

“(e) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III.  

“(f) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT STATEMENT.—  

“(1) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program, or any study or evaluation thereof, shall submit to the Administrator a juvenile crime control, prevention, and juvenile offender accountability development statement.  

“(2) Content.—Each development statement submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the program of the Federal agency submitting such development statement conforms with and furthers the Federal juvenile crime control, prevention, and juvenile offender accountability program or activity supported by such funding.  

“(g) REVIEW AND COMMENT.—  

“(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement submitted to the Administrator under paragraph (1).  

“(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1) and the comments of the Administrator under subparagraph (A), shall be—  

“(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and  

“(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.  

“(h) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than 1 Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile crime control, prevention, or juvenile offender accountability program or activity—  

“(1) any 1 of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced; and  

“(2) in such a case, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency.  

“(i) ANNUAL REPORT.—The Administrator shall report annually to the Attorney General on the progress of the administration of the programs and activities provided for in this title.
(as defined in those regulations) that is in-consistent with the similar requirements of the administering agency or which the administering agency does not impose.

SEC. 205. JUVENILE DELINQUENCY PREVENTION AND REHYDRATION GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to eligible States in accordance with this part for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

(A) educational projects or supportive services for delinquent or other juveniles;

(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

(C) to assist in identifying learning difficulties (including learning disabilities);

(D) to prevent unwarranted and arbitrary suspensions and expulsions;

(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(F) to provide law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles;

(G) to develop locally coordinated policies and programs among education, juvenile justice, public recreation, and social service agencies; or

(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

(14) family strengthening activities, such as mentoring, enrichment, tutoring, and academic enrichment programs that incorporate the following elements: Caring, citizenship, fairness, responsibility, and trustworthiness;

(15) projects that support State and local programs to prevent juvenile delinquency by providing for—

(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

(16) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders with community-based nonprofit organizations that contain the following:

(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth, foster);

(B) safe places and structured activities during nonschool hours;

(C) a healthy start;

(D) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth, foster);

(17) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: Caring, citizenship, fairness, responsibility, and trustworthiness;

(18) programs for positive youth development that provide youth at risk of delinquency with—

(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth, foster);

(B) safe places and structured activities during nonschool hours;

(C) a healthy start;

(D) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth, foster);
paragraph (2) to carry out projects and activities authorized by the Administrator may reasonably require by rule. These projects and activities may be conducted consistent with subparagraph (A)—

(i) not less than 80 percent shall be used for the purpose of preventing, and reducing the rate of juvenile delinquency in the geographical area under the jurisdiction of such unit.

(B) LIMITATION.—The Administrator may for good cause reduce to fund the project or activity, except that the value of in-kind contributions received under subsection (a) by the State, for the subsequent fiscal year to carry out such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of juvenile delinquency in the geographical area under the jurisdiction of such unit.

(B) DIRECT SUBMISSION.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in clauses (i) and (ii) of subparagraph (A), such entity may submit such application directly to the State.

(d) ELIGIBILITY OF ENTITIES.—

(1) ELIGIBILITY.—Subject to paragraph (2) and except as provided in paragraph (3), to be eligible to receive a grant under subsection (c), a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a faith-based organization), local recreation agency, nonprofit private organization (including a faith-based organization), unit of local government, or social service agency (including a community-based organization) shall be eligible to receive such grant if the Administrator determines that such plan is approved by the Administrator.

(2) EXCEPTION.—No amount shall be available as provided in paragraph (1) for a fiscal year, if amounts are made available for that fiscal year for the National Institute of Justice for evaluation research of juvenile delinquency programs pursuant to subsection (b)(6) or (c)(6) of section 313.

SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

(1) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and state, local, or tribal governments (as defined in section 101(10) of the Social Security Act) for the purposes of—

(i) providing for the establishment of youth centers, recreation areas, and school programs that will enhance the prevention of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

(c) LIMITATION.—If an entity that receives a grant under subsection (c) to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

(e) REPORTING REQUIREMENT.—Not later than 180 days after the last day of each fiscal year, the Administrator shall submit to the Chairman of the Committee on the Judiciary of the Senate and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a report that shall—

(i) describe activities and accomplishments of grants activities funded under this section;

(ii) describe procedures followed to disseminate grant activity products and research findings;

(3) describe activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention;

(4) identify successful approaches and making the recommendations for future activities to be conducted under this section;

and

(5) describe, on a State-by-State basis, the total amount of matching contributions made by States and eligible entities for activities funded under this section.

(2) RESEARCH AND EVALUATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), of the amount made available to carry out this section in each fiscal year, the Administrator shall use the lesser of 5 percent or $5,000,000 for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this section.

(2) EXCEPTION.—No amount shall be available as provided in paragraph (1) for a fiscal year, if amounts are made available for that fiscal year for the National Institute of Justice for evaluation research of juvenile delinquency programs pursuant to subsection (b)(6) or (c)(6) of section 313.

(3) ELIGIBILITY OF ENTITIES.—

(1) IN GENERAL.—Subject to subparagraph (B), a unit of local government shall submit to the State simultaneously all applications that are

(i) timely received by such unit from eligible entities; and

(ii) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of juvenile delinquency in the geographical area under the jurisdiction of such unit.

(B) DIRECT SUBMISSION.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in clauses (i) and (ii) of subparagraph (A), such entity may submit such application directly to the State.

(d) ELIGIBILITY OF ENTITIES.—

(1) ELIGIBILITY.—Subject to paragraph (2) and except as provided in paragraph (3), to be eligible to receive a grant under subsection (c), a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a faith-based organization), local recreation agency, nonprofit private organization (including a faith-based organization), unit of local government, or social service agency (including a community-based organization) shall be eligible to receive such grant if the Administrator determines that such plan is approved by the Administrator.

(2) EXCEPTION.—No amount shall be available as provided in paragraph (1) for a fiscal year, if amounts are made available for that fiscal year for the National Institute of Justice for evaluation research of juvenile delinquency programs pursuant to subsection (b)(6) or (c)(6) of section 313.

SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

(1) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and national, Statewide, or community-based, nonprofit organizations in crime prone areas, such as Boys and Girls Clubs, Police Athletic Leagues, 4-H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids ’N Kops programs for the purposes of—

(i) providing constructive activities to youth during after school hours, weekends, and school vacations;

(ii) providing supervised activities in safe environments to youth in those areas, including activities through parks and other recreation areas; and

(iii) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.

(B) APPLICATIONS.—
"(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator containing such information as the Administrator may reasonably require.

"(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

"(A) a request for a grant to be used for the purposes of law enforcement, including the utilization of Internet web pages or resources; and

"(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

"(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

"(D) written assurances that all activities funded under this section will be supervised by an appropriate number of responsible adults;

"(E) a plan for assuring that program activities will take place in a secure environment; and

"(F) any additional statistical or financial information that the Administrator may reasonably require.

"(c) GRANT AWARDS.—In awarding grants under this section, the Administrator shall consider—

"(1) the ability of the applicant to provide the intended services;

"(2) the history and establishment of the applicant in providing youth activities; and

"(3) the extent to which services will be provided in crime-prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

"(d) ALLOCATION.—Of the amounts made available to carry out this section—

"(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

"(2) 80 percent shall be for grants to community-based, nonprofit organizations.

"(e) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

"SEC. 208. ALLOCATION OF GRANTS.

"(a) IN GENERAL.—Grants under this section may not be awarded for fiscal years ending before October 1, 1999.

"(b) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall not be less than $75,000 and not more than $100,000.

"(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

"(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

"(2) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet web pages or resources;

"(3) to enhance State efforts to offer appropriate counseling services to individuals who may pose a risk of self-harm or who threaten to do harm to themselves or others; and

"(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

"SEC. 209. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

"(a) IN GENERAL.—Grants under this section shall be known as—

"(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 208(b)(2), the Administrator shall make a grant to a State in an amount determined under subsection (d), for use in accordance with subsection (c).

"(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

"(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

"(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1);

"(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet web pages or resources; and

"(4) to enhance State efforts to offer appropriate counseling services to individuals who may pose a risk of self-harm or who threaten to do harm to themselves or others; and

"(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

"SEC. 210. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out section 205 in each fiscal year shall be allocated to the States as follows:

"(1) 0.5 percent shall be allocated to each eligible State.

"(2) The amount remaining after the allocations under subparagraph (A) shall be allocated among eligible States as follows:

"(A) 50 percent of such amount shall be allocated proportionately based on the annual number of arrests for serious crimes committed in the eligible States by juveniles during the last 3 completed calendar years for which sufficient information is available to the Administrator.

"(B) 50 percent of such amount shall be allocated proportionately based on the annual number of arrests for serious crimes committed in the eligible States by juveniles during the last 3 completed calendar years for which sufficient information is available to the Administrator.

"(c) FACTORS FOR CONSIDERATION.—In awarding grants under this section, the Administrator shall consider—

"(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

"(2) for each Indian tribe that receives assistance under such a grant—

"(A) the relative juvenile population; and

"(B) who will be assisted by the assistance provided by the grant.

"(d) GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator shall annually award grants under this section on a competitive basis. The Administrator shall enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

"(2) EXCEPTION.—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

"(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1); and

"(B) renew the grant for an additional grant period (as specified in paragraph (1)).

"(e) MODIFICATIONS OF PROCESSES.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in such a process, in order to provide for a renewal grant under paragraph (2).

"(f) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 480c(9)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

"(g) MATCHING REQUIREMENT.—Funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

"(h) TECHNICAL ASSISTANCE.—From the amount reserved under section 230(b) in each fiscal year, the Administrator may reserve 1 percent for the purpose of providing technical assistance to recipients of grants under this section.
(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

(d) ALLOCATION TO STATES.—The total amount carried out in this section for each fiscal year shall be allocated to each State on the basis of the population of the State that is less than 18 years of age.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.

(a) In General.—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in—
(1) developing, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, evaluation, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system;
(2) training and technical assistance; and
(3) enabling the recipient of a grant or contract under this subsection to coordinate its activities with the State agency described in section 222(a)(1).

(b) TRAINING AND TECHNICAL ASSISTANCE.—
(1) In General.—With not to exceed 2 percent of the amount reserved to carry out this section, the State shall provide training and technical assistance to States, units of local governments (and combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

(2) ELIGIBLE RECIPIENTS.—Grants may be made only to—
(a) public and private agencies, organizations, and individuals that have experience in providing such training and technical assistance; or
(b) any State eligible to receive a grant under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such training and technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

SEC. 222. STATE PLANS.

(a) In General.—In order to receive formula grants to a State, the State shall submit a plan, developed in consultation with the State Advisory Group established by the State under subsection (b)(2)(A), for carrying out its purposes applicable to a 3-year period. A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position. The State shall submit annual performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original plan, and amendments necessary to update the plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations that the Administrator shall prescribe, each plan shall contain—
(1) a State agency as the sole agency for supervising the preparation and administration of the plan;
(2) necessary evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in the manner described in this part;
(3) provisions for the active consultation with and participation of units of local government, or combinations thereof, in the development, establishment, operation, coordination, and evaluation of projects directly or through grants and contracts with public and private agencies for the development of programs in the area of juvenile delinquency and programs to improve the juvenile justice system;
(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution of the assistance received with the State, including
(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;
(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and
(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;
(5) require that the State or unit of local government that is a recipient of amounts under this part distributes those amounts intended to be used for the prevention of juvenile delinquency and reduction of incarceration, to the extent feasible, in proportion to the amount of juvenile crime committed within those regions and communities; and
(6) provide assurances that youth coming into contact with the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability.

(b) GRANT FORMULA.—
(1) Detective Juvenile Crime and Delinquency Prevention, and Incarceration Reducing Programs.—The total amount reserved to carry out this section in a fiscal year to the States, units of local governments (and combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

(2) To promote involvement in lawful activities on the part of juveniles who are involved in juvenile delinquency and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an Indian tribe performs law enforcement functions) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

(iii) a plan for the concentration of State efforts, which shall coordinate all State juvenile crime control and delinquency prevention programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency prevention programs, including—
(A) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;
(B) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and
(C) a plan for providing needed mental health services to juveniles in the juvenile justice system;
(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare services) to ensure effective use of available resources;
(9) provide for the development of an adequate research, training, and evaluation capacity within the State;
(10) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations; and
(iii) to enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—
(1) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school;
(2) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;
(3) expanding the use of probation officers;
(4) particularly for the purpose of permitting nonviolent juvenile offenders (excluding status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and
(5) to ensure that juveniles follow the terms of their probation;
(6) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;
(7) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community-based organizations and agencies to develop qualified juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities; and
(8) to prevent or reduce juveniles' greater involvement in illegal activities and to promote involvement in lawful activities on the
part of gangs whose membership is substan-
tially composed of youth;

"(J) programs and projects designed to pro-
vide for the treatment of youths’ dependence on or abuse of alcohol or other addictive or nonadictive drugs;

"(K) boot camps for juvenile offenders;

"(L) community-based programs and serv-
ices to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

"(M) activities (such as court-ap-
pointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delin-
quent activities;

"(N) establishing policies and systems to incorporate relevant child protective serv-
ices into juvenile justice records for purposes of establishing treatment plans for juveniles offenders;

"(O) programs (including referral to li-
brary programs and social service programs) to assist families with limited English speaking ability that include delinquent ju-
veniles to overcome language and other bar-
riers that may prevent the complete treat-
ment of such juveniles and the preservation of their families;

"(P) programs that utilize multidisci-
plinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly com-
mit violent or serious delinquent acts;

"(Q) programs designed to prevent and re-
duce hate crimes committed by juveniles;

"(R) court supervised initiatives that ad-
dress the illegal possession of firearms by ju-
veniles; and

"(S) programs for positive youth develop-
ment that provide delinquent youth and youth at-risk of delinquency with—

"(i) an opportunity to live in a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

"(ii) safe places and structured activities during nonschool hours;

"(iii) a healthy start;

"(iv) a marketable skill through effective education; and

"(v) an opportunity to give back through community service;

"(T) shall provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be a criminal offense committed by an adult, exclud-
ing—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the States and shall not be placed in secure detention facili-
ties or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facili-
ties or secure correctional facilities;

"(12) provide that—

"(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or con-
fined in any institution in which they have prohibited physical contact or sustained oral communication with inmates; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

"(13) provide that no juvenile will be de-
tained or confined in any jail or lock up for adults except—

"(A) juveniles who are accused of non-
status offenses and who are detained in such jail or lock up for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of non-
status offenses and who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (exclud-
ing Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

"(i) in which—

"(1) such juveniles do not have prohibited physical contact or sustained oral commu-
nication with adult inmates; and

"(2) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles; and

"(ii) that—

"(1) is located outside a metropolitan sta-
tistical area (as defined by the Office of Man-
gement and Budget) and has no existing ac-
cetable alternative placement available;

"(2) is located where conditions of dis-
tance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(3) is located where conditions of safety exist (such as severe adverse, life-threaten-
ing weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

"(C) juveniles who are accused of non-
status offenses and who are detained or con-
fined in a jail or lockup that satisfies the re-
quirements of subparagraph (B)(1)(i) if—

"(I) such jail or lockup—

"(1) is located outside a metropolitan sta-
tistical area (as defined by the Office of Man-
gement and Budget); and

"(2) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juve-
nile in accordance with this subparagraph and the parent has the right to revoke such consent at any time;

"(iii) the juvenile has counsel, and the counsel were provided such juvenile has an op-
portunity to present the juvenile’s position regarding the detention or confinement in-
volved to the court before the court finds that such confinement is in the best interest of such juvenile and approves such detention or confinement; and

"(iv) detaining or confining such juvenile in accordance with this subparagraph;

"(v) an opportunity to give back through community service for any period shall be so used as to supple-
ment and increase (but not supplant) the level of the State, local, and other non-Fed-
eral funds that would have been used if such Federal funds be available for the pro-
grams described in this part, and shall in no event replace such State, local, and other non-Federal funds;

"(18) provide that the State agency des-
ignated under paragraph (1) will, not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan and any amendment, in-
cluding the survey of State and local needs, that the agency considers necessary;

"(19) provide assurances that the State or each unit of local government that is a re-
ipient of amounts under this part require that any person convicted of a sexual act or sexual contact involving any other person who has not attained the age of 18 years, and who is not less than 4 years younger than such convicted person, be tested for the pres-
ence of any sexually transmitted disease and that the results of such test be provided to the victim or to the family of the victim as well as to any court or other government agency that has the right to receive such information; and

"(20) provide that if a juvenile is taken into custody for violation of a court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for such violation; and

"(B) not later than 24 hours during which such juvenile is so held, an authorized rep-
resentative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—


CONGRESSIONAL RECORD—SENATE
May 26, 1999

May 26, 1999
“(1) whether there is reasonable cause to believe that such juvenile violated such order; and

“(2) the appropriate placement of such juvenile pending disposition of the violation alleged;

“(21) specify a percentage, if any, of funds received under section 221 that the State will reserve for expenditure by the State to provide incentive grants to units of local government that reduce the case load of probation officers within such units;

“(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

“(23) unless the provisions of this paragraph are waived at the discretion of the Administration, in which case the Governor of the Commonwealth of Puerto Rico, the Governor of any territory, or the Governor of any possession of the United States, may waive at the discretion of the Governor of the Commonwealth of Puerto Rico, the Governor of any territory, or the Governor of any possession of the United States, such provisions to the extent such provisions are consistent with the terms of a collective bargaining agreement;

“(24) provide for the establishment of youth tribunals and peer ‘juries’ in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses committed in delinquent, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use;

“(25) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

“(26) provide assurances that—

“(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

“(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement;

“(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved; and

“(27) to the extent that segments of the juvenile population are shown to be detained or confined in facilities designed to reduce such disproportionate confinement, without requiring the release or the failure to detain any individual; and

“(28) demonstrate that the State has in effect a policy or practice that requires State or local law enforcement agencies to—

“(A) present before a judicial officer any juvenile who lawfully possesses a firearm in a school; and

“(B) detain such juvenile in an appropriate facility or secure community-based placement for not less than 24 hours for appropriate evaluation, upon a finding by the judicial officer that the juvenile may be a danger to himself or herself, to other individuals, or to the community in which that juvenile resides.

“(b) APPROVAL BY STATE AGENCY.—

“(1) STATE AGENCY.—The State agency designated under subsection (a)(1) shall approve the State plan and any modification thereof prior to submission of the plan to the Administrator.

“(2) STATE ADVISORY GROUP.—

“(A) ESTABLISHMENT.—The State advisory group referred to in subsection (a) shall be known as the ‘State Advisory Group’.

“(B) CONSULTATION.—

“(I) Participation.—The State Advisory Group shall participate in the development and review of the State plan under this section.

“(ii) Meetings.—The State Advisory Group shall—

“(A) meet at least once during each fiscal year, and

“(B) give special priority to the review of the State plan under this section.

“(C) FUNDING.—From amounts reserved under section 208(b) for that fiscal year shall be allocated to the States as follows:

“(1) 0.5 percent shall be allocated to each eligible State.

“(2) The amount remaining after the allocation under clause (1) shall be allocated proportionately, if and to the extent such programs are consistent with the purposes authorized under sections 204, 205, and 221;

“(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and

“(4) information, including information on best practices, consistent with purposes authorized under sections 204, 205, and 221.

“(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible entity that receives funds under this part may not use more than 5 percent of such funds to pay for administrative costs.

“SEC. 241. ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION.

“(a) IN GENERAL.—There is established within the National Institute of Justice a National Institute for Juvenile Crime Control and Delinquency Prevention, the purpose of which shall be to provide—

“(1) through the National Institute of Justice, for the rigorous and independent evaluation of the delinquency and youth violence prevention programs funded under this title; and

“(2) funding for new research, through the National Institute of Justice, to the extent that research is necessary to determine the nature, causes, and prevention of juvenile violence and juvenile delinquency.

“(b) ADMINISTRATION.—The National Institute for Juvenile Crime Control and Delinquency Prevention shall be under the supervision and direction of the Director of the
National Institute of Justice (referred to in this part as the 'Director'), in consultation with the Administrator.

(c) COORDINATION.—The activities of the National Institute for Juvenile Crime Control and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice.

(d) DUTIES OF THE INSTITUTE.—(1) The Administrator shall transfer appropriated amounts to the National Institute of Justice, or to other Federal agencies, for the purposes of new research projects funded by the National Institute for Juvenile Crime Control and Delinquency Prevention, and for evaluation of discretionary programs of the Office of Juvenile Crime Control and Prevention.

(2) REQUIREMENTS.—Each evaluation and research study funded with amounts transferred under paragraph (1) shall—

(A) be independent in nature;

(B) be awarded competitively; and

(C) employ rigorous and scientifically recognized methodologies, including peer review by nonparticipants.

(e) POWERS OF THE INSTITUTE.—In addition to the other powers, express and implied, the National Institute for Juvenile Crime Control and Delinquency Prevention may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the National Institute for Juvenile Crime Control and Delinquency Prevention deems necessary to carry out its functions;

(2) negotiate with and reimburse the heads of Federal agencies for the use of personnel or facilities of such agencies;

(3) confer with and avail itself of the cooperation, records, and facilities of State, municipal, or other public or private local agencies;

(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the National Institute for Juvenile Crime Control and Delinquency Prevention; and

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employment of the United States, or hereafter referred to under section 5376 of title 5, United States Code, and while away from, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) INFORMATION FROM FEDERAL AGENCIES.—A Federal agency that receives a request from the National Institute for Juvenile Crime Control and Delinquency Prevention under subsection (e)(1) may cooperate with the National Institute for Juvenile Crime Control and Delinquency Prevention and shall, to the maximum extent practicable, consult with and furnish information and advice to the National Institute for Juvenile Crime Control and Delinquency Prevention.

SEC. 242. INFORMATION FUNCTION.

The Administrator, in consultation with the Director, shall—

(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

(2) serve as an information bank by collecting and synthesizing the knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific programs) and plans, availability of resources, training and educational programs, statistical information, and other pertinent data and information.

SEC. 242A. STATISTICAL ANALYSIS.

The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information regarding juvenile crime, the juvenile justice system, and youth violence, and for other purposes, consistent with the Violent and Repeat Juvenile Offender Accountability Act of 1996; and

(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of each grant made or other agreement entered into under this title.

SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.

(a) In General.—The Administrator, acting through the National Institute for Juvenile Crime Control and Delinquency Prevention, as appropriate, may—

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to methods that show promise of helping to prevent the investigation and treatment of juvenile delinquency;

(2) encourage the development of dem-onstration projects to test innovative techniques and methods to prevent and treat juvenile delinquency;

(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, the family (both nuclear and special), job training, and recreation); and

(B) assist in the provision by the Administrator of best practices of information and assistance to law enforcement (on telecommunication technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate restraints that bridge the gap between traditional probation and confinement in a correctional setting); and

(4) encourage the development of programs that, in addition to helping youth take responsibility for their behavior, through control and incapacitation, if necessary, provide therapeutic intervention such as providing skills;

(5) encourage the development and establishment of programs to enhance the States' ability to manage, identify, and treat juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

(6) prepare, in cooperation with education institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to prevention of and intervention with juvenile violence and delinquency and the improvement of juvenile justice systems, including—

(A) evaluations of programs and interventions designed to prevent youth violence and juvenile delinquency;

(B) assessments and evaluations of the methodological approaches to evaluating the effectiveness of interventions and programs designed to prevent youth violence and juvenile delinquency;

(C) studies of the extent, nature, risk, and protective factors, and causes of youth violence and juvenile delinquency;

(D) comparisons of youth adjudicated and treated by the juvenile justice system compared to juveniles waived to and adjudicated by the adult criminal justice system (including juvenile incarceration, adult incarceration, and other correctional facilities); and

(E) recommendations with respect to effective and ineffective primary, secondary, and tertiary prevention interventions, including for which juveniles, and under what circumstances (including circumstances consistent with the staffing of the intervention), prevention efforts are effective and ineffective; and

(F) assessments of risk prediction systems of juveniles used in making decisions regarding pretrial detention;

(7) disseminate the results of such evaluations and research and demonstration activities, to the States and Federal agencies, as appropriate, for purposes of the criminal justice system.

(b) PUBLIC DISCLOSURE.—The Administrator or the Director, as appropriate, shall make available to the public—

(1) the results of research, demonstration, and evaluation activities referred to in subsection (a)(6);

(2) the data and studies referred to in subsection (a)(9); and

(3) regular reports regarding each State's objective measurements of youth violence, juvenile delinquency, the number and trend of homicides committed by youths.

SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.

The Administrator or the Director, as appropriate, may—

(1) provide technical assistance and training assistance to Federal, State, and local...
government and to courts, public and private self-help organizations and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs.

(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

(3) develop, conduct, and provide for seminars, workshops, and training programs on the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, prosecutors, and defense attorneys, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

(4) develop technical training teams to aid in the development of training programs in the Federal, State, and local agencies that work directly with juveniles and juvenile offenders; and

(5) provide technical assistance and training to States and units of general local government.

SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.

(a) In General.—The Administrator shall establish a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program, the Administrator may make use of available State and local services, equipment, personnel, facilities, and the like.

(b) QUALIFICATIONS FOR ENROLLMENT.—Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and counselors, social workers, psychologists, counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, public recreation, youth work, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

(c) Removal of Competing Policies.—Notification of grants and contracts made under this section (a) shall address—

(1) the establishment of a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles.

(2) the experience of the principal and co-principal investigators in the area of youth violence and juvenile delinquency;

(3) the protection offered human subjects in the study, including informed consent procedures; and

(4) the cost-effectiveness of the proposed project.

(d) SELECTION PROCESS.—

(1) In General.—

(A) Competitive Process.—Subject to subparagraph (B), programs selected for assistance through grants or contracts under section 243, 244, or 245 shall be selected through a formal peer review process established by the Administrator or the Director, as appropriate, for emergency expedited consideration of a proposed program if the Administrator or the Director, as appropriate, determines that the proposed program is designed to carry out the program.

(B) Establishment of Process.—Such process shall be established by the Administrator or the Director, as appropriate, in consultation with the Directors and other appropriate officials of the National Institutes of Health, the National Institute of Justice, and the National Institute of Mental Health. Before implementation of such process, the Administrator or the Director, as appropriate, shall submit such process to such Directors, each of whom shall prepare and furnish to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

(2) EFFECT OF POPULATION.—A city shall not be denied assistance under section 243, 244, or 245 solely on the basis of its population.

(3) Notification Process.—Notification of grants and contracts made under sections 243, 244, and 245 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator or the Director, as appropriate, to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate.

SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.

(a) Requirement.—The National Institutes of Health shall conduct a study of the effects of violent video games and music on child development and youth violence.

(b) Elements.—The study under subsection (a) shall address—

(1) whether, and to what extent, violence in video games and music contributes to juvenile delinquency and youth violence.

Part D—Gang-Free Schools and Communities

SEC. 251. DEFINITION OF JUVENILE.

"In this part, the term 'juvenile' means an individual who has not attained the age of 22 years."
that commit crimes. Such programs and activities—

(1) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

(2) education, recreation, and social services designed to address the social and developmental needs of juveniles that such juveniles would otherwise seek to have met through membership in gangs;

(3) intervention and counseling to juveniles who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

(4) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

(V) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

(B) To develop within the juvenile adjudicatory and correctional systems new and innovative services to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

(C) To target elementary school students, with the purpose of steering students away from gang involvement.

(D) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

(E) To promote the involvement of juveniles in lawful activities in geographic areas in which gangs commit crimes.

(F) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities to target schools that will assist such schools in maintaining a safe environment conducive to learning.

(G) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

(H) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substance analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)) by juveniles, provided through State and local health and social services agencies.

(I) To provide counseling to juveniles in the geographical area in which the applicant proposes to carry out the programs and activities for which such grants and contracts are authorized.

(J) for assistance for programs and activities that—

(1) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

(II) will substantially involve the families of juvenile gang members in carrying out such programs and activities.

SEC. 253. COMMUNITY-BASED GANG INTERVENTION.

(A) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities that—

(1) reduce the participation of juveniles in the illegal activities of gangs;

(2) to develop regional task forces involving State, local, and community-based organizations to coordinate the disruption of gangs and the prosecution of juvenile gang members and to curtail interstate activities of gangs; and

(3) to facilitate coordination and cooperation among—

(A) local education, juvenile justice, employment, recreation, and social service agencies; and

(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and the correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, substance abuse, educational, and vocational special), job training, and recreation; and

(B) assist in the provision by the Administrator of information and technical assistance to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—

Programs and activities for which grants and contracts are to be made under this section may include—

(1) the hiring of additional State and local prosecutors, and the establishment and operation of programs, including multi-jurisdictional task forces, for the disruption of gangs and the prosecution of gang members;

(2) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

(3) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

(4) the development of juvenile intervention and treatment services directed to the illegal use of controlled substances and controlled substances analogues (as defined in

CONGRESSIONAL RECORD—SENATE

May 26, 1999

11042
``SEC. 254. PRIORITY.

In making grants under this section, the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 253.

``PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

``SEC. 261. GRANTS AND PROJECTS.

(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to, and enter into contracts with, States, units of local government, Indian tribal governments, public and private agencies, organizations, individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

``SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out projects for which grants are made under subsection (a).

``SEC. 263. ELIGIBILITY.

To be eligible to receive assistance pursuant to a grant or contract under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof, shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

``SEC. 264. REPORTS.

Each recipient of assistance pursuant to a grant or contract under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying out the projects for which the assistance was provided.

``PART F—MENTORING

``SEC. 271. MENTORING.

The purposes of this part are to, through the use of mentors for at-risk youth—

1. reduce juvenile delinquency and gang participation;
2. improve academic performance; and
3. reduce the dropout rate.

``SEC. 272. DEFINITIONS.

In this part—

1. ‘At-risk youth’ means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities; and
2. ‘Mentor’ means a person who works with an at-risk youth in a one-to-one basis, providing a positive role model for the youth, establishing a supportive relationship with the youth, and involving the youth with academic assistance and exposure to new experiences and opportunities that enhance the ability of the youth to become a responsible adult.

``SEC. 273. GRANTS.

(a) LOCAL EDUCATIONAL GRANTS.—The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that—

1. are designed to link at-risk children, particularly children living in high crime areas, with children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, elders in Alaska Native villages, and adults working for community-based organizations and agencies; and
2. are intended to achieve 1 or more of the following goals:

A. Provide general guidance to at-risk youth.
B. Promote personal and social responsibility among at-risk youth.
C. Increase at-risk youth’s participation in and enhance their ability to benefit from elementary and secondary education.
D. Discourage at-risk youth’s use of illegal drugs, violence, and dangerous weapons, and other criminal activity.
E. Discourage involvement of at-risk youth in gangs.
F. Encourage at-risk youth’s participation in community service and community activities.

(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

1. DEFINITIONS.—In this subsection:

A. FAMILY-TO-FAMILY MENTORING PROGRAM.—The term ‘family-to-family mentoring program’ means a mentoring program that—

(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to directly work with parents and children to work directly with children; and

(ii) has an afterschool program for volunteer and at-risk families.

B. POSITIVE ALTERNATIVES PROGRAM.—The term ‘positive alternatives program’ means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

C. QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term ‘qualified positive alternatives program’ means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

D. AUTHORITY.—The Administrator shall make and enter into contracts with a qualified positive alternative program.

``SEC. 274. REGULATIONS AND GUIDELINES.

(a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

``SEC. 275. USE OF GRANTS.

(a) PERMITTED USES.—Grants awarded under this part shall be used to implement mentoring programs, including—

1. hiring of mentoring coordinators and support staff;
2. recruitment, screening, and training of adult mentors;
3. reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and
(4) such other purposes as the Administrator may reasonably prescribe by regulation.

(b) PROHIBITED USES—Grants awarded pursuant to this part shall not be used—

(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

(2) to obtain educational or other materials and equipment that would otherwise be used in the ordinary course of the grantee’s operations;

(3) to support litigation of any kind; or

(4) for any other purpose reasonably prohibited by the Administrator by regulation.

SEC. 276. PRIORITY.

(a) In General.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

(1) serve at-risk youth in high crime areas;

(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

(3) have a considerable number of youths who drop out of school each year.

(b) Consideration.—In making grants under this part, the Administrator shall give consideration to—

(1) the geographic distribution (urban and rural) of applications;

(2) the quality of a mentoring plan, including—

(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education; and

(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

(3) the capability of the applicant to effectively implement the mentoring plan.

SEC. 277. APPLICATIONS.

An application for assistance under this part shall include—

(1) information on the youth expected to be served by the program;

(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

(3) an agreement that no mentor or mentoring family will be assigned a number of youths that would undermine their ability to be an effective mentor and ensure a one-to-one relationship with mentored youths;

(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

(C) assistance with homework assignments; and

(D) exposure to experiences that youth might not otherwise encounter;

(5) an assurance that projects operated in elementary schools will provide youth with—

(A) academic assistance;

(B) exposure to new experiences and activities that youth might not encounter on their own;

(C) emotional support; and

(6) an assurance that projects will be monitored to ensure that each youth benefits from the relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

(7) the method by which mentors and youth will be recruited to the project;

(8) the method by which prospective mentors will be screened; and

(9) the training that will be provided to mentors.

SEC. 278. GRANT CYCLES.

Each grant under this part shall be made for a 3-year period.

SEC. 279. FAMILY MENTORING PROGRAM.

(a) DEFINITION.—In this section—

(1) the term ‘cooperative extension services’ has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103);

(2) the term ‘family mentoring program’ means a mentoring program that—

(A) utilizes a 2-tier mentoring approach that uses college age or young adult mentors working directly with at-risk youth and uses retirement-age couples working with the parents and siblings of at-risk youth; and

(B) has a local advisory board to provide direction and advice to program administrators; and

(3) the term ‘qualified cooperative extension service’ means a cooperative extension service that has established a family mentoring program, as of the date of enactment of this Act.

(b) PROGRAM.—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperatives extension services for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(c) ESTABLISHMENT OF NEW FAMILY MENTORING PROGRAMS.—

(1) In General.—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperatives extension services for the purpose of establishing family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(2) Matching Requirement and Source of Matching Funds.—

(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

(B) SOURCE OF MATCH.—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

SEC. 280. CAPACITY BUILDING.

(a) Model Program.—The Administrator may make a grant to a qualified national organization with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(b) Establishment of New Capacity Building Programs.—

(1) In General.—The Administrator may make one or more grants to national organizations with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(2) Matching Requirement and Source of Matching Funds.—

(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

(B) SOURCE OF MATCH.—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

(C) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRICTIONS ON USE OF FUNDS; PENALTIES.

(a) Religious Nondiscrimination.—The provisions of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply to grants made by the Secretary of Education under this Act.

(b) Restrictions on Use of Funds.—No amounts made available pursuant to this section shall be used for any purpose that involves—

(1) religious instruction;

(2) religious worship;

(3) proselytization;

(4) any other purpose that involves the use of Federal funds for any religious purpose.

(c) Penalties.—Any person or entity that discriminates on the basis of religion with respect to a grant program under this Act shall be subject to the authority of the Secretary of Education to negate or delay the disbursement of funds to such person or entity.
for the fiscal year for which the amounts granted to the individual or entity prohibited in paragraph (3) or (4) of subsection (b) were available; and

(ii) does not include a limited class of programs generally recognized as involving no such risk, including methadone maintenance programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service in connection with which training or experience in construction or renovation is used as a method of juvenile accountability or rehabilitation.

(b) Limited—

(A) In general.—No amount made available under this title to any public or private agency, organization, institution, or to any individual shall be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or other legislation, or any referendum, initiative, constitutional amendment, or any other procedure of Congress, any State legislature, any local council, or any similar governing body.

(B) Exception.—This paragraph does not preclude the use of amounts made available under this title to any public or private agency, organization, institution, or to any individual for activities in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to any program under this part, or other programs designed to influence the activities of members of Congress or other elected officials.

(c) Exceptions.—

(1) In general.—If any amounts are used for the purposes prohibited in either paragraph (3) or (4) of subsection (b), or in violation of subsection (a), funding for the agency, organization, institution, or individual at issue shall be immediately discontinued in whole or in part.

(2) Funding.—(B) the agency, organization, institution, or individual using amounts for the purpose prohibited in paragraph (3) or (4) of subsection (a), shall be liable for reimbursement of all amounts granted to the individual or entity for the fiscal year for which the amounts were made available; and

(2) Liability for expenses and damages.—In relation to a violation of subsection (b)(4), the individual filing the lawsuit shall be entitled to reimbursement of the legal action against the Federal, State, or local agency or institution, or individual working for the Government, shall be individually liable for all legal expenses and any other expenses of the Government, or individual working for the Government, including damages assessed by the agency, organization, institution, or individual working for the Government, and any punitive damages.

(3) SEC. 293. ADMINISTRATIVE PROVISIONS.—

(a) Authority of Administrator.—The Office shall be administered by the Administrator under the general authority of the Attorney General.

(b) Applicability of certain crime control provisions.—Sections 800(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3784(c), 3785(a), 3785(b), 3785(c), 3785(d), and 3785(e)) shall apply with respect to the administration of and compliance with this title, except that for purposes of this Act:

(1) any reference to the Office of Justice Programs in such sections shall be considered to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

(2) any term ‘this title’ as it appears in such sections shall be considered to be a reference to this title.

(2) SEC. 294. CRIME CONTROL PROVISIONS.—

(a) Authority of Administrator.—The Administrator shall—

(A) in the operation of such program or activity there is failure to comply substantially with this part; and

(1) the program or activity for which the amount was made available is no longer required by subsection (b) of this section; and

(2) find that—

(A) the program or activity for which the amount was made available is no longer required by subsection (b) of this section; and

(B) the program or activity for which the amount was made available is no longer required by subsection (b) of this section; and

(C) not be in the public interest; and

(D) any punitive damages.

(3) SEC. 295. USE OF AMOUNTS IN CONSTRUCTION.—

(A) In general.—Except as provided in paragraph (2), each amount made available under this title to any public or private agency, organization, institution, or to any individual shall be used for the purposes prohibited in either paragraph (3) or (4) of subsection (b), or in violation of subsection (a), shall be liable for reimbursement of all amounts granted to the individual or entity for the fiscal year for which the amounts were made available.

(B) Exception.—The Administrator shall initiate such proceedings as the Administrator determines to be appropriate if the Administrator, after giving written notice and an opportunity for hearing to a recipient of financial assistance under this title, finds that—

(1) the program or activity for which the amount was made available is no longer required by subsection (b) of this section; and

(2) the use of the program or activity there is failure to comply substantially with any provision of this title.

(2) Repeal.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

SEC. 303. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in paragraph (5), by striking ‘‘accurate reporting of the problem nationally and to the Government and inserting ‘‘an accurate national reporting system to report the problem, and to assist in the development of’’; and

(2) by striking paragraph (8) and inserting the following:

‘‘(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas’’;

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

‘‘(a) GRANTS FOR CENTERS AND SERVICES.—

(A) AUTHORITY TO MAKE GRANTS.—The Secretary shall—

(i) make grants to public and nonprofit private entities and combinations of such entities to establish and operate (including renovating) local centers to provide services for runaway and homeless youth and for the families of such youth;

(ii) home-based services for families with youth at risk of separation from the family;

(iii) drug abuse education and prevention services;’’.

(2) in subsection (b)(2), by striking ‘‘the Trust Territory of the Pacific Islands,’’ and (3) by striking subsections (c) and (d).

(2) AUTHORITY TO MAKE GRANTS FOR PROGRAMS.—

(a) GRANTS FOR PROGRAMS.—The Secretary shall make grants to public and nonprofit private entities and combinations of such entities to establish and operate (including renovating) local centers to provide services for runaway and homeless youth and for the families of such youth; and

(b) SERVICES PROVIDED.—Services provided under paragraph (1)—

(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

(B) shall include—

(i) safe and appropriate shelter; and

(ii) home-based services for families with youth at risk of separation from the family; and

(c) by adding at the end the following:

(2) by striking paragraph (8) and inserting—

(3) the term ‘this title’ as it appears in such sections shall be considered to be a reference to this title.

(4) SEC. 296. RULES, REGULATIONS, AND PROCEDURES.—The Administrator may, after appropriate consultation with representatives of States and units of local government, and an opportunity for notice and comment in accordance with subchapter II of chapter 5 of title 5, United States Code, establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.

(5) SEC. 297. WITHHOLDING.—The Administrator shall withhold any funds to any extent that the Administrator determines to be appropriate if the Administrator gives reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

(1) the program or activity for which the grant or contract involved was made has been so changed that the program or activity no longer complies with this title; or

(2) in the case of any program or activity there is failure to comply substantially with any provision of this title.”.
“(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;”

“(2) provide backup personnel for on-street staff;”

“(3) provide initial and periodic training of staff who provide such services; and”

“(4) conduct outreach activities for runaway and homeless youth, and street youth.”

“(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11) is amended—

“(1) in the section heading, by striking “PURPOSE AND”, “and”,” and “(C)” and inserting “;”;

“(2) in subsection (b), by striking “(a);”,” and “(3);” and

“(3) by striking subsection (b).”

“(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

“(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and the activities of other Federal entities; and

“(2) shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and the activities of other Federal entities that are eligible to receive grants under this title.”

“‘(b) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–25) is amended—

“(1) in the section heading, by inserting “EVALUATION,” after “RESEARCH;”;

“(2) in subsection (a), by inserting “evaluation,” after “research,”; and

“(3) in subsection (b)—

“(A) by striking paragraph (2); and

“(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

“(i) ASSISTANCE TO POTENTIAL GRANTEES.—

“(A) the number and characteristics of homeless youth served by such projects,

“(B) the types of activities carried out by such projects,

“(C) the effectiveness of such projects in alleviating the problems of homeless youth; and

“(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;”

“‘(g) REPORTS.—Section 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

“SEC. 386. EVALUATION AND INFORMATION.

“(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

“(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

“(2) collecting additional information for the report required by section 386; and

“(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the center, project, and activities for which such grants are made;

“(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary’s efforts to carry out evaluations, and to collect information, under this title.”

“(l) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

“SEC. 385. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—There is authorized to be appropriated for carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

“(2) ALLOCATION.—

“(A) PART A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

“(B) PART C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

“(c) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated.
May 26, 1999

CONGRESSIONAL RECORD—SENATE

11047

under any other Act if the purpose of combining the grants make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.

(m) SEXUAL ABUSE PREVENTION PROGRAM—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), as amended by inserting after section 386, as amended by subsection (a) of this section, the following:

"(A) means services to runaway and homeless youth, and street youth;";

(B) for whom it is not possible to live in a safe environment with a relative; and

(C) who are in need of other safe alternative living arrangement.

(4) STREET-BASED SERVICES.—The term 'street-based services'—

(A) includes services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;"

"(ii) crisis intervention and counseling;"

"(iii) information and referral for housing;"

"(iv) information and referral for transitional living and health care services;"

"(v) advocacy, education, and prevention services related to—"

"(I) alcohol and drug abuse;"

"(II) sexual exploitation;"

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and"

"(iv) physical and sexual assault.

(5) STREET YOUTH.—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

(6) TRANSITIONAL LIVING PROGRAM.—The term 'transitional living project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.

(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System:

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming the '911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Center of the Federal Investigations in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history; and

"(13) the Center has established a national and increasing worldwide network, linking the Center online with each of the missing children clearingshouses operated by the 50 States, the District of Columbia, and Puerto Rico as well as with the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly.

"(14) since its inception in 1994 through March 31, 1998, the Center has—

"(15) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center; and

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and

"(18) who is—

"(19) not more than 21 years of age; and

"(20) for 14 years, for the purposes of part B, not less than 16 years of age.

"(21) for whom it is not possible to live in a safe environment with a relative; and

"(22) who are in need of other safe alternative living arrangement.

"(23) who is a runaway youth; or

"(24) indefinitely or intermittently a homeless youth; and

"(25) uses services by drugs by runaway and homeless youth; and

"(26) for whom it is not possible to live in a safe environment with a relative; and

"(27) who are in need of other safe alternative living arrangement.

"(28) who is a runaway youth; or

"(29) indefinitely or intermittently a homeless youth; and

"(30) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

\footnote{Certain provisions of this title have been omitted due to space constraints.}
security personnel, and thereby helped to reduce acts of abductions in the United States by 82 percent.

"(18) the Center is now playing a significant role in international child abduction cases, supplementing the representative of the Department of State at cases under the Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center:"

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking subsection (b) and inserting—

(2) by striking subsection (b) and inserting—

(1) A DMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Crime Control and Delinquency Prevention.

(2) A DMINISTRATOR OF THE OFFICE .—The Administrator shall provide for the termination of the affairs of all entities terminated by this section, shall provide for the termination of the affairs of any officer or employee of the Office of Juvenile Justice and Delinquency Prevention, and shall provide for the termination of the affairs of any officer or employee of the Office of Juvenile Justice and Delinquency Prevention.

(3) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

(5) TRANSFER OF FUNCTIONS.—There are transferred to the Office of Juvenile Crime Control and Prevention all functions that the Administrator of the Office exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Office of Juvenile Justice and Delinquency Prevention), and authorized after the date of enactment of this Act, relating to carrying out the Juvenile Justice and Delinquency Prevention Act of 1974.

Sec. 305. TRANSFER OF FUNCTIONS AND SAVINGS.

(a) DEFINITIONS.—In this section, unless otherwise provided or indicated by the context:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Crime Control and Prevention established by operation of subsection (b).

(2) ADMINISTRATOR OF THE OFFICE.—The term "Administrator of the Office" means the Administrator of the Office of Juvenile Crime Control and Prevention.

(3) BUREAU OF JUSTICE ASSISTANCE.—The term "Bureau of Justice Assistance" means the bureau established under section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(4) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" by section 50(1) of title 5, United States Code.

(5) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(6) OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION.—The term "Office of Juvenile Crime Control and Prevention" means the office established by operation of subsection (b).
break in service, is appointed in the Office of Juvenile Justice and Delinquency Prevention to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate of compensation for such position before the date of enactment of this Act, and in all such proceedings and applications with respect to functions transferred by this section, the performance of functions that are transferred under this section; and

(3) TRANSITION.—The incumbent Administrator of the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Administrator of the Office of Juvenile Justice and Delinquency Prevention as of the date of enactment of this Act and the Acts amended by this Act, Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document a reference to the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Justice and Delinquency Prevention and the grants under this subchapter.

Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants

SEC. 321. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766 et seq.) is amended to read as follows:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"SEC. 1991. PROGRAM AUTHORIZED.

The Attorney General shall make grants to States and units of local government for programs to improve the administration of justice for and ensure accountability by juvenile offenders, and programs to reduce the risk factors (such as truancy, drug or alcohol use, and gang involvement) associated with juvenile crime or delinquency.

(b) USE OF GRANTS.—Grants under this section may be used by States and units of local government—

"(1) for programs to enhance the identification, investigation, prosecution, and punishment of juvenile offenders, such as—

(A) the utilization of graduated sanctions;

(B) the utilization of short-term confinement of juvenile offenders;

(C) the incarceration of violent juvenile offenders for extended periods of time;

(D) the hiring of juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement policies to control juvenile crime and violence and ensure accountability of juvenile offenders; and

(E) the hiring of juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement policies to control juvenile crime and violence and ensure accountability of juvenile offenders; and

(F) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions in effect on the date of enactment of this Act shall be continued.

(2) PROCEEDINGS NOT AFFECTED.—

(A) IN GENERAL.—This section shall not affect any proceedings, appeals, or judgments rendered under this Act, all of which shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) ORDERS; APPEALS; PAYMENTS.—Orders shall be made and appeals shall be taken from orders as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(C) DISCONTINUANCE OR MODIFICATION.—Nothing in this Act shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this paragraph had not been enacted.

(D) SUITS NOT AFFECTED.—This section shall not be construed to affect any suit, action, or other proceeding commenced by or against the Administrator of Juvenile Justice and Delinquency Prevention, or by or against any individual in the official capacity of such individual as an officer of the Office of Juvenile Justice and Delinquency Prevention, shall abate by reason of the enactment of this section.

(3) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the promulgation of a regulation by the Office of Juvenile Justice and Delinquency Prevention under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Crime Control and Prevention with the same effect as if this section had not been enacted.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A of the Juvenile Delinquency Prevention Act of 1974, as amended by this Act.

(6) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the promulgation of a regulation by the Office of Juvenile Justice and Delinquency Prevention under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Crime Control and Prevention with the same effect as if this section had not been enacted.

(7) USE OF GRANTS.—Grants under this section may be used by States and units of local government—.

"(1) for programs to enhance the identification, investigation, prosecution, and punishment of juvenile offenders, such as—

(A) the utilization of graduated sanctions;

(B) the utilization of short-term confinement of juvenile offenders;

(C) the incarceration of violent juvenile offenders for extended periods of time;

(D) the hiring of juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement policies to control juvenile crime and violence and ensure accountability of juvenile offenders; and

(E) the hiring of juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement policies to control juvenile crime and violence and ensure accountability of juvenile offenders; and

(F) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions in effect on the date of enactment of this Act shall be continued.

(2) PROCEEDINGS NOT AFFECTED.—

(A) IN GENERAL.—This section shall not affect any proceedings, appeals, or judgments rendered under this Act, all of which shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) ORDERS; APPEALS; PAYMENTS.—Orders shall be made and appeals shall be taken from orders as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(C) DISCONTINUANCE OR MODIFICATION.—Nothing in this Act shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this paragraph had not been enacted.

(D) SUITS NOT AFFECTED.—This section shall not be construed to affect any suit, action, or other proceeding commenced by or against the Administrator of Juvenile Justice and Delinquency Prevention, or by or against any individual in the official capacity of such individual as an officer of the Office of Juvenile Justice and Delinquency Prevention, shall abate by reason of the enactment of this section.

(3) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the promulgation of a regulation by the Office of Juvenile Justice and Delinquency Prevention under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Crime Control and Prevention with the same effect as if this section had not been enacted.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A of the Juvenile Delinquency Prevention Act of 1974, as amended by this Act.

(6) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the promulgation of a regulation by the Office of Juvenile Justice and Delinquency Prevention under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Crime Control and Prevention with the same effect as if this section had not been enacted.

(7) USE OF GRANTS.—Grants under this section may be used by States and units of local government—.
CONGRESSIONAL RECORD—SENATE
May 26, 1999

...
CONGRESSIONAL RECORD—SENATE

May 26, 1999

11051

units of local government that are not affected by such an operation in accordance with this subsection.

"(F) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall —

"(i) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

"(ii) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

"(G) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If, under this section, a unit of local government is allocated less than $5,000 for a payment period, the amount allocated shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

"(H) IN GENERAL.—If a State does not qualify or apply for a grant under this section, by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 7 percent of the amount appropriated pursuant to section 291 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

"(1) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount made available under this section for such fiscal year to provide grants to eligible units that meet the requirements for funding under subparagraph (A).

"(2) ELIGIBLE UNITS.—

"(i) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government for the purposes set forth in paragraph (13), (14), or (15) of subsection (b), and for any expenditure that the Attorney General may reasonably require to carry out the provisions of this section to States and units of local government for the purposes set forth in section 1802.

"(ii) AWARD BASIS.—In addition to the qualification requirements for direct grants to eligible States, the Attorney General may make grants in accordance with this section to States and units of local government for the purposes set forth in paragraphs (3), (13), (14), or (15) of subsection (b), and for any expenditure that the Attorney General may reasonably require to carry out the provisions of this section to States and units of local government for the purposes set forth in section 1802.

"(III) The Attorney General shall establish a process by which an official of an elementary, secondary, and post-secondary school may, in appropriate circumstances (as defined by applicable State law), gain access to the juvenile adjudication record of a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school.

"(4) NONSUPPLANTATION.—Amounts made available under this section shall be subject to the restrictions of subsections (a) and (b) of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

"(f) GRANTS TO INDIAN TRIBES.—From the amounts appropriated pursuant to section 291 of the Juvenile Justice and Delinquency Prevention Act of 1974, for each fiscal year, the Attorney General shall reserve an amount equal to the amount to which all Indian tribes eligible to receive a grant under paragraph (3) would collectively be entitled, if such tribes were individually treated as a State to carry out this subsection.

"(2) GRANTS TO INDIAN TRIBES.—From the amounts reserved under paragraph (1), the Attorney General shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 1801.

"(4) ELIGIBILITY.—A State is eligible for a grant under this subsection if its application is submitted, the State will —

"(i) establish procedures by which an official of an elementary, secondary, and post-secondary school may, in appropriate circumstances (as defined by applicable State law), gain access to the juvenile adjudication record of a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school.

"(II) The Attorney General may make grants in accordance with this section to States and units of local government for the purposes set forth in section 1802.

"(A) IN GENERAL.—The Attorney General, through the Director of the Bureau of Justice Statistics and with consultation and coordination with the Office of Justice Programs and the Attorney General, upon application from a State (in such form and containing such information as the Attorney General may reasonably require) shall make a grant to each eligible State to be used by the State exclusively for purposes of meeting the eligibility requirements of subsection (b).

"(B) ELIGIBILITY.—A State is eligible for a grant under subsection (a) if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will —

"(i) maintain, at the adult State central repository in accordance with the State's established policies, a record relating to adult criminal history records —

"(A) A fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sex, but is not a felony offense based on the form or intent of that act, or a conviction committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sex, but is not a felony offense based on the form or intent of that act; and

"(ii) for the purpose of making an admission determination.

"(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing in this section shall require States, in order to qualify for grants under this title, to modify laws concerning the status of any adjudication of juvenile delinquency or judgment of conviction under the law of the State that entered the judgment.

"(4) DEFINITIONS.—In this section —

"(i) the term 'criminal justice purpose' means the use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of accused persons, criminal offenders, juvenile delinquents, and others;

"(II) the term 'expungement' means the nullification of the legal effect of the conviction or adjudication to which the record applies.

"(3) ELIGIBILITY.—A State is eligible for a grant under this subsection if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will —

"(A) maintain, at the adult State central repository in accordance with the State's established policies, a record relating to adult criminal history records —

"(A) The Attorney General may make grants in accordance with this section to States and units of local government for the purposes set forth in section 1802.

"(B) The Attorney General may make grants in accordance with this section to States and units of local government for the purposes set forth in section 1802.

"(4) NONSUPPLANTATION.—Amounts made available under this section shall be subject to the restrictions of subsections (a) and (b) of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

"(f) GRANTS TO INDIAN TRIBES.—From the amounts appropriated pursuant to section 291 of the Juvenile Justice and Delinquency Prevention Act of 1974, for each fiscal year, the Attorney General shall reserve an amount equal to the amount to which all Indian tribes eligible to receive a grant under paragraph (3) would collectively be entitled, if such tribes were individually treated as a State to carry out this subsection.

"(2) GRANTS TO INDIAN TRIBES.—From the amounts reserved under paragraph (1), the Attorney General shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 1801.

"(3) GRANTS TO INDIAN TRIBES.—From the amounts reserved under paragraph (1), the Attorney General shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 1801.

"(4) ELIGIBILITY.—A State is eligible for a grant under subsection (a) if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will —

"(i) establish procedures by which an official of an elementary, secondary, and post-secondary school may, in appropriate circumstances (as defined by applicable State law), gain access to the juvenile adjudication record of a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school.

"(II) The Attorney General may make grants in accordance with this section to States and units of local government for the purposes set forth in section 1802.

"(A) IN GENERAL.—The Attorney General, through the Director of the Bureau of Justice Statistics and with consultation and coordination with the Office of Justice Programs and the Attorney General, upon application from a State (in such form and containing such information as the Attorney General may reasonably require) shall make a grant to each eligible State to be used by the State exclusively for purposes of meeting the eligibility requirements of subsection (b).

"(B) ELIGIBILITY.—A State is eligible for a grant under subsection (a) if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will —

"(i) maintain, at the adult State central repository in accordance with the State's established policies, a record relating to adult criminal history records —

"(A) A fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sex, but is not a felony offense based on the form or intent of that act, or a conviction committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sex, but is not a felony offense based on the form or intent of that act; and

"(ii) for the purpose of making an admission determination.

"(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing in this section shall require States, in order to qualify for grants under this title, to modify laws concerning the status of any adjudication of juvenile delinquency or judgment of conviction under the law of the State that entered the judgment.

"(4) DEFINITIONS.—In this section —

"(i) the term 'criminal justice purpose' means the use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of accused persons, criminal offenders, juvenile delinquents, and others;

"(II) the term 'expungement' means the nullification of the legal effect of the conviction or adjudication to which the record applies.

"(3) GRANTS TO COURTS FOR STATE JUVENILE JUSTICE SYSTEMS.

"(a) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government to assist State and local courts with juvenile offender dockets.

"(b) GRANT PURPOSES.—Grants under this section may be used —

"(I) for technology, equipment, and training for judges, probation officers, and other court personnel to implement an accountability-based juvenile justice system that provides substantial and appropriate sanctions for delinquency and provides incentives to reflect (for each delinquent act or criminal offense) the severity or repeated nature of that act or offense;

"(II) to hire additional judges, probation officers, other necessary court personnel, victim counselors, and public defenders for juvenile courts or adult courts with juvenile offender dockets, including courts with special programs for juvenile drug offense or juvenile fire-
court backlogs, and provide additional services to juvenile justice systems to promote effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

"(3) to provide funding to enable juvenile courts, parole officers, or probation agencies to address drug, gang, and youth violence problems more effectively; and

"(4) to provide funds for—

(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

(B) address conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

"(2) REQUIREMENTS.—In submitting an application for a grant under this part, a State or unit of local government shall provide assurances that the State or unit of local government will—

"(A) give priority to the prosecution of violent juvenile offenders; and

"(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

"(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

"(D) use amounts received under this section to supplement (and not supplant) State and local resources.

"(d) ALLOCATION OF GRANTS.—

"(1) IN GENERAL.—The Attorney General shall, subject to the restrictions described in this section, and shall in no event be required to—

(A) place an aggregate level of 0.75 percent of the non-Federal funds available for each grant equal to the amount that remains available after the Attorney General distributes or awards grants under this section; and

(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders; and

"(2) REQUIREMENTS.—In submitting an application for a grant under this section, the Attorney General may not award a grant to a State unless the application includes—

(A) a budget that provides for the distribution of grant amounts made available for a State (including units of local government in

that State) under this section is made on an equitable geographical basis, to ensure that—

"(A) an equitable amount of available funds are directed to rural areas, including those jurisdictions serving smaller urban and rural areas; and

(B) the amount allocated to a State is equitably divided between the State, counties, and other units of local government to reflect the relative responsibilities of each such unit of local government.

"(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

(A) for the administration of this section; and

(B) for the provision of technical assistance to recipients of or applicants for grants under this section.

"(2) CARRYOVER PROVISION.—Any amounts reserved for an amendment to paragraph (1) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under such an amendment to the preceding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

"(f) A VAILABLE FUND AMOUNT.—Any grant amounts awarded under this section shall remain available until expended.

SEC. 322. PILOT PROGRAM TO PROMOTE REPPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) PILOT PROGRAM TO PROMOTE REPPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(B) the amount allocated to a State is equal to the amount that remains available after the Attorney General distributes or awards grants under this section; and

sec. 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (reduced by amounts reserved under subsection (e));

(ii) ADJUSTMENT.—If the Attorney General determines that an insufficient number of applications have been submitted for a State, the Attorney General may adjust the aggregate amount awarded for a State under clause (i).

"(B) REMAINING AMOUNTS.—Of the adjusted amounts available to the Attorney General to carry out the grant program under this section referred to in subparagraph (A) that remain after the Attorney General distributes the amounts specified in that subparagraph (referred to in this subparagraph as the "remaining amount") the Attorney General may award an additional aggregate amount to each State (including any political subdivision thereof) that (or with respect to any political subdivision thereof) submits an application that is approved by the Attorney General under this section that bears the same ratio to the remaining amounts awarded to the population of juveniles residing in that State bears to the population of juveniles residing in all States.

"(2) EQUIVALENT DISTRIBUTION.—The Attorney General may adjust the distribution of grant amounts made available for a State (including units of local government in

May 26, 1999

(v) the Bureau of Alcohol, Tobacco and Firearms;

(vi) State or local probation officers;

(vii) religious affiliated or fraternal organizations involved in crime prevention;

(viii) school, juvenile detention, or other governmental units or local grass roots organizations such as neighborhood watch groups;

(x) local recreation agencies; and

(xii) social service agencies involved in crime prevention.

(B) OTHER PARTICIPANTS.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(C) COORDINATED STRATEGY.—A coalition shall—

(i) ensure close collaboration among all members of the coalition in supressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to protect the streets and make neighborhoods safe for all teenagers to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that promote safer schools, and provide for educational opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(2) GRANT AMOUNT.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING REQUIREMENT.—A coalition is eligible for grants under this subsection only if the coalition can provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and not supplant (but not reduce the level of the State, local, and other non-Federal funds that would have been available for the program programs described in this section if this section did not exist) the non-Federal funds.
May 26, 1999

CONGRESSIONAL RECORD—SENATE

11053

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) In general.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) by striking paragraph (2) and inserting the following:
  "(2) SELECTION OF COMMUNITIES.—
  "(A) The Secretary of Health and Human Services shall select communities identified for a GREAT project referred to in paragraph (1) that are successful in suppressing and reducing violent gang crime in participating communities.
  "(B) CONTENTS OF REPORT.—The report submitted under subparagraph (A) shall include:
  "(i) an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime; and
  "(ii) recommendations regarding the efficacy of continuing the program.
  "(ii) Community Collection and Dissemination With Respect to Coalitions.—
  "(1) COALITION INFORMATION.—For the purpose of audit and examination, the Attorney General shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section.
  "(2) BULLETIN.—The Attorney General shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.
  "(c) Authorization of Appropriations.—
  "(1) In general.—There is authorized to be appropriated to carry out this part $5,000,000 for each of fiscal years 2000 through 2003.
  "(2) SOURCE OF FUNDS.—Amounts authorized to be appropriated pursuant to this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIENS.

(a) In general.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) by striking "or illegal alien who has been convicted of a crime" and inserting "or illegal alien who has been adjudicated delinquent and committed to a juvenile correctional facility by a State or locality";

(2) by striking "in the case of an alien who is an immigrant alien who has been convicted of a crime" and inserting "in the case of an alien who has been convicted of a crime or an alien who has been adjudicated delinquent and committed to a juvenile correctional facility";

(3) by striking "is an immigrant alien" and inserting "is a juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility";

(4) by striking "or "term" and inserting "term";

(5) by striking "is a juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility" and inserting "is a juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility by a State or locality as a juvenile offender";

(6) by striking "is a juvenile alien who has been convicted of a crime" and inserting "is a juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility by a State or locality";

(b) Annual Report.—Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and";

(3) by striking "or" at the end of paragraph (5) and inserting "or";

(4) by striking "is a juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility" and inserting "is a juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility by a State or locality as a juvenile offender";

(c) Conforming Amendment.—Section 241(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(B)) is amended—

(1) by striking "or" at the end of clause (1); and

(2) by striking the period at the end of clause (3) and inserting "; or";

(3) by adding at the end the following:

"(iv) is a juvenile alien with respect to whom section 501 of the Immigration Reform and Control Act of 1986 applies."
SEC. 1441. PROGRAM AUTHORITY.

(a) GRANTS.—

(1) IN GENERAL.—From amounts appropriated under section 1441, the Secretary, in consultation with the Administrator, shall make grants to State educational agencies or local educational agencies for not less than 10 demonstration projects that enable the agencies to model programs and carry out alternative education for at-risk youth.

(2) CONSTRUCTION.—Nothing in this subpart shall be construed to affect the requirements of the Individuals with Disabilities Education Act.

(b) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Each agency receiving a grant under this subpart may enter into a partnership with a private sector entity to provide alternative educational services to at-risk youth.

(2) REQUIREMENTS.—Each demonstration project assisted under this subpart shall—

(A) accept for alternative education at-risk delinquent youth who are referred by a local school or by a court with a juvenile delinquency docket and who—

(i) have demonstrated a pattern of serious and persistent behavior problems in regular schools;

(ii) are at risk of dropping out of school;

(iii) have been convicted of a criminal offense or are at risk of delinquency for an act of juvenile delinquency, and are under a court’s supervision;

(iv) have demonstrated that continued enrollment in a regular classroom—

(I) poses a physical threat to other students; or

(II) inhibits an atmosphere conducive to learning and teaching;

(B) provide for accelerated learning, in a safe, secure, and disciplined environment, including—

(i) basic curriculum focused on mastery of essential skills, including targeted instruction in basic skills required for secondary school graduation; and

(II) emphasis on—

(I) personal, academic, social, and workplace skills; and

(II) behavior modification;

(c) APPLICABILITY.—Except as provided in subsections (c) and (e) of section 1442, the provisions of section 1401(c), 1402, and 1431, and subparts 1 and 2, shall not apply to this subpart.

(d) DEFINITION OF ADMINISTRATOR.—In this subpart, the term ‘Administrator’ means the Secretary or a representative of the Office of Juvenile Crime Control and Prevention of the Department of Justice.

SEC. 1442. APPLICATIONS; GRANTEE SELECTION.

(a) APPLICATIONS.—Each State educational agency and local educational agency seeking a grant under this subpart shall submit an application in such form, and containing such information, as the Secretary, in consultation with the Administrator, may reasonably require.

(b) SELECTION OF GRANTEES.—

(1) IN GENERAL.—The Secretary shall select those educational agencies and local educational agencies to receive grants under this subpart on an equitable geographic basis, including selecting agencies that serve urban, suburban, rural, and disadvantaged communities.

(2) MINIMUM.—The Secretary shall award a grant under this subpart to not less than 1 agency serving a population with a significant percentage of low-income families.

(3) PRIORITY.—In awarding grants under this subpart, the Secretary may give priority to State educational agencies and local educational agencies that demonstrate—

(A) an effective demonstration project targeted at at-risk students;

(B) an effective demonstration project targeted at at-risk students and their families which may include a faith based organization and community partners;

(C) a demonstration project that effectively reduces recidivism by at-risk students assigned to alternative education; and

(D) a demonstration project that effectively reduces recidivism by at-risk students assigned to alternative education.

SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subpart $15,000,000 for each of fiscal years 2008, 2009, 2010, and 2011.

Subtitle D—Parenting as Prevention

SEC. 341. SHORT TITLE.

This subtitle shall be cited as the ‘Parenting as Prevention Act.’

SEC. 342. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a partnership and education program as provided in sections 343, 344, and 345.

SEC. 343. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the ‘Commission’) to identify the best practices for parenting and to provide practical parenting advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) MEMBERSHIP OF COMMISSION.—The Secretary shall appoint the members of the Commission, who shall be qualified by virtue of extraordinary personal or professional experience in the field of parenting, at such times as the Secretary shall determine.

(c) DURATION.—The Commission shall terminate on September 30, 2009.

(d) DUTIES OF COMMISSION.—The Commission shall—

(1) identify best parenting practices for parents and caregivers of young children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, access to television and other entertainment including computers, firearms safety, mental health, and other topics; and

(2) submit an annual report to the Committee on Education, Workforce and Poverty of the Senate not later than June 30, 2005, and at least biennially thereafter.

SEC. 344. APPOINTMENT OF COMMISSION.

The Commission shall consist of the following members—

(1) an adolescent representative;

(2) a parent representative;

(3) an expert in brain research;

(4) experts in child development, youth development, early childhood education, primary education, and secondary education;

(5) an expert in children’s mental health;

(6) an expert on children’s health and nutrition;

(7) an expert on child abuse prevention, diagnosis, and treatment;

(8) a representative of parenting support programs;

(9) a representative of parenting education;

(10) a representative from law enforcement;

(11) an expert on firearm safety programs; and

(12) a representative from a nonprofit organization that delivers services to children and their families which may include a faith based organization.

SEC. 345. IMPLEMENTATION.

The Commission shall, in consultation with the Secretary, implement the program established under this section. The Commission shall—

(1) establish and maintain a clearinghouse to disseminate information and best practices identified by the Commission to States, local educational agencies, and other entities that serve at-risk children and their families;

(2) coordinate and assist in the implementation of research sponsored by the Commission;

(3) disseminate the findings of the Commission’s evaluations to the Committee on Education, Workforce and Poverty of the Senate; and

(4) disseminate such other information as the Secretary shall determine to States, local educational agencies, and other entities that serve at-risk children and their families.
CONGRESSIONAL RECORD—SENATE

May 26, 1999

SEC. 344. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAMS

(a) STATE ALLOTMENTS.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each State shall receive an amount that takes into account the State's population, the population of minor children, the proportion of individuals living in poverty, the unemployment rate, and the rate of infants and toddlers in need of early intervention services. The Secretary shall make the allotments in such a manner as to ensure that no eligible State receives an amount less than the amount allocated to a State with a similar population, poverty rate, and unemployment rate.

(b) STATE PARENTING SUPPORT AND EDUCATION COUNCIL.—The Governor of each State shall appoint a State Parenting Support and Education Council to work with the Secretary and the Congress on which are represented the State legislature, representatives from the State government, bipartisan representation from the State legislature, representatives from local communities, and interested children's groups. The Council shall prepare and submit a report of its activities to the Secretary and the Congress no later than 18 months after appointment.

(c) REPORTING.—Each entity that receives a grant under this section shall submit a report every 2 years to the Council describing the child and family outcomes as well as the program's implementation.

(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall give priority to programs that serve rural areas, minority populations, and children with special needs. The Secretary shall ensure that such programs are distributed equitably among the regions of the country and among urban and rural areas.

(e) ADMINISTRATIVE COSTS.—Not more than 25 percent of the funds awarded may be used to pay for the administrative expenses of the Council in implementing the grant programs.

(f) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.
SECTION 401. SHORT TITLE.

This section may be cited as the "Children's Protection Act of 1999".

SEC. 402. FINDINGS.

(1) Congress makes the following findings:

(a) Television programs are pervasive, present in nearly every United States home and is a uniquely widespread presence in the daily lives of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the development of children to help them achieve a sense of the world at large and informed adjustments to their society.

(b) "Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.

(c) "The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly. It is irresponsible, in the law, to portray sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and informative way."

(d) "Broadcasters have a special responsibility to children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the development of children to help them achieve a sense of the world at large and informed adjustments to their society."

(e) "The law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and informative way."

(f) "Broadcasters have a special responsibility to children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the development of children to help them achieve a sense of the world at large and informed adjustments to their society."

(g) "Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional."

(h) "The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly. It is irresponsible, in the law, to portray sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and informative way."

(2) Television plays a particularly significant role in the life of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commence ment of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters, articulated this sense of responsibility as follows:

"In selecting program subjects and themes, great care must be exercised to be sure that the presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity."

(9) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(10) Television programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and informative way."

(11) "Broadcasters have a special responsibility to children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the development of children to help them achieve a sense of the world at large and informed adjustments to their society."

(12) "The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly. It is irresponsible, in the law, to portray sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and informative way."

(13) "Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional."

(14) "The law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and informative way."

(15) "Broadcasters have a special responsibility to children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the development of children to help them achieve a sense of the world at large and informed adjustments to their society."

(16) "Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional."

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not exempt them from antitrust laws. The ruling states that "such activities may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant pro-competitive benefits . . . . Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry’s products or services."

(18) The Children’s Television Act of 1990 (Public Law 101–437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children’s Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is rapidly growing among children. Although most popular video and personal computer games are educational or harmless in nature, many of the most popular are extremely violent. One recent study by Strategic Research Research found that 94 percent of children played video or personal computer games on a regular basis. Other surveys of well children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(21) Violent video games often present violence in a glorified light. Game players are often cast in the role of shooter, with points scored for each "kill". Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) The National Association of Broadcasters abandoned the code of conduct and programming standards on broadcast and cable television have deteriorated dramatically.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The National Association of record stores reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock music industry agreed in 1992 to adopt a set of voluntary guidelines prohibiting "pro-"
or rap music, just slightly less than the entire amount spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. As therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

SEC. 403. PURPOSES; CONSTRUCTION. (a) Purposes.—The purposes of this subtitle are to permit the entertainment industry—

(1) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics on children;

(2) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(3) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

SEC. 404. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS. (a) Exemption.—Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(1) to alleviate the negative impact of televi-

cast material, movies, video games, Internet content, and music lyrics that contain violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote televi-
cast material that is educational, informational, or otherwise beneficial to the development of children.

(b) Limitation.—The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which—

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of adver-
sing, or any other restriction on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

SEC. 405. EXEMPTION OF ACTIVITIES TO ENSURE COMPLIANCE WITH RATINGS AND LABELING SYSTEMS FROM APPLICABILITY OF ANTITRUST LAWS. (a) Exempt Programs; Antitrust Laws.—(1) In General.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among persons in the motion picture, recording, or video game industry for the purpose of and limited to the development or enforcement of voluntary guidelines, procedures, or mechanisms designed to ensure compliance by persons and entities described in paragraph (2) with ratings and labeling systems to identify and limit dissemination of sexual, violent, or other indecent material to children.

(2) Persons and Entities Described.—A person or entity described in this paragraph is

(A) engaged in the retail sales of motion pictures, recordings, or video games; or

(B) a theater owner or operator, video game arcade owner or operator, or other person or entity that makes available the viewing, listening, or use of a motion picture, recording, or video game to a member of the general public.

(b) Report.—Not later than 12 months after the date of the enactment of this Act, the Antitrust Division of the Department of Justice, in consultation with the Federal Trade Commission, shall submit to Congress a report on—

(1) the extent to which the motion picture, recording, or video game industry have developed or enforced guidelines, procedures, or mechanisms to ensure compliance by persons and entities described in subsection (b)(2) with ratings and labeling systems which identify and limit dissemination of sexual, violent, or other indecent material to children; and

(2) the extent to which Federal or State antitrust laws preclude those industries from developing and enforcing the guidelines described in subsection (b)(1).

SEC. 406. DEFINITIONS. In this subtitle—

(1) Antitrust Laws.—The term "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12c) and includes the Federal Trade Commission Act (15 U.S.C. 45).

(2) Internet.—The term "Internet" means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) Movies.—The term "movies" means motion pictures.

(4) Person in the Entertainment Industry.—The term "person in the entertainment industry" means a television network, any entity which produces or distributes television programming (including motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television network industry, the National Society of Independent Software Publishers, any entity which produces or distributes video games, the Recording Industry Association of America, and any entity which distributes music, and includes any individual acting on behalf of such person.
(I) IN GENERAL.—An applicant under subparagraph (A) shall—

(i) contain a certification by the applicant that—

(1) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1); and

(2) the applicant conducts the firearms business primarily or solely at gun shows, and the applicant has premises (or a designated portion of premises) that may be inspected under this chapter from which the applicant conducts business (or intends to establish such premises within a reasonable period of time); and

(ii) desires to have access to the National Instant Check System; and

(iii) shall by regulation promulgate.
special registrant is not subject to any of the requirements imposed on licensees by this chapter; including those in section 922(t) and paragraphs (1)(A) and (3)(A) of subsection (g) with respect to the proposed transfer of a firearm.

(3) NO CAUSE OF ACTION OR STANDARD OF CONDUCT.—

(A) IN GENERAL.—Nothing in this subsection—

(i) creates a cause of action against any special registrant or any other person, including the transferor, for any civil liability; or

(ii) establishes any standard of care.

(B) EVIDENCE.—Notwithstanding any other provision of law, except to give effect to the provisions of paragraph (3)(vi), evidence regarding the use or nonuse by a transferee of the services of a special registrant under this paragraph shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a defendant's knowing breach of any theory for harm caused by a product or by negligence.

(4) IMMUNITY.—

(A) DEFINITION.—In this paragraph:

(1) the term ‘qualified civil liability action’ means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party;

(2) ‘(ii) EXCLUSIONS.—The term ‘qualified civil liability action’ shall not include an action—

(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show; or

(ii) a licensee or special licensee who acquires a firearm at a gun show from a non-licensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court—

(i) brought against a transferee convicted under section 922(h), or a comparable State felony law, by a person directly harmed by the transferee’s criminal conduct, as defined in section 922(b); or

(ii) brought against a transferee for negligent entrustment or negligence per se.

(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

(E) REVOCATION.—A special license or special registration shall be subject to revocation that is pending on the date of enactment of this subsection.

(F) PENALTIES.—Section 922(a) of title 18, United States Code, is amended by adding at the end the following:

(7) SPECIAL LICENSEES; SPECIAL REGISTRANTS.—Whoever knowingly violates section 923(m)(1) shall be fined under this title, imprisoned not more than 5 years, or both.”

SEC. 502. CLARIFICATION OF AUTHORITY TO CONDUCT FIREARM TRANSACTIONS AT GUN SHOWS.

Section 923 of title 18, United States Code, is amended by striking subsection (j) and inserting the following:

‘‘(j) GUN SHOWS.—

(1) IN GENERAL.—A licensed importer, licensed manufacturer, or licensed dealer may, under regulations promulgated by the Secretary, conduct business at a temporary location, other than the location specified on the license, described in paragraph (2).

(ii) TEMPORARY LOCATION.—

(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or for an event in the State specified on the license, at which firearms, firearm accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (3) of this subsection.

(3) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

(ii) the gun show or event has 20 percent or more firearm exhibitors outside of all exhibitors.

(4) FIREARM EXHIBITOR.—The term ‘firearm exhibitor’ means a person who displays 1 or more firearms (as defined by section 921(a)(3)) and offers such firearms for sale or trade at the gun show or event.

(5) RECORDS.—Records of receipt and disposition of firearms transactions conducted at a temporary location—

(A) shall include the location of the sale or other disposition of firearms or ammunition that is in effect on the date of enactment of this subsection; and

(B) shall be retained at the location premises specified in this subsection.

(6) INSPECTIONS AND EXAMINATIONS.—

(A) AT A TEMPORARY LOCATION.—Any inspection or examination of inventory or records under this chapter by the Secretary at a temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at the temporary location.

(B) NO REQUIREMENT.—Nothing in this subsection authorizes the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license.

(7) EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner another right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of this subsection, including the right of a licensee to conduct business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.

SEC. 503. “INSTANT CHECK” GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION OF GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

‘‘§ 540B. Prohibition of background check fee.

“(a) IN GENERAL.—No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3)) of title 18.

(b) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney’s fee.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting in the last sentence of item relating to section 540A the following:

‘‘§ 540B. Prohibition of background check fee.’’.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

‘‘§ 931. Gun owner privacy and ownership rights.

“(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States shall—

(1) perform any national instant criminal background check on any person through the system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the ‘‘system’’) if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about any person if the person is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 or by State law from receiving a firearm; or

(2) continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

(A) the National Instant Check System index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

(B) does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically indicated in the registration information for a particular law enforcement investigation or specific criminal enforcement matter.

(b) APPLICATION.—(Subsection (a)(1) does not apply to the retention or transfer of information relating to—

(1) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

(2) the date on which that number is provided.

(c) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney’s fee.”.

SEC. 504. ‘‘INSTANT CHECK’’ GUN TAX AND GUN OWNER PRIVACY.
bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney’s fee.

(2) Conformative Amendment.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 51. Gun owner privacy and ownership rights."

(c) Provision relating to Pawn and Other Transactions.—

(1) Repeal.—Section 655 of title VI of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2681-330) is repealed.

(2) Return of firearm.—Section 922(c)(1) of title 18, United States Code, is amended by inserting "(other than the return of a firearm to the person from whom it was received)" before "to any other person".

SEC. 632 EFFECTIVE DATE.

(a) Sections 501 and 502.—The amendments made by sections 501 and 502 shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) Section 503.—The amendments made by section 503 shall take effect on the date of enactment of this Act, except that the amendment made by subsection (a) of that section takes effect October 1, 1999.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 601. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) Juvenile Weapons Penalties.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking "Whoever" at the beginning of the first sentence, and inserting in lieu thereof, "Except as provided in paragraph (6) of this subsection, whoever"; and

(2) in paragraph (6), by amending it to read as follows:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

"(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x)) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

"(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) during the same course of conduct in violation of subsection (x)(21), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony."

(b) Unlawful Weapons Transfers to Juveniles.—Section 922(x) of title 18, United States Code, is amended to read as follows:

"(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile for good cause the court determines;

"(B) a transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile who the transferor knows or has reasonable cause to believe is a juvenile—

"(i) the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and not prohibited by Federal, State, or local law from possessing a firearm or ammunition;

"(ii) the transfer is with the approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon;

"(D) a large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

"(E) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an individual; or

"(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Governor if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Governor for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term ‘juvenile’ means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant’s parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse an appearance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

"(7) For purposes of this subsection only, the term ‘large capacity ammunition feeding
device' has the same meaning as in section 921(a)(31) of title 18, United States Code, and includes any ammunition feeding device manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.'

SEC. 602. EFFECTIVE DATE.

This Act and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE VII—ASSAULT WEAPONS

SECTION 701. SHORT TITLE.

This Act may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999.'

SECTION 702. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(2) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph:

"(2) The Washington State Attorney shall establish in the jurisdiction concerned—"

and

(4) in paragraph (4), by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SECTION 703. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994.'

SECTION 704. EFFECTIVE DATE.

This title and the amendments made by this title except sections 702 and 703 shall take effect 180 days after the date of enactment of this Act.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

SEC. 801. SHORT TITLE.

This subtitle may be referred to as the "Criminal Use of Firearms by Felons (CUFF) Act.'

SEC. 802. FINDINGS.

Congress finds the following:

(1) Tragedies such as those occurring recently in the communities of Pearl, Mississippi, Paducah, Kentucky, Jonesboro, Arkansas, Springfield, Oregon, and Littleton, Colorado are terrible reminders of the vulnerability of innocent individuals to random and senseless acts of criminal violence.

(2) The United States Congress has responded to the problem of gun violence by passing numerous criminal statutes and by supporting the development of law enforcement programs designed both to punish the criminal misuse of weapons and also to deter individuals from undertaking illegal acts.

(3) In 1988, the Administration initiated an innovative program known as Project Achilles. The concept behind the initiative was that the illegal possession of firearms was the Achilles heel or the area of greatest vulnerability of criminals. By aggressively prosecuting criminals with guns in Federal courts, and Federal, State, and local law enforcement officers for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of section 922(a)(5), 922(g)(1), 922(g)(2), 922(g)(3), 922(i), and 924(c) of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(4) Congress desires to require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws; and

(5) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(6) COVERED JURISDICTIONS.—The jurisdiction specified in this subsection are the following:

(1) The 10 jurisdictions with a population equal to or greater than 100,000 persons that had the highest total number of violent crimes according to the FBI uniform crime report for 1996.

(2) The 15 jurisdictions with such a population other than that referred to in paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1996.

(3) Other than the jurisdictions covered by paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1996.

SEC. 804. ANNUAL REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys hired under the program. And, for each such individual:

(a) The number of prosecutions attempted and the number of convictions obtained under the program. And, for each such prosecution:

(i) The number of convictions obtained. And

(ii) The number of convictions obtained under Federal law; and

(b) The number of convictions obtained under State law. And, for each such prosecution:

(i) The number of convictions obtained. And

(ii) The number of convictions obtained under Federal law; and

(c) The number of convictions obtained under State law. And, for each such prosecution:

(i) The number of convictions obtained. And

(ii) The number of convictions obtained under Federal law.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) The percentage of information available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 805. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice to carry out the provisions of this Act:

(a) in general—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall enter into an agreement establishing a program known as the "Assault Weapons Enforcement Program."
carry out the program under section 803(3) and 803(b)(3) of which the Secretary of the Treasury shall be developed in accordance with section 803(b)(3).

(2) $10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) Use of funds.—(1) The Assistant United States Attorneys hired under amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall investigate and prosecute violations of Federal firearms laws in accordance with section 803(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, be matched with State or local law enforcement officials.

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 803(c) should, to the maximum extent practicable, be matched with State or local funds for similar campaigns.

(c) Authorization of Additional Appropriations.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this title.

Subtitle D—Armed Violent Criminals

SEC. 811. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

(a) Preliminary Detention for Possession of Firearms or Explosives by Convicted Felons.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking “and” at the end of subparagraph (C) and inserting “or”;

(3) by adding at the end the following:

“(D) an offense that is a violation of section 842(i) or 842(g) relating to possession of explosives or firearms by convicted felons;”;

(b) Firearms Possession by Violent Felons and Serious Drug Offenders.—Section 922(a)(2) of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(A) Except as provided in subparagraph (B), any person who”; and

(2) by adding at the end the following:

“(B) Notwithstanding any other provision of law, a court shall not grant a probationary sentence to a person who has more than 1 previous conviction for a violent felony or a serious drug offense, committed under circumstances which demonstrate that the person is a danger to the community.”

Subtitle E—Youth Crime Gun Interdiction Initiative

SEC. 821. YOUTH CRIME GUN INTERDICTION INITIATIVE.

(a) In general.—

(1) Expansion of number of cities.—The Secretary of the Treasury shall endeavor to expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative in this section (in this section referred to as the “YCGII") to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003.

(2) Selection.—Cities and counties selected for participation in the YCGII shall be selected by the Secretary of the Treasury and shall be notified to local and State law enforcement officials.

(b) Identification of Individuals.—

(1) In general.—The Secretary of the Treasury shall share information provided by the YCGII, facilitate the identification and prosecution of individuals illegally trafficking firearms to prohibited individuals.

(2) Sharing of information.—The Secretary of the Treasury shall share information derived from the YCGII with State and local law enforcement through online computer access, as soon as such capability is available.

(c) Grant Awards.—

(1) In general.—The Secretary of the Treasury shall award grants in the form of funds or equipment to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII.

(2) Use of grant funds.—Grants made under this paragraph shall be used to—

(A) hire or assign additional personnel for the gathering, submission and analysis of tracing data submitted to the Bureau of Alcohol, Tobacco and Firearms under the YCGII;

(B) hire additional law enforcement personnel for the purpose of identifying and arresting individuals illegally trafficking firearms;

(C) purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.

Subtitle F—Firearms Possession by Violent Juvenile Offenders

SEC. 841. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) Definition.—Section 922(a)(20) of title 18, United States Code, is amended—

(1) by inserting “(A)” after “(20)”; and

(2) by designating subparagraphs (A) and (B) as clauses (1) and (2), respectively.

(b) Exclusion of violent juvenile delinquency.—(1) In general.—For purposes of subsections (d) and (g) of section 922, the term ‘‘violent juvenile delinquency’’ means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(C)(i) of title 18, United States Code.

(2) Elements of annual report.—With respect to each case described in subsection (b), the report submitted under subsection (a) shall include information indicating—

(C) whether a plea agreement of any kind has been made not to charge an individual with a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial); and

Subtitle G—Firearms Possession by Felons or Convicted Felons

SEC. 851. PROHIBITION ON FIREARMS POSSESSION BY FELONS OR CONVICTED FELONS.

(a) Definition.—Section 922(a)(20) of title 18, United States Code, is amended—

(1) by inserting “(A)” after “(20)”; and

(2) by redesigning subparagraphs (A) and (B) as clauses (1) and (2), respectively.

(3) by inserting after subparagraph (A) the following:

“(B) For purposes of subsections (d) and (g) of section 922, the term ‘‘act of violent juvenile delinquency’’ means an adjudication of violent juvenile delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) of title 18, United States Code.”

(b) Exclusion of violent juvenile delinquency.—(1) In general.—For purposes of subsections (d) and (g) of section 922, the term ‘‘violent juvenile delinquency’’ means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(C)(i) of title 18, United States Code.

(2) Elements of annual report.—With respect to each case described in subsection (b), the report submitted under subsection (a) shall include information indicating—

(C) whether a plea agreement of any kind has been made not to charge an individual with a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial); and

(3) by inserting after subparagraph (A) the following:

“(C) What constitutes a conviction of such a violation of section 922 of title 18, United States Code;”;

(4) in any case described in paragraph (4) in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, whether a plea agreement of any kind has been entered into with such charged individual; and

(5) whether any plea agreement described in paragraph (5) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code; in any case described in paragraph (6) in which the plea agreement did not require that the individual plead guilty, to enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code, identification of the charges to which that individual pled guilty, and the reason for the failure to seek or obtain a conviction under that subsection;

(7) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial); and

(8) whether any plea agreement described in paragraph (3), in which the charging document did not contain a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial).
not be considered to be a conviction or adjudication of delinquency for purposes of this chapter.

(b) Prohibition.—Section 922 of title 18, United States Code, is amended—

(1) in paragraph (4), by striking “However” and inserting “Except as provided in paragraph (4), whoever”;

(2) by striking paragraph (6) and inserting the following:

‘‘(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

(ii) the term ‘violent felony’ has the meaning given the term in subsection (x); and

(iii) SCHOOL ZONES.—A juvenile shall be sentenced to probation on appropriate conditions if—

(A) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

(B) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(a)(2) and knowingly possessed—

(i) a handgun; or

(ii) ammunition that is suitable for use only in a handgun; or

(iii) a semiautomatic assault weapon.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section are effective on the date that is 30 days after the date on which the Attorney General certifies to Congress that it has notified Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

Title F—Juvenile Access to Certain Firearms

SEC. 851. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) Penalties for Firearm Violations by Juveniles.—Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking “Whoever” and inserting “Except as provided in paragraph (4), whoever”;

(2) by striking paragraph (6) and inserting the following:

‘‘(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

(A) DEFINITIONS OF VIOLENT FELONY.—In this paragraph—

(i) the term ‘violent felony’ has the meaning given the term in section 922(x); and

(ii) the term ‘violent felony’ has the meaning given the term in subsection (e)(2)(B).

(B) POSSESSION BY A JUVENILE.—

(i) In general.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 20 years, or both.

(ii) PRORATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile may be sentenced to probation on appropriate conditions if—

(1) the offense with which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

(2) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x)) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult could not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(iii) SCHOLARSHIP ACT.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

(A) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

(B) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(a)(2) and knowingly possessed—

(i) a handgun; or

(ii) ammunition that is suitable for use only in a handgun; or

(iii) a semiautomatic assault weapon.

(B) Ammunition.—It shall be unlawful for any person who is a juvenile to knowingly possess—

(A) a handgun;

(B) ammunition that is suitable for use only in a handgun; or

(C) a semiautomatic assault weapon.

(D) APPLICABILITY.—

(A) IN GENERAL.—This subsection does not apply to—

(i) if the conditions stated in subparagraph (B) are met and the transferor of a handgun, ammunition, or semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, or semiautomatic assault weapon by a juvenile if the handgun, ammunition, or semiautomatic assault weapon is possessed and used by the juvenile;

(ii) in the course of employment;

(iii) for a course of instruction in the safe and lawful use of a handgun;

(iv) for hunting; or

(v) for a course of instruction in the safe and lawful use of a handgun;

(B) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x) shall be fined under this title, imprisoned not less than 10 and not more than 20 years.

(C) CASES IN UNITED STATES DISTRICT COURT.—The prohibition under this paragraph shall only apply to an adjudication of an offense (including an offense under this paragraph (B) are met, a temporary transfer of a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, and imprisoned not less than 10 and not more than 20 years.

(D) CASES IN UNITED STATES DISTRICT COURT.—The prohibition under this paragraph shall only apply to an adjudication of an offense (including an offense under this paragraph (B) are met, a temporary transfer of a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, and imprisoned not less than 10 and not more than 20 years.

(E) NO RELEASE AT AGE 18.—No juvenile sentenced to serve a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.

(F) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x).

(G) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section are effective on the date that is 30 days after the date on which the Attorney General certifies to Congress that it has notified Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

Subtitle G—Firearm Access to Certain Firearms

SEC. 851. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) Penalties for Firearm Violations by Juveniles.—Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking “Whoever” and inserting “Except as provided in paragraph (4), whoever”;

(2) by striking paragraph (6) and inserting the following:

‘‘(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

(A) DEFINITIONS OF VIOLENT FELONY.—In this paragraph—

(i) the term ‘violent felony’ has the meaning given the term in section 922(x); and

(ii) the term ‘violent felony’ has the meaning given the term in subsection (e)(2)(B).

(B) POSSESSION BY A JUVENILE.—

(i) In general.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 20 years, or both.

(ii) PRORATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile may be sentenced to probation on appropriate conditions if—

(1) the offense with which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

(2) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x)) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult could not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(iii) SCHOLARSHIP ACT.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

(1) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

(2) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(a)(2) and knowingly possessed—

(i) a handgun; or

(ii) ammunition that is suitable for use only in a handgun; or

(iii) a semiautomatic assault weapon.
May 26, 1999

CONGRESSIONAL RECORD—SENATE

SEC. 905. INCREASED PENALTY FOR DRUG TRAFFICKING IN THE NEIGHBORHOOD OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—
(1) in subsection (a), by striking ‘‘one year’’ and inserting ‘‘3 years’’; and
(2) in subsection (b), by striking ‘‘three years’’ each place that term appears and inserting ‘‘5 years’’.

TITLE X—CHILD HANDGUN SAFETY

SEC. 1001. SHORT TITLE.

This title may be cited as the ‘‘Safe Handgun Storage and Child Handgun Safety Act of 1999’’.

SEC. 1002. PURPOSES.

The purposes of this title are as follows:
(1) To promote the safe storage and use of handguns by consumers.
(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Youth Handgun Safety Act.
(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 1003. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—
(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:
‘‘§ 922. Secures handgun storage and safety device.

(1) MANDATORY TRANSFER.—To prevent the transfer of a handgun to a person who is not in lawful possession of the handgun, and who uses a secure gun storage or safety device, as described in section 921(a)(35) of this title, for that handgun.

(2) EXCEPTIONS.—
(A)澤manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a person employed by the United States or a department or agency of the United States, as a public safety officer; or
(B) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (1) of a handgun for law enforcement purposes (whether on or off duty); or
(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or
(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 921(c)(2)(E).

(3) LIABILITY FOR USE.—
(A) Notwithstanding any other provision of law, a person who lawfully possesses and controls a handgun, and who uses a secure gun storage or safety device with the handgun, shall be...
entitled to immunity from a civil liability action in this paragraph. Nothing in this title shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

(b) Disciplinary Records.—Not later than 2 years after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in effect to facilitate the use of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

SEC. 1106. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and other conduct activities related to school violence research, including—

(c) ELIGIBILITY.—

(1) In general.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall establish procedures for processing recommendations to be forwarded to the President for awarding National Character Achievement Award under subsection (a).

(2) Recommendations by school principals.—At a minimum, the recommendations referred to in paragraph (1) shall contain the endorsement of the principal (or equivalent official) of the school in which the individual under the age of 18 is enrolled.
SEC. 1107. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) POINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of characteristic trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.

(1) A Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(f) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner, without charge, as a Federal department or agency.

(h) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(i) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—Any representative of the Commission shall not receive compensation for the performance of services for the Commission, but 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, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(j) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. 1106. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES GRANTS.

(1) STUDY.—The Attorney General, in consultation with the Secretary of Health and Human Services and in conjunction with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, may make grants to a consortium within 50 States or State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

(2) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of adolescents with substance abuse or mental health treatment problems, including those who come into contact with the justice system by requiring the following:

(A) Collaboration across child serving systems, including juvenile justice agencies, relevant public and private substance abuse and mental health treatment providers, and State or local educational entities and welfare agencies.

(B) Appropriate screening and assessment of juveniles.

(C) Individual treatment plans.

(D) Significant involvement of juvenile judges where appropriate.

(3) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANTS.

(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide information that—

(A) certification that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

(B) for the regular evaluation of the program, funded by the grant and describe the methodology that will be used in evaluating the program;

(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(3) FEDERAL SHARE.—The Federal share of the cost of a program under this section shall not exceed 75 percent of the cost of the program.

(4) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

(b) FUNDING.—Grants under this section shall be considered an allowable use under section 265(a) and subtitle B.

SEC. 1109. BACKGROUND CHECKS.

Section 5(c) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(b)) is amended—

(1) in subparagraph (A)(i), by inserting "individuals seeking to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel" before the semicolon; and

(2) in subparagraph (B)(i), by inserting "individuals who seek to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel" before the semicolon.

SEC. 1110. DRUG TESTS.

Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use, including as a child care provider, a teacher, or another member of school personnel") before the semicolon.

SEC. 1111. SENSE OF THE SENATE.

The Congress hereby expresses its sense of the Senate that States receiving Federal elementary and secondary education funding should require local educational agencies to conduct, for each of their employees (regardless of whom hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular

SEC. 1112. SENSE OF THE SENATE.

The Congress hereby expresses its sense of the Senate that States receiving Federal elementary and secondary education funding should require local educational agencies to conduct, for each of their employees (regardless of whom hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular...
SEC. 1201. SHORT TITLE.
This title shall be referred to as the “Teacher Liability Protection Act of 1999”.

SEC. 1202. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress makes the following findings:
(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation’s elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.
(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.
(3) To many teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.
(4) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because:
(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and
(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.
(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.}

SEC. 1203. PREEMPTION AND ELECTION OF STATE NON-APPLICABILITY.
(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title shall not apply to any civil action in a State court unless the State, if such State enacted a statute in accordance with State requirements for enacting legislation—
(1) citing the authority of this subsection;
(2) in the election of subsection (b) that this title shall not apply, as of a date certain, to such civil action in the State; and
(3) containing no other provisions.

SEC. 1204. LIMITATION ON LIABILITY FOR TEACHERS.
(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—
(1) the teacher was acting within the scope of the teacher’s employment or responsibilities related to providing educational services;
(2) the actions of the teacher were carried out in conformity with Federal, State, or federal or State laws, rules, regulations, or statutes in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;
(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher’s responsibilities;
(4) the teacher was acting within the scope of the teacher’s responsibilities;
(5) the teacher was acting within the scope of the teacher’s responsibilities;
(6) the operator or the owner of the vehicle, craft, or vessel to—
(A) possess an operator’s license; or
(B) maintain insurance.
(b) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—The laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:
(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.
(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as if the school or governmental entity was an employer for the acts or omissions of its employees.
(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an employer or local government pursuant to State or local law.
(c) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—
(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher’s responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an act or omission of such teacher which constitutes wilful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.
(2) CONSTRUCTION.— Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.
(d) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—
(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—
(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section
(2) SEC. 1205. LIABILITY FOR NONECONOMIC LOSS.
(a) GENERAL RULE.—In any civil action against a teacher, based on an action or a teacher acting within the scope of the teacher’s responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).
(b) AMOUNT OF LIABILITY.—
(1) IN GENERAL.—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percent- age of responsibility of that defendant determined in accordance with paragraph (2) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.
(c) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of non-economic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant’s harm.

SEC. 1206. DEFINITIONS.
For purposes of this title:
(1) ECONOMIC LOSS.—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medico-economic loss, replacement services loss, loss of enjoyment of life, loss of society and companionship, loss of consort (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.
(2) HARM.—The term “harm” includes physical, nonphysical, economic, and noneconomic losses.
(3) NONECONOMIC LOSSES.—The term “noneconomic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

SEC. 1207. APPLICATION.
The term “school” means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 1401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1001)), or a home school.
or other educational professional, that works in a school.

SEC. 1307. EFFECTIVE DATE.
(a) In General.—This title shall take effect 90 days after the date of enactment of this Act.
(b) Application.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. 1301. SHORT TITLE.
This title may be cited as the “Violence Prevention Training for Early Childhood Educators Act.”

SEC. 1302. PURPOSE.
The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. 1303. FINDINGS.
Congress makes the following findings:
(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.
(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation’s youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.
(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.
(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care setting developed a short-term history of vomiting before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.
(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.
(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.
(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child’s family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.
(8) Primary prevention can be effective. When teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behavior in the future.
(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.
(10) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. 1304. DEFINITIONS.
In this title:
(a) AT-RISK CHILD.—The term “at-risk child” means a child who has been affected by violence in childhood through direct exposure to child abuse, other domestic violence, or violence in the community.
(b) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term “early childhood education training program” means a program that—
(A)(i) trains individuals to work with young children in early childhood development programs or elementary schools; or
(ii) provides professional development to individuals working in early childhood development programs or elementary schools;
(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider;
(C) leads to a bachelor’s degree or an associate’s degree, a certificate for working with young children (such as a Child Development Associate’s degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.
(c) ELEMENTARY SCHOOL.—The term “elementary school” has the meaning given the term in section 1101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1001).
(d) VIOLENCE PREVENTION.—The term “violence prevention” means—
(A) preventing violent behavior in children;
(B) identifying and preventing violent behavior in at-risk children; or
(C) identifying andameliorating violent behavior in children who act out violently.

SEC. 1305. PROGRAM AUTHORIZED.
(a) GRANT AUTHORITY.—The Secretary of Education is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section 1306 to enable the institutions to provide violence prevention training as part of the early childhood education training program.
(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,200,000 for each of the fiscal years 2000 through 2004.
(c) DURATION.—The Secretary of Education shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. 1306. APPLICATION.
(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.
(b) CONTENTS.—Each application shall—
(1) describe violence prevention training activities and services for which assistance is sought;
(2) contain a comprehensive plan for the activities and services, including a description of—
(A) the goals of the violence prevention training program;
(B) the curriculum and training that will prepare students for careers which are described in the plan;
(C) the recruitment, retention, and training of staff;
(D) the methods used to help students find employment in their fields;
(E) the methods for assessing the success of the violence prevention training program; and
(F) the sources of financial aid for qualified students;
(3) contain an assurance that the institution has the capacity to implement the plan; and
(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. 1307. SELECTION PRIORITIES.
The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:
(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).
(2) Preparation to engage in community outreach or collaboration with other services in the community.
(3) Preparation to use conflict resolution training with children.
(4) Preparation to work in economically disadvantaged communities.
(5) Recruitment of economically disadvantaged students.
(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to carry out this title—
(a) $15,000,000 for each of the fiscal years 2000 through 2004.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. 1401. PURPOSE.
The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing character development, and in preventing delinquency through strong school-based and after school programs that—
(1) are organized around character education;
(2) reduce delinquency, school discipline problems, and truancy; and
(3) improve students’ performance, overall school performance, and youths’ positive involvement in their community.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.
(a) IN GENERAL.—There are authorized to be appropriated—
(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section 1403, and
(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section 1404.
(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1403. SCHOOL-BASED PROGRAMS.
(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—
(1) reduce delinquency, school discipline problems, and truancy; and
(2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include:

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed;

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1404. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after-school or out-of-school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after-school or out-of-school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how students, teachers, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(b) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1405. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEE.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the development of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood that the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out-of-school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy;

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given them in section 1401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1401).

(2) CHARACTER EDUCATION.—The term "character education" means an organized educational program that works to reinforce core elements of character, including—

(A) caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 1501. SHORT TITLE.

This title may be cited as the "Violent Offender DNA Identification Act of 1999".

SEC. 1502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(b) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State and local forensic laboratories, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(c) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(d) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (a), the Director of the Federal Bureau of Investigation shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $15,000,000 for each of fiscal years 2000 and 2001.

SEC. 1503. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF COLUMBIA, AND MILITARY VIOLENT OFFENDERS.

(a) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 811 note) is amended to read as follows:

"(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to criminal offenses and acts of juvenile delinquency under Federal law, the Uniform Code of Military Justice, and the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132)."

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210306 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—
and manner of collection of DNA samples described in subclause (I); and

"(B) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT MILITARY OFFENDERS.—

"(1) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 shall collect a DNA sample from each individual who has, before or after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from an individual who refuses to provide a DNA sample from an individual who refuses to cooperate in the collection of that sample shall be—

"(A) guilty of a class A misdemeanor; and

"(B) punished in accordance with title 18, United States Code.

"(2) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any provision of this subsection, the Secretary of Defense may—

"(A) waive the collection of a DNA sample from an individual under this subsection if an individual, agency or person responsible for the collection of that sample as a court martial may direct as a violation of the Uniform Code of Military Justice.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

"(A) $6,800,000 for fiscal year 2000; and

"(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

"(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for the collection of DNA samples under this subsection.

"(3) to the Department of Defense to carry out subsection (d) of this section and to carry out any reasonable costs incurred in implementing such subsection (as defined in subsection (d)(1)); and

"(4) W AIVER; COLLECTION PROCEDURES.—Notwithstanding any provision of this subsection, the Secretary of Defense may—

"(A) waive the collection of a DNA sample from an individual under this subsection if an individual, agency or person responsible for the collection of that sample as a court martial may direct as a violation of the Uniform Code of Military Justice.

"(B) specify categories of conduct punishable by the Uniform Code of Military Justice referred to in this subsection as 'qualifying military offenses' that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

"(C) set forth standards and procedures for—

"(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense; and

"(ii) the inclusion in the index established by this section of the DNA identification records relating to DNA samples described in clause (i).

"(2) COLLECTION OF SAMPLES.—

"(A) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has, before or after this subsection takes effect, been convicted of a qualifying military offense.

"(B) TIME AND MANNER.—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

"(A) $6,800,000 for fiscal year 2000; and

"(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

"(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for the collection of DNA samples under this subsection.

"(3) to the Department of Defense to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

"(A) $6,800,000 for fiscal year 2000; and

"(B) such sums as may be necessary for each of fiscal years 2001 through 2004;
May 26, 1999

CONGRESSIONAL RECORD—SENATE
11071

(A) in paragraph (7), by striking “and” at the end;
(B) in paragraph (8), by striking the period at the end and inserting “; and”; and
(C) by inserting after paragraph (8) the following:

“(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).”.

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, as amended by inserting before “The court shall order” the following: “The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).”.

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of a violation of the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) REPORT AND EVALUATION.—Not later than one year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify crime offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 3583 of title 18, United States Code, is amended in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency.”;

(2) in paragraph (4), in clause (i) of section 14132 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching and DNA analysis.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code (as amended by Public Law 101-647, section 821(a)(20), 104 Stat. 4978), is amended—

(1) by inserting “(‘A’) after “(20)”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by inserting after subparagraph (A) the following:

“(B) For purposes of subsections (d) and (g) of section 922, the term ‘act of juvenile delinquency’ means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 1514(b)(13) of title 28, United States Code, which resulted in juvenile delinquency if committed by an adult.”;

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall apply to all adjudications of acts of juvenile delinquency committed on or after the date of enactment of this Act.

(a) SHORT TITLE.—This section may be cited as the “Safe Students Act.”

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZATION.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishment, operation, and evaluation of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(i) provide in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(ii) meet the following:

(A) in paragraph (1), by striking “or” at the end; and

(B) by striking the period at the end and inserting “; and”; and

(C) by inserting after paragraph (6) the following:

“(B) who has committed an act of violent juvenile delinquency.”;

(2) in subsection (c)—

(A) in paragraph (6), by striking “or” at the end; and

(B) by striking the period at the end and inserting “; and”;

(C) by inserting after paragraph (6) the following:

“(B) who has committed an act of violent juvenile delinquency.”;

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to school security programs, plans, and projects carried out during the period beginning on the date of enactment of this Act and ending on September 30, 2001.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant pursuant to this section shall be used for the following:

(1) training in school, school personnel, including mentoring programs;

(2) comprehensive school security assessments;

(3) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras; and

(4) collaborative efforts with law enforcement agencies, community-based organizations, and other non-governmental organizations that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school-age children.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.
 SEC. 1603. STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) In General.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

(b) Issues Examined.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) Report.—Not later than one year after the date of enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

SEC. 1604. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) Requirement To Provide.—Each Internet service provider shall, at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) Surveys of Provision of Software or Systems Described in Subsection (a).—Surveys required by paragraph (1) shall be completed as follows:

(1) One shall be completed not later than one year after the date of the enactment of this Act.

(b) Frequency.—The surveys required by paragraph (1) shall be completed as follows:

(1) One shall be completed not later than one year after the date of the enactment of this Act.

(2) One shall be completed not later than two years after that date.

(c) Feasibility Study.—A feasibility study shall be completed not later than three years after that date.

(d) Purpose.—The purpose of the feasibility study shall be to determine, for the purpose of regulating the provision of Internet access services, the extent to which Internet service providers are providing computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

SEC. 1605. APPLICATION OF SECTION 923 (j) AND (m).

Notwithstanding any other provision of this Act, subsections (j) and (m) of section 923 of the United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:

(1) In subsection (j) amend—

(A) paragraph (2) (A), (B) and (C) to read as follows:

"(A) in general.—The temporary location referred to in this paragraph is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

(B) Locations out of State.—If the location is not the location specified in the license, a permitted individual shall, in accordance with the Federal, State, and local laws, take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (7) of this subsection.

"(C) Qualified gun shows or events.—A gun show or an event shall qualify as a temporary location if—

(1) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, or other legal use of firearms; and

(2) the gun show or event has—

(1) 20 percent per more firearm exhibitors out of all exhibitors; or

(2) 10 or more firearm exhibitors.

"(B) paragraph (3)(C) to read as follows:

"(C) shall be retained at the premises specified on the license.''; and

"(C) paragraph (7) to read as follows:

"(7) No Effect on Other Rights.—Nothing in this subsection diminishes in any manner any rights to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of the Firearm Owners' Protection Act, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State in which the firearm is to be delivered to the prospective transferee.

SEC. 1606. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOL EVENTS.

(a) Findings.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on

 instant background check at the gun show, shall be entitled to immunity from civil liability action as described in subparagraph (C) and (D) of subsection (m) of this section.

SEC. 1606. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOL EVENTS.

(a) Findings.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on

 instant background check at the gun show, shall be entitled to immunity from civil liability action as described in subparagraph (C) and (D) of subsection (m) of this section.
the campus of a public school in order to honor the memory of a person slain because of the individual's religious beliefs or religious activity, or in discharge of a religious belief, on the basis of that belief or belief activity, may be brought only in accordance with section 1391 of title 28, United States Code.

(b) Any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law; and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

SEC. 1607. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.—The Act entitled "An Act divestig intoxicating liquors of their interstate character in certain cases", approved March 3, 1913 (known commonly as the Webb-Kenyon Act (87 Stat. 20)), is amended by adding at the end thereof:

"Section 1606. Consistency of hearing with trial.

"(a) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits, in which event the application shall be consolidated with the hearing on the application.

"(b) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits, it shall be governed by law; and an order entered in an action brought under this section shall be tried and shall not be required to be based on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order described in paragraph (1); and

"(c) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered under this section shall—

"(A) set forth the reasons for the issuance of the order;

"(B) be specific in terms;

"(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

"(D) be binding only upon—

"(i) the parties to the action and the officers, agents, employees, and attorneys of those parties;

"(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order; and

"(e) DISPOSITION OF HEARING WITH TRIAL OR ON MERITS.—

"(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits, in which event the application shall be tried and shall not be required to be based on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order described in paragraph (1); and

"(2) MURDER.—The term "muder" has the meaning given the term under applicable State law.

SEC. 1608. INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

Chapter 59 of title 18, United States Code, is amended by adding at the end thereof:

"(a) by adding a label to the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a' after "accompanied by";

(b) by inserting "and requiring upon delivery the signature of a person who has attained the age of 21 years against an individual who has attained the age of 18 years against an individual who has attained the age of 14 years.

"SEC. 1609. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS Act.

(a) All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure authorized by State or local governmental recipients or other nongovernmental entities shall have printed thereon the following language:

"This material has been printed, procured or distributed by the State or local governmental entity that has been allocated to but not distributed to each State that convicted such individual of

the completeness of the material, or to the representations made within the material, including objections referred to this material's characterization of religious beliefs, are encouraged to direct their comments to the Director of the Office of the Attorney General of the United States.

(b) All materials produced, procured, or distributed using funds authorized under this Act shall have printed thereon, in addition to the language contained in paragraph (a), a complete address for an office designated by the Attorney General to receive comments from members of the public.

(c) The office designated under paragraph (b) by the Attorney General to receive comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

SEC. 1610. AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as "Aimee's Law".

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

"(2) MURDER.—The term "murder" has the meaning given the term under applicable State law.

(3) RAPE.—The term "rape" has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) SEXUALLY EXPPLICIT CONDUCT.—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

(6) SHIPMENT OR TRANSPORTATION OF ANY INTOXICATING LIQUOR.—The term "shipment or transportation of any intoxicating liquor" has the meaning given the term under applicable State law.

"SEC. 1650. REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

"(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

"(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.
the prior offense, to the State account that collects unclaimed restitution funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive the funds described under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense in the second or subsequent conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

SEC. 1615. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AND NONPUBLIC UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by redesignating paragraph (9), by striking ``and'' after the semicolon; and

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking ``and'' after the semicolon; and

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

``(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and''.

SEC. 1616. CARJACKING OFFENSES.

Section 1711 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 1961(1)) is amended by striking all the matter after the period at the end of subsection (a) and inserting the following:

``(b) Short Title.—This section may be cited as the "School Violence Prevention Act".''

SEC. 1617. NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide, or community based youth organizations, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: Provided, That none of such funds may be used—(1) to promote, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected officials, persons seeking elected office, cabi- neta or officials, or entities employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 3213; or (4) in any way that otherwise would violate section 307 of title 2, United States Code: Provided further, That, for purposes hereof, "violent criminal behavior by young..."
(a) In General.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

"(a) Definitions.—In this section:

"(1) the term 'eligible crime victim compensation program' means a program that meets the requirements of section 1402(b);

"(2) the term 'eligible crime victim assistance program' means a program that meets the requirements of section 1402(b);

"(3) the term 'public agency' includes any Federal, State, or local government or non-profit organization;

"(4) the term victim—

"(A) means an individual who is citizen or employee of the United States, and who is injured or killed as a result of a terrorist act or mass violence, whether occurring within or outside the United States; and

"(B) includes, in the case of an individual described in subparagraph (A), the family members of the individual;

"(b) GRANTS AUTHORIZED.—The Director may make grants under this section to States, or grants under subsection (a)(4) of section 102(b) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986; to any local government or non-profit organization; or to any public agency funded by the Federal government whose program for terrorism or mass violence includes assistance to victims of a terrorist act or mass violence, including the payment of compensation, assistance, and crisis response; and

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

"(d) APPLICABILITY.—The amendment made by this section applies to any terrorist act or mass violence occurring on or after December 20, 1988, and to any terrorist act or mass violence occurring on or after June 28, 1990.

(2) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause physical injury; or

(3) has been convicted in any court of a misdemeanor crime of domestic violence.''.

SEC. 1620. GRANTS TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

Section 3591 of title 18, United States Code (relating to circumstances under which a defendant may be sentenced to death), shall apply to sentencing for a violation of section 1455 of title 18, United States Code, as amended by this Act to include the death penalty as a possible punishment.

SEC. 1621. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) Prohibition of Sale, Delivery, or Transfer of Explosive Materials to Certain Individuals.—Section 882 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) Prohibition of Sale, Delivery, or Transfer of Explosive Materials to Certain Individuals.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

"(1) is less than 21 years of age;

"(2) is under indictment for, or has been convicted of, any misdemeanor crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defect or who has been committed to a mental institution;

"(6) is a fugitive from an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) is subject to a court order that—

"(i) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate;

"(ii) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(iii) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(9) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

SEC. 1619. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

(a) QUALIFICATION DATE.—Section 20194 of the Violent Crime Control and Law Enforce-
(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 95 of title 18, United States Code, is amended by adding at the end the following:

(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ‘alien’ has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(B) the term ‘nonimmigrant visa’ has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

(A) admitted to the United States for lawful hunting or sporting purposes;

(B) a foreign military personnel on official assignment to the United States;

(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the head of a department of State; or

(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

(3) WAIVER.—

(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842 if—

(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

(ii) the Attorney General approves the petition.

(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.

SEC. 1622. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the “Emergency Federal Judgeship Act of 1999.”

(b) GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the table numbers of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

‘‘Arizona ............................................. 11’’;

(2) the item relating to Florida in such table is amended to read as follows:

‘‘Florida
Northern .................................... 4
Middle .......................................... 15
Southern .......................................... 16’’; and

(3) the item relating to Nevada in such table is amended to read as follows:

‘‘Nevada ............................................. 6’’.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

SEC. 1623. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 238c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) develop a plan for national youth violence research conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the status of such research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institute of Mental Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant funding for behavior-related activities at the National Institutes of Health.

SEC. 1624. SENSE OF THE SENATE REGARDING YOUTH MENTORING PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance and support needed to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 33 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

SEC. 1625. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term “FAST program” means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles’ relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family;

(D) reduce the stress that their families experience from daily life.

(3) AUTHORIZATION.—In consultation with the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(4) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of
mandated paragraph of section 1163 of title 18, United States Code, is amended—

1114, the individual shall be fined under this

section 1163 is greater than 5 years,’’ after ‘‘a felony under chapter

109A,’’ and

than 5 years,’’ after ‘‘a felony under chapter

109A.’’;

2) OFFENSES COMMITTED WITHIN INDIAN

country, subject to the limitations on punishment under section 202(7) of the

Civil Rights Act of 1964 (28 U.S.C. 1302(7)).’’;

C) RACKETEERING ACTIVITY.—Section 1961(1)(A) of

title 18, United States Code, is amended by inserting ‘‘or would have been

so chargeable except that the act or threat

was committed in Indian country, as defined

in section 1151, or in any other area of exclud-

e from Federal jurisdiction’’ after ‘‘chargeable

under State law’’.

D) MANSLAUGHTER WITHIN THE SPECIAL

MARTIME AND TERRITORIAL JURISDICTION

OF THE UNITED STATES.—Section 1112(b) of title

18, United States Code, is amended by strik-

ing ‘‘ten years’’ and inserting ‘‘20 years’’.

E) EMBEzzLEMENT AND THEFT FROM INDIAN

TRIBAL ORGANIZATIONS.—The second undesig-
nated paragraph of section 113(b) of title 18,

United States Code, is amended by striking ‘‘so embezzled, and

inserting ‘‘so embezzled, and’’.

SEC. 1627. FEDERAL JUDICIARY PROTECTION

AND QUALITY ASSISTANCE.

(a) Short Title.—This section may be cited as the ‘‘Federal Judiciary Protection

Act of 1999’’.

(b) Assaulting, Resisting, or Impeding Certain Officers or Employees.—Section

111 of title 18, United States Code, is amended—

1) in subsection (a), by striking ‘‘three’’ and

inserting ‘‘five’’;

and

2) in subsection (b), by striking ‘‘two’’ and

inserting ‘‘five’’.

(c) Influencing, Impeding, or Retaliating Against a Federal Official by Threaten-

ing or Injuring a Family Member.—Section 111 of title 18, United States Code, is amended—

1) by striking ‘‘five’’ and inserting ‘‘10’’;

and

2) by striking ‘‘three’’ and inserting ‘‘six’’.

(d) Mail Threatening Communications.—Section 876 of title 18, United States Code,

is amended—

1) by redesignating the first 4 undesignated

paragraphs as subsections (a) through (d), re-

spectively; and

2) in subsection (c), as so designated, by

adding at the end the following: ‘‘If such a

communication is addressed to a United

States judge, a Federal law enforcement offi-
cer, or an official who is covered by section

1114, the individual shall be fined under this

title, imprisoned not more than 10 years, or

both.’’;

and

3) in subsection (d), as so designated, by

adding at the end the following: ‘‘If such a

communication is addressed to a United

States judge, a Federal law enforcement offi-
cer, or an official who is covered by section

1114, the individual shall be fined under this

title, imprisoned not more than 10 years, or

both.’’.

(e) Amendment of the Sentencing Guider-

lines for Assaults and Threats Against Federal Judges and Certain Other Fed-

eral Officials and Employees.—

(1) in General.—Pursuant to its authority

under section 994 of title 28, United States

Code, the United States Sentencing Commis-
sion shall review and amend the Federal sen-
tencing guidelines and the policy statements
of the Commission, if appropriate, to provide
an appropriate sentencing enhancement for

offenses involving intimidating, assaulting,

resisting, obstructing, impeding, influencing,

or threatening a Federal judge, magistrate

judge, or any other official described in sec-

tion 111 or 1115 of title 18, United States

Code.

(2) Factors for Consideration.—In car-

rying out this section, the United States Sen-
tencing Commission shall consider, with

respect to each offense described in para-

graph (1)—

(A) any expression of congressional intent

regarding the appropriate penalties for the offense;

(B) the range of conduct covered by the of-
fense;

(C) the existing sentences for the offense;

(D) the extent to which sentencing en-
hancements within the Federal sentencing

guidelines and the court’s authority to im-
pose a sentence in excess of the applicable

guideline range are adequate to ensure pun-
ishment at or near the maximum penalty for

the most egregious conduct covered by the of-
fense;

(E) the extent to which Federal sentencing
guideline sentences for the offense have been

constrained by statutory maximum pen-

alties;

(F) the extent to which Federal sentencing

guidelines for the offense adequately achieve

the purposes of sentencing as set forth in

section 3553(a)(2) of title 18, United States

Code;

(G) the relationship of Federal sentencing

guidelines for the offense to the Federal sen-
tencing guidelines for other offenses of com-

parable seriousness; and

(H) any other factors that the Commission

considers to be appropriate.

SEC. 1628. LOCAL ENFORCEMENT OF LOCAL AL-

COHOL ORDINANCES.—

(a) Findings.—Congress finds that—

1) bounty hunters, also known as bail en-
forcement officers or recovery agents, pro-

vide law enforcement officers and the courts

with valuable assistance in recovering fugi-
tives from justice;

2) regardless of the differences in their du-
ses, skills, and responsibilities, the public

has had difficulty in discerning the dif-

ference between law enforcement officers

and bounty hunters;

3) the availability of bail as an alternative
to the pretrial detention or unsecured re-

lease of criminal defendants is important to

the effective functioning of the criminal jus-
tice system;

4) the safe and timely return to custody of

fugitives who violate bail contracts is an im-
portant matter of public safety, as is the re-
turn to custody of other fugitives from justice;

5) bail bond agents are widely regulated by

the States, whereas bounty hunters are

largely unregulated;

6) the public safety requires the employ-
ment of qualified, well-trained bounty hunt-

ers; and

7) youth are particularly susceptible to
developing chronic criminal behaviors asso-

ciated with alcohol in the presence of early

intervention.

(4) Many remote villages have sought to

limit the introduction of alcohol into their

communities as a means of early interven-
tion and to reduce criminal conduct among

juveniles.

3) the availability of bail as an alternative
to the pretrial detention or unsecured re-

lease of criminal defendants is important to

the effective functioning of the criminal jus-
tice system;

4) the safe and timely return to custody of

fugitives who violate bail contracts is an im-
portant matter of public safety, as is the re-
turn to custody of other fugitives from justice;

5) bail bond agents are widely regulated by

the States, whereas bounty hunters are

largely unregulated;

6) the public safety requires the employ-
ment of qualified, well-trained bounty hunt-

ers; and

7) youth are particularly susceptible to
developing chronic criminal behaviors asso-

ciated with alcohol in the presence of early

intervention.

(4) Many remote villages have sought to

limit the introduction of alcohol into their

communities as a means of early interven-
tion and to reduce criminal conduct among

juveniles.

3) the availability of bail as an alternative
to the pretrial detention or unsecured re-

lease of criminal defendants is important to

the effective functioning of the criminal jus-
tice system;

4) the safe and timely return to custody of

fugitives who violate bail contracts is an im-
portant matter of public safety, as is the re-
turn to custody of other fugitives from justice;

5) bail bond agents are widely regulated by

the States, whereas bounty hunters are

largely unregulated;

6) the public safety requires the employ-
ment of qualified, well-trained bounty hunt-

ers; and

7) youth are particularly susceptible to
developing chronic criminal behaviors asso-

ciated with alcohol in the presence of early

intervention.

(4) Many remote villages have sought to

limit the introduction of alcohol into their

communities as a means of early interven-
tion and to reduce criminal conduct among

juveniles.

3) the availability of bail as an alternative
to the pretrial detention or unsecured re-

lease of criminal defendants is important to

the effective functioning of the criminal jus-
tice system;

4) the safe and timely return to custody of

fugitives who violate bail contracts is an im-
portant matter of public safety, as is the re-
turn to custody of other fugitives from justice;

5) bail bond agents are widely regulated by

the States, whereas bounty hunters are

largely unregulated;

6) the public safety requires the employ-
ment of qualified, well-trained bounty hunt-

ers; and

7) youth are particularly susceptible to
developing chronic criminal behaviors asso-

ciated with alcohol in the presence of early

intervention.

(4) Many remote villages have sought to

limit the introduction of alcohol into their

communities as a means of early interven-
tion and to reduce criminal conduct among

juveniles.
SEC. 1631. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) In General.—Section 170(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d(d)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting “;”;

(3) by adding at the end the following:—

“(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff’s department, in an amount equal to not more than $1,950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashing equipment relating to neighborhood watch patrols.”;

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 105(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795(a)(1)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:—

“(vi) $328,625,000 for fiscal year 2000.”;

(2) in subparagraph (B) by inserting after “(B)” the following:—

“Of amounts made available to the Department of Justice in fiscal year $14,625,000 shall be used to carry out section 170(d)(12).”;

SEC. 1632. FINDINGS AND SENSE OF CONGRESS.

(a) Findings.—Congress makes the following findings—

(1) The Nation’s highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually changes the physical structure of the brain itself and that without a stimulating environment, a baby’s brain will suffer. At birth, a baby’s brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children’s physical, social, emotional, and intellectual environments will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(b) Compared with other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(6) National and local studies have found a strong link between—

(A) lack of early intervention for children; and

(B) increased violence and crime among youth.

(b) The United States will spend more than $200,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations that frequently could have been avoided or made much less severe through good early intervention for children.

(c) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

(d) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

SEC. 1632. PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) General Rule.—A Federal department or agency that—

(1) receives a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

SEC. 1634. PROVISIONS RELATING TO PAWN SHOPS AND SPECIAL LICENSEES.

(a) NOTWITHSTANDING any other provision of this Act, the repeal heretofore effected by paragraph (1) and the amendment heretofore effected by paragraph (2) of subsection (c) with the heading “Provision Related to Pawn Shops and Special Licensees” shall be null and void.

(b) NOTWITHSTANDING any other provision of this Act, section 922(m)(1), title 18, United States Code, as heretofore provided, is amended by adding at the end the following subparagraph:

“(F) COMPLIANCE.—Except as to the State and local planning and zoning requirements suspended pursuant to this section, a license to engage in the business of a pawn shop shall be issued by the Secretary of the Treasury on information provided by the Secretary of the Treasury as provided by law, and shall be subject to the provisions of this Act or any other Federal law that is otherwise applicable to such sales.”;

(1) more than 4,400 traditional gun shows are held annually across the United States, many of which are educational in nature.

(2) Any public service announcement that film a motion picture or television production for commercial purposes; or
Congressional Record—Senate

May 26, 1999

CONGRESSIONAL RECORD—SENATE

11079

attracting thousands of attendees per show and increasing firearms sales for licensed and nonlicensed firearms sellers.

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale, transferred, or exchanged; firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location in which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) a pervasive and critical problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons;

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) Definitions.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(35) GUN SHOW.—The term ‘gun show’ means any event—

“(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects interstate or foreign commerce; and

“(B) at which—

“(i) not less than 20 percent of the exhibitors are firearm exhibitors; or

“(ii) 50 or more firearms are offered for sale, transfer, or exchange;

“(36) GUN SHOW PROMOTER.—The term ‘gun show promoter’ means any person who organizes, plans, promotes, or operates a gun show.

“(37) GUN SHOW VENDOR.—The term ‘gun show vendor’ means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms, is a gun show promoter, or otherwise engages in any activity related to the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange a firearm or combination of firearms, which transfer is made under subsection (e) of section 922(t) of this title, and is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(e) Regulation of Firearms Transfers at Gun Shows.—

“(1) In General.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§ 931. Regulation of firearms transfers at gun shows

“(a) Registration of Gun Show Promoters.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

“(2) pays a registration fee, in an amount determined by the Secretary.

“(b) Responsibilities of Gun Show Promoters.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 925(a)(2) of this title) issued in section 925(a)(2) of this title in the possession of the vendor containing a photograph of the vendor;

“(2) before commencement of the gun show, requires each gun show vendor to sign—

“(A) a ledger with identifying information concerning the vendor; and

“(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

“(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe;

“(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

“(c) Criminal Background Checks.

“(1) IN GENERAL.—If any part of a firearm transferred at a gun show is transferred through a licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person in transferring at 1 gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not receive the firearm from the transferor unless the transferor provides to the transferee, at the time of the transfer, a criminal background check system that the transferor would violate section 922 or would violate State law;

“(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person in transferring at 1 gun show, does not comply with paragraphs (1) and (2) with respect to the transfer of a firearm at a gun show;

“(C) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

“(D) record the transfer on a form specified by the Secretary;

“(E) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer complying with this section shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferee, and notify the nonlicensed, or unlicensed, or nonresident, or the nonlicensed transferee—

“(i) of such compliance; and

“(ii) if the transferor is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification that the national instant criminal background check system that the transferor would violate section 922 or would violate State law;

“(F) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(A) shall be on a form specified by the Secretary by regulation; and

“(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

“(G) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 10 or more pistols or revolvers to the same person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be prepared on a form specified by the Secretary; and

“(H) not later than the close of business on the date on which the transfer occurs, forwarded to—

“(i) the office specified on the form described in subparagraph (A); and

“(ii) the licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person in transferring at 1 gun show, unless the transferor of the firearm provides to the transferee, at the time of the transfer, a criminal background check system that the transferor would violate section 922 or would violate State law;
hours the place of business of any gun show promoter and any place where a gun show is held for the purpose of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purpose of determining compliance with this chapter by gun show promoters and licensees conducting such business and shall not require a showing of reasonable cause or a warrant.

(e) Increased Penalties for Serious Recordkeeping Violations.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, and licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or who violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both;

(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) the appropriate State law enforcement authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability, to appropriate authorities; or

(c) Authorization of Appropriations.—

(1) Authorization.—There are authorized to be appropriated to pay the costs of the interventions and related functions under this section and subsection (a)(2) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) Distribution.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

"(A) to States for a fiscal year in the same manner as the Secretary makes allocations to States under section 411(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 711(b)) for the fiscal year; and

"(B) to local educational agencies under section 412(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 713(d)(2)) for the fiscal year.

SEC. 1637. SAFE SCHOOLS.

(a) Amendments.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by replacing "Safe and Drug-Free" with "Safe", and "1994" with "1999".

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing "Definition" with "Definitions" in the catchline, by replacing "section" in the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semicolon, and by adding new subparagraphs (B), (C), and (D) as follows:

"(B) the term 'illegal drug' means a controlled substance, as defined in section 1012(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act

SEC. 1638. APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) APPROPRIATE INTERVENTIONS AND SERVICES.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school-related function under the jurisdiction of a State or local educational agency, in order to—

"(1) to ensure that our Nation's schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) CLARIFICATION OF FEDERAL LAW.—Nothing in Federal law shall be construed as

"(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability,
(21 U.S.C. 863(d)), except that the first sentence shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.).'

(3) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements in the amendments made by subsection (a).

(4) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

SEC. 1368. SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6802) is amended to read as follows:

"SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

"(1) COUNSELING DEMONSTRATION.—

"(A) IN GENERAL.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

"(B) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(i) demonstrate the greatest need for new or expanded school counseling services among the children in the schools served by the applicant;

"(ii) propose the most promising and innovative strategies for initiating or expanding school counseling; and

"(iii) show the greatest potential for replication and dissemination.

"(C) USE OF GRANT.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(D) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

"(E) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(F) APPLICATION.—

"(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, and in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application for a grant under this section shall—

"(A) describe the school population to be served by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe how to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(F) describe collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(G) include in-service training for school counselors, school psychologists, and school social workers;

"(H) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program;

"(I) assurance that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program;

"(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

"(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of 1 counselor to 250 students, 1 school social worker to 500 students, and 1 school psychologist to 1,000 students; and

"(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section devote at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative or other tasks that are associated with the counseling program.

"(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

"(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

"(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

"(6) DEFINITIONS.—For purposes of this section—

"(A) "school counselor" means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(i) possesses State licensure or certification granted by an independent professional regulatory authority;

"(ii) has the appropriate educational preparation; or

"(iii) has a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(B) the term 'school psychologist' means an individual who—

"(i) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised...
school psychology internship, of which 600
hours shall be in the school setting; (3) by adding at the end the following:
(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:
(b) PENALTIES.—Section 842 of title 18, United States Code, is amended by adding at the end the following:
(c) PENALTIES.—Section 842(a) of title 18, United States Code, is amended—
(1) in subsection (a), by striking "person who violates any of subsections" and inserting the following: "person who—
(1) violates any of subsections";
(2) by striking the period at the end and inserting ";
(3) by adding at the end the following:
(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned for not more than 5 years, or both;
(3) in subsection (p)(2), by striking "and" inserting "; and";
(4) by striking the period at the end and inserting ".

SEC. 1645. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) DEFINITION OF BODY ARMOR.—Section 931 of title 18, United States Code, is amended by adding at the end the following:
(b) PROHIBITION.—
(1) GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:
"1931. Prohibition on purchase, ownership, or possession of body armor by violent felons."
(b) EXEMPTION.—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that—
(1) a crime of violence (as defined in section 16);
(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.
(1) AFFIRMATIVE DEFENSE.—
(1) IN GENERAL.—It shall be an affirmative defense under this section that—
(A) the defendant obtained prior written certification from his or her employer that the defendant’s purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and
(B) the use and possession by the defendant were limited to the course of such performance.
(2) EMPLOYER.—In this subsection, the term “employer” means any other individual employed by the defendant’s business that supervises the defendant’s activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business."
(b) PENALTY.—Section 931(a) of title 18, United States Code, is amended by adding at the end the following:
"§ 931. Prohibition on purchase, ownership, or possession of body armor by violent felons.

(a) PENALTIES.—Section 931(a) of title 18, United States Code, is amended by adding at the end the following:
(b) APPLICABILITY.—No amendment made to the Federal Social Security Act pursuant to this Act shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of another person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 1646. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) DEFINITIONS.—In this section, the terms "Federal agency" and "surplus property" have the meanings given such terms under section 302 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).
(b) DONATION OF BODY ARMOR.—Notwithstanding section 200 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481), the head of a Federal agency may donate body armor directly to any State or
local law enforcement agency, if such body armor is
(a) in serviceable condition; and
(b) surplus property.
(c) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this section shall submit to the Ad-
ministrator of General Services a written no-
tice identifying the amount of body armor
donated and each State or local law enforce-
ment agency that received the body armor.
(d) DONATION BY CERTAIN OFFICERS.—
(1) DEPARTMENT OF JUSTICE.—In the admin-
istration of this section with respect to the De-
partment of Justice, in addition to any other
officer of the Department of Justice
designated by the Attorney General, the fol-
lowing officers may act as the head of a Fed-
eral agency:
(A) The Administrator of the Drug En-
forcement Administration.
(B) The Director of the Federal Bureau of
Investigation.
(C) The Commissioner of the Immigration
and Naturalization Service.
(D) The Director of the United States Mar-
shals Service.
(E) DEPARTMENT OF THE TREASURY.—In the admin-
istration of this section with respect to the De-
partment of the Treasury, in addi-
tion to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:
(A) The Chief of Auditors of the Federal De-
partment of the Treasury.
(B) The Comptroller of the Currency.
(C) The Director of the United States Sec-
retary.
SEC. 1647. ADDITIONAL FINDINGS; PURPOSE.
(a) FINDINGS.—Congress finds that—
(1) Officer Dale Clineon of the Cortez, Colo-
rado, Police Department was shot and killed
by a suspect that passed through the wind-
shield of his police car after he stopped a stol-
en truck, and his life may have been saved
if his police car had been equipped with bul-
let-resistant equipment.
(2) In addition, law enforcement officers who are killed in the line of duty would sig-
ificantly decrease if every law enforcement officer in the United States had access to add-
dition equipment.
(3) according to studies, between 1985 and
1994, 709 law enforcement officers in the
United States were feloniously killed in the
line of duty.
(4) The Federal Bureau of Investigation es-
mates that the risk of fatal injury to law en-
forcement officers while not wearing bullet
resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an
armor vest;
(5) according to studies, between 1985 and
1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement
officers in the United States; and
(6) the Executive Committee for Indian
Country Law Enforcement Improvements re-
ports that violence in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that
there is a ‘‘public safety crisis in Indian coun-
tries’’.
(b) PURPOSE.—The purpose of this chapter is to save lives of law enforcement officers
by helping State, local, and tribal law en-
forcement agencies provide officers with bul-
let-resistant equipment and video cameras.
SEC. 1648. MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT AND FOR VIDEO CAMERAS.
(a) IN GENERAL.—The Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766) et seq.) is amended—
(1) by striking the part designation and part heading and inserting the following:
"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT"
"Subpart A—Grant Program For Armor Vests"
(2) by striking "this part" each place it ap-
pears and inserting "this subpart"; and
(3) by adding at the end the following:
"Subpart B—Grant Program For Bullet Resistant Equipment"
SEC. 2512. APPLICATIONS.
(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Di-
rector of the Bureau of Justice Assistance in
such form and containing such information as the Director may reasonably require.
(b) REGULATIONS.—Not later than 90 days
after the date of the enactment of this sub-
part, the Director of the Bureau of Justice
Assistance shall promulgate regulations to
implement this section (including the infor-
mation that must be included and the re-
quirements that the States, units of local
government, and Indian tribes must meet) in
submitting the applications required under this section.
SEC. 2513. DEFINITIONS.
"In this subpart—
(1) the term ‘‘equipment’’ means wind-
shield glass, car panels, shields, and protec-
tive gear;
(2) the term ‘‘State’’ means each of the 50
States, the District of Columbia, the Com-
monwealth of Puerto Rico, the United States
Virgin Islands, American Samoa, Guam, and
the Northern Mariana Islands;
(3) the term ‘‘unit of local government’’ means a county, municipality, town, town-
ship, village, parish, borough, or other unit
of general government below the State level;
(4) the term ‘‘Indian tribe’’ has the same
meaning as in section 4(e) of the Indian Self-
Determination and Education Assistance Act
(25 U.S.C. 450b(e)); and
(5) the term ‘‘law enforcement officer’’ means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the preven-
tion, detection, or investigation of any viola-
tion of criminal law, or authorized by law to supervise sentenced criminal offenders.
Subpart C—Grant Program For Video Cameras
"(a) IN GENERAL.—The Director of the Bu-
reau of Justice Assistance is authorized to
provide Federal assistance to any Indian lands to provide the non-Federal share of a matching require-
ment funded under this subsection.
"(b) ALLOCATION OF FUNDS.—At least half
of the funds available under this subpart shall be awarded to units of local govern-
ment with fewer than 100,000 residents.
SEC. 2514. PROGRAM AUTHORIZED.
"(a) IN GENERAL.—The Director of the Bu-
reau of Justice Assistance is authorized to
provide Federal assistance to any Indian
lands to provide the non-Federal share of a matching require-
ment funded under this subsection.
"(b) ALLOCATION OF FUNDS.—At least half
of the funds available under this subpart shall be awarded to units of local govern-
ment with fewer than 100,000 residents.
SEC. 2515. PROGRAM AUTHORIZED.
"(a) IN GENERAL.—The Director of the Bu-
reau of Justice Assistance is authorized to
provide Federal assistance to any Indian
lands to provide the non-Federal share of a matching require-
ment funded under this subsection.
"(b) ALLOCATION OF FUNDS.—At least half
of the funds available under this subpart shall be awarded to units of local govern-
ment with fewer than 100,000 residents.
SEC. 2516. PROGRAM AUTHORIZED.
"(a) IN GENERAL.—The Director of the Bu-
reau of Justice Assistance is authorized to
provide Federal assistance to any Indian
lands to provide the non-Federal share of a matching require-
ment funded under this subsection.
"(b) ALLOCATION OF FUNDS.—At least half
of the funds available under this subpart shall be awarded to units of local govern-
ment with fewer than 100,000 residents.
SEC. 2517. PROGRAM AUTHORIZED.
"(a) IN GENERAL.—The Director of the Bu-
reau of Justice Assistance is authorized to
provide Federal assistance to any Indian
lands to provide the non-Federal share of a matching require-
ment funded under this subsection.
"(b) ALLOCATION OF FUNDS.—At least half
of the funds available under this subpart shall be awarded to units of local govern-
ment with fewer than 100,000 residents.
SEC. 2518. PROGRAM AUTHORIZED.
"(a) IN GENERAL.—The Director of the Bu-
reau of Justice Assistance is authorized to
provide Federal assistance to any Indian
lands to provide the non-Federal share of a matching require-
ment funded under this subsection.
"(b) ALLOCATION OF FUNDS.—At least half
of the funds available under this subpart shall be awarded to units of local govern-
ment with fewer than 100,000 residents.
SEC. 2519. PROGRAM AUTHORIZED.
"(a) IN GENERAL.—The Director of the Bu-
reau of Justice Assistance is authorized to
provide Federal assistance to any Indian
lands to provide the non-Federal share of a matching require-
ment funded under this subsection.
"(b) ALLOCATION OF FUNDS.—At least half
of the funds available under this subpart shall be awarded to units of local govern-
ment with fewer than 100,000 residents.
SEC. 2522. DEFINITIONS.

(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may require.

(b) USES OF FUNDS.—Grants awarded under this subpart shall be used for—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the awardee.

(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera; or

(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

(d) UNFUNDED GRANTS.—If the governor of a State, the Chief Executive Officer of a unit of local government, or the tribal leader of an Indian tribe does not receive funds under this subpart, the Governor, Chief Executive Officer, or tribal leader may submit a draft application to the Director for consideration for funding in the next fiscal year.

(e) MAXIMUM AMOUNT.—The amount awarded under this subpart to a State, unit of local government, or Indian tribe may not exceed 0.1 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subpart B or C of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721 et seq.) and the Financial Assistance provided using funds appropriated or otherwise made available under subpart B or C of part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this chapter, is the amount expected to be spent by the applicant on the project and is not credited to the cost of such project.

(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.
damage or destroy, by means of fire or an explosive substance or mixture, property owned by the United States or any agency thereof; or

(b) The term ‘‘fire or an explosive substance or mixture’’ has the same meaning as in section 846 of title 18, United States Code.

(c) The term ‘‘director of the national clearinghouse for information on incidents of crime and terrorism’’—

(1) means the Director of the National Center for the Study of Crime and Delinquency, as designated by the Attorney General; and

(2) includes the Director of the Federal Bureau of Investigation.

(3) The Attorney General may delegate authority under this section to the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(4) The term ‘‘delegation of authority’’ has the same meaning as in section 551 of title 5, United States Code.

(b) The term ‘‘crime and terrorism’’ means—

(1) an incident of theft, fraud, or other legal offense;

(2) an intentional violation of any law of the United States or of any State of the United States, or of any political subdivision of a State, punishable by a fine or imprisonment for not more than 1 year, or both

(3) an attempt, conspiracy, or conspiracy to commit an offense described in paragraph (1) or (2).

(c) The term ‘‘crime and terrorism clearinghouse’’ means a clearinghouse—

(1) established under subsection (a) of this section;

(2) maintained by the clearinghouse for information on incidents of crime and terrorism; and

(3) operated by the Attorney General.

(d) The term ‘‘Director’’ means the Director of the Federal Bureau of Investigation.

(e) The term ‘‘incidents described in subsection (a)’’ means—

(1) a crime and terrorism incident described in subsection (a) of this section;

(2) an incident of crime or terrorism described in subsection (a) which is submitted under paragraph (1) of section 7001 of title 42, United States Code, in the event that the incident is of significance to the United States; and

(3) an incident of crime or terrorism described in subsection (a) which is submitted under paragraph (1) of section 7001 of title 42, United States Code, if the incident is of significance to the United States.

(f) The term ‘‘national crime and terrorism information clearinghouse’’ means the crime and terrorism clearinghouse maintained by the Attorney General.

(g) The term ‘‘police’’ means—

(1) a law enforcement agency;

(2) a law enforcement agency of a foreign country;

(3) any state or local law enforcement agency; or

(4) any other relevant information.

(h) The term ‘‘police department’’ means a unit of local government.

(i) The term ‘‘substantial investigative effort’’ means—

(1) an investigation under subsection (a) which results in a report of the incident to the Attorney General; and

(2) an investigation which is conducted under subsection (b) of this section and results in the submission of a report of the incident to the Attorney General.

(j) The term ‘‘substantial investigative effort’’ means—

(1) the term ‘‘substantial investigative effort’’ as defined in section 551 of title 5, United States Code;

(2) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident; and

(3) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident.

(k) The term ‘‘substantial investigative effort’’ means—

(1) the term ‘‘substantial investigative effort’’ as defined in section 551 of title 5, United States Code;

(2) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident; and

(3) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident.

(1) The term ‘‘police’’ means—

(1) a law enforcement agency;

(2) a law enforcement agency of a foreign country;

(3) any state or local law enforcement agency; or

(4) any other relevant information.

(h) The term ‘‘police department’’ means a unit of local government.

(i) The term ‘‘substantial investigative effort’’ means—

(1) an investigation under subsection (a) which results in a report of the incident to the Attorney General; and

(2) an investigation which is conducted under subsection (b) of this section and results in the submission of a report of the incident to the Attorney General.

(j) The term ‘‘substantial investigative effort’’ means—

(1) the term ‘‘substantial investigative effort’’ as defined in section 551 of title 5, United States Code;

(2) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident; and

(3) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident.

(1) The term ‘‘police’’ means—

(1) a law enforcement agency;

(2) a law enforcement agency of a foreign country;

(3) any state or local law enforcement agency; or

(4) any other relevant information.

(h) The term ‘‘police department’’ means a unit of local government.

(i) The term ‘‘substantial investigative effort’’ means—

(1) an investigation under subsection (a) which results in a report of the incident to the Attorney General; and

(2) an investigation which is conducted under subsection (b) of this section and results in the submission of a report of the incident to the Attorney General.

(j) The term ‘‘substantial investigative effort’’ means—

(1) the term ‘‘substantial investigative effort’’ as defined in section 551 of title 5, United States Code;

(2) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident; and

(3) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident.

(1) The term ‘‘police’’ means—

(1) a law enforcement agency;

(2) a law enforcement agency of a foreign country;

(3) any state or local law enforcement agency; or

(4) any other relevant information.

(h) The term ‘‘police department’’ means a unit of local government.

(i) The term ‘‘substantial investigative effort’’ means—

(1) an investigation under subsection (a) which results in a report of the incident to the Attorney General; and

(2) an investigation which is conducted under subsection (b) of this section and results in the submission of a report of the incident to the Attorney General.

(j) The term ‘‘substantial investigative effort’’ means—

(1) the term ‘‘substantial investigative effort’’ as defined in section 551 of title 5, United States Code;

(2) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident; and

(3) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident.

(1) The term ‘‘police’’ means—

(1) a law enforcement agency;

(2) a law enforcement agency of a foreign country;

(3) any state or local law enforcement agency; or

(4) any other relevant information.

(h) The term ‘‘police department’’ means a unit of local government.

(i) The term ‘‘substantial investigative effort’’ means—

(1) an investigation under subsection (a) which results in a report of the incident to the Attorney General; and

(2) an investigation which is conducted under subsection (b) of this section and results in the submission of a report of the incident to the Attorney General.

(j) The term ‘‘substantial investigative effort’’ means—

(1) the term ‘‘substantial investigative effort’’ as defined in section 551 of title 5, United States Code;

(2) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident; and

(3) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident.

(1) The term ‘‘police’’ means—

(1) a law enforcement agency;

(2) a law enforcement agency of a foreign country;

(3) any state or local law enforcement agency; or

(4) any other relevant information.

(h) The term ‘‘police department’’ means a unit of local government.

(i) The term ‘‘substantial investigative effort’’ means—

(1) an investigation under subsection (a) which results in a report of the incident to the Attorney General; and

(2) an investigation which is conducted under subsection (b) of this section and results in the submission of a report of the incident to the Attorney General.

(j) The term ‘‘substantial investigative effort’’ means—

(1) the term ‘‘substantial investigative effort’’ as defined in section 551 of title 5, United States Code;

(2) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident; and

(3) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident.

(1) The term ‘‘police’’ means—

(1) a law enforcement agency;

(2) a law enforcement agency of a foreign country;

(3) any state or local law enforcement agency; or

(4) any other relevant information.

(h) The term ‘‘police department’’ means a unit of local government.

(i) The term ‘‘substantial investigative effort’’ means—

(1) an investigation under subsection (a) which results in a report of the incident to the Attorney General; and

(2) an investigation which is conducted under subsection (b) of this section and results in the submission of a report of the incident to the Attorney General.

(j) The term ‘‘substantial investigative effort’’ means—

(1) the term ‘‘substantial investigative effort’’ as defined in section 551 of title 5, United States Code;

(2) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident; and

(3) a determination of the Attorney General that an investigation under subsection (a) or (b) of this section must be conducted in order to provide a meaningful investigation of the incident.

(1) The term ‘‘police’’ means—

(1) a law enforcement agency;
"(B) AFTERCARE SERVICES PROGRAM REQUIRED.—In the case of each project of subchapter (A), an aftercare services program meets the requirements of this paragraph if the program—

"(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

"(ii) requires each participant in the program to submit to periodic substance abuse testing; and

"(iii) involves the coordination between the substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

"(I) educational and job training programs;

"(II) parole supervision programs;

"(III) half-way house programs; and

"(IV) participation in self-help and peer group programs; and

"(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

"(e) COORDINATION AND CONSULTATION.—

"(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs assisted with a grant made by the State under this section incorporates applicable components of comprehensive approaches, including relapse prevention and aftercare services.

"(2) RESTRICTION.—A local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grants accounting, auditing, and fund disbursement.

"(f) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

"(1) REPORTING REQUIREMENT.—Not later than March 1 of each year, each local correctional facility that receives a grant under this section shall submit to the Attorney General an application in such form and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount in that year, and containing such information as the Attorney General may reasonably require.

"(2) PERFORMANCE REVIEW.—The Attorney General shall conduct a performance review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

"(b) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).

"(c) TECHNICAL AMENDMENT.—Table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the matter relating to part S, by adding at the end the following:


Subtitle E—Safe School Security

SEC. 1655. SHORT TITLE.

This subtitle may be cited as the “Safe School Security Act of 1999”.

SEC. 1656. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

"(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

"(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

"(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research and analyses, and coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

"(1) $3,700,000 for fiscal year 2000;

"(2) $3,800,000 for fiscal year 2001; and

"(3) $3,900,000 for fiscal year 2002.

SEC. 1657. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

"SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a school security plan and the implementation of the plan from the School Security Technology Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall—

"(A) certify that it has established, or in the case of a new school security program, it has established, a strategic plan that includes a provision for the development of a school security plan and the implementation of the plan; and

"(B) submit an application in such form and contain such information as the Secretary may require, including information relating to the security needs of any agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the grant application submitted under paragraph (2).

"(B) APPLICABILITY.—The provisions of this paragraph shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.".

SEC. 1658. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

"(1) develop a proposal to further improve school security; and

"(2) submit that proposal to Congress.

Subtitle F—Internet Prohibitions

SEC. 1661. SHORT TITLE.

This subtitle may be cited as the “Internet Firearms and Explosives Advertising Act of 1999”.

SEC. 1662. FINDINGS; PURPOSE.

Congress finds the following:

"(1) Citizens have an individual right, under the Second Amendment to the United States Constitution, to keep and bear arms. The Gun Control Act of 1968 and the Firearms Owners Protection Act of 1986 specifically state that it is not the intent of Congress to frustrate the free exercise of that right in enacting Federal legislation. The free exercise of that right includes law abiding firearms owners buying, selling, trading, and collecting guns in accordance with Federal, State, and local laws for whatever lawful use they deem desirable.

"(2) The Internet is a powerful information medium, which has and continues to be an excellent tool to educate citizens on the training, education and safety programs available to use firearms safely and responsibly. It has, and should continue to develop, as a 21st century tool for “e-commerce” and marketing many products, including firearms and sporting goods. Many websites related to these topics are sponsored in large part by the sporting firearms and hunting community.

"(3) It is the intent of Congress that this legislation be applied where the Internet is being exploited to violate the applicable explosives and firearms laws of the United States.

SEC. 1663. PROHIBITIONS ON USES OF THE INTERNET.

(a) In General.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"1931. Criminal firearms and explosives solicitation.

"(a) In General.—Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering fire-
shall be punished as provided under subsection (a).

(2) The circumstance referred to in paragraph (1) is that—

(A) such person knows or has reason to know that such notice or advertisement will be translated into a foreign language for dissemination by computer; or

(B) such notice or advertisement is transported in interstate or foreign commerce by computer.

(b) Penalties.—Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned for not more than 5 years, but if such person has 2 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned for not more than 10 years, but if such person has one prior conviction under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned not less than 10 years nor more than 20 years, except that an organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a juvenile, herein defined as an individual who has not yet attained the age of 18 years, shall be punished by death, or imprisoned for any term of years or for life.

(c) Defenses.—It is an affirmative defense to any proceeding involving this section if the proponent proves by a preponderance of the evidence that—

(1) the advertisement or notice came from—

(A) a web site, notice or advertisement operated by a person licensed—

(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

(ii) under chapter 40 of title 18, United States Code, as a manufacturer, importer, or dealer under the Gun Control Act of 1968;

(B) the site, advertisement or notice, advertised on a web site, notice or advertisement, operated or created by a person licensed—

(i) as a manufacturer, importer, or dealer under section (b); or

(ii) under chapter 40 of title 18, United States Code, to engage in transportation in interstate or foreign commerce of firearms and ammunition by computer;

(2) the advertisement or notice came from—

(A) a web site, notice or advertisement operated by a person licensed—

(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

(ii) under chapter 40 of this title; and

(B) the site, advertisement or notice, advertised on a web site, notice or advertisement, operated or created by a person licensed—

(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

(ii) under chapter 40 of this title; and

the advertisement or notice came from—

(A) a web site, notice or advertisement operated by a person licensed—

(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

(ii) under chapter 40 of this title; and

(B) the site, advertisement or notice, advertised on a web site, notice or advertisement, operated or created by a person licensed—

(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

(ii) under chapter 40 of this title; and

the advertisement or notice came from—

(A) a web site, notice or advertisement operated by a person licensed—

(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

(ii) under chapter 40 of this title; and

(B) the site, advertisement or notice, advertised on a web site, notice or advertisement, operated or created by a person licensed—

(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

(ii) under chapter 40 of this title; and

that, in the event of any agreement to sell or exchange the firearm pursuant to such posting or listing, the firearm be transferred to that person for disposition through a Federal firearms licensee, where the Gun Control Act of 1968 requires transfer to be made through a Federal firearms licensee.

(b) Technical and Conforming Amendment.—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 909 the following:

"931. Criminal firearms and explosives solicitations.".

SEC. 1664. Effective Date.

The amendments made by sections 1661–1663 shall take effect beginning on the date that is 180 days after the enactment of this Act.

Subtitle G—Partnerships for High-Risk Youth

SEC. 1671. Short Title.

This subtitle may be cited as the "Partnerships for High-Risk Youth Act".

SEC. 1672. Findings.

Congress finds that—

(1) violent juvenile crime rates have been increasing in the United States, schools, causing a many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teen-

agers in the United States, which is 26 per cent higher than the number of such teen-

agers in 1990 and the largest number of teen-

agers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime, including, but not limited to, the United States schools, such as use of faith-based and grass-roots initiatives; and

(7)(A) a strong partnership among law enforce-

ment, juvenile justice, family, schools, businesses, charitable organizations, family, and the religious community can create a community envi-

ronment that youth is able to feel the pres-

sure and reduces the occurrence of juvenile crime; and

(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. 1673. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and em-

ploy effective approaches for improving the lives and futures of high-risk youth and their communities.

(2) To document best practices for con-

ducting successful interventions for high-

risk youth, based on the results of local ini-

tiatives.

(3) To produce lessons and data from the operating experience from those local initia-

tives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. 1674. Establishment of Demonstration Project.

(a) In General.—The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to Public-Private Ventures, Inc. to enable Public-Private Ventures, Inc. to award grants to eligible partnerships to pay for the Federal share of the cost of car-

rying out collaborative intervention pro-

grams for high-risk youth, described in sec-

tion 1676, in the following 12 cities:

(1) Boston, Massachusetts.

(2) New York, New York.


(4) Pittsburgh, Pennsylvania.

(5) Detroit, Michigan.

(6) Denver, Colorado.

(7) Seattle, Washington.

(8) Cleveland, Ohio.

(9) San Francisco, California.

(10) Austin, Texas.

(11) Memphis, Tennessee.

(12) Indianapolis, Indiana.

(b) Federal Share.—

(1) In General.—The Federal share of the cost, described in subsection (a), shall be 70 percent.

(2) Non-Federal Share.—The non-Federal share of the cost may be provided in cash.

SEC. 1675. Eligibility.

(a) In General.—To be eligible to receive a grant under section 1674, a partnership—

(1) shall submit an application to Public-

Private Ventures Inc. at such time, in such man-

ner, and containing such information as Public-Private Ventures, Inc. may require;

(2) shall enter into a memorandum of un-

derstanding with Public-Private Ventures, Inc.; and

(3)(A) shall be a collaborative entity that includes representatives of local government, juvenile detention service providers, local law enforcement, probation officers, youth street workers, and local educational agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and

(B) shall serve a city referred to in section 1674.

(b) Selection Criteria.—In making grants under section 1674, Public-Private Ventures, Inc. shall consider—

(1) the ability of a partnership to design and implement a local intervention program for high-risk youth;

(2) the past experience of the partnership, and key participating individuals, in inter-

vention programs for youth and similar community activities; and

(3) the experience of the partnership in working with other community-based orga-

nizations.

SEC. 1676. Uses of Funds.

(a) Programs. Public-Private Ventures Inc. shall consider—

(1) Core Features.—An eligible partner-

ship that receives a grant under section 1674 shall use the funds made available through the grant to carry out an intervention program that includes the following features:

(A) Target Group.—The program will tar-

get a group of youth (including young adults) who—

(i) are high risk of—

(1) leading lives that are unproductive and negative;

(II) not being self-sufficient; and

(III) becoming incarcerated; and

(ii) are likely to cause pain and loss to other individuals and their communities.
SEC. 1681. SHORT TITLE.

This subtitle may be cited as the “National Youth Violence Commission Act”.

SEC. 1682. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the “Commission”). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 1693. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(c) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime prevention;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of education;

(iii) 1 member who is a recognized religious leader;

(iv) 1 member who is a recognized law enforcement officer.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of human services;

(ii) 1 member who is a recognized leader in human services.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime prevention;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of education;

(iii) 1 member who is a recognized religious leader;

(iv) 1 member who is a recognized law enforcement officer.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of human services;

(ii) 1 member who is a recognized leader in human services.

SEC. 1683. NATIONAL YOUTH VIOLENCE COMMISSION ACT.

The National Youth Violence Commission Act may be cited as the “National Youth Violence Commission Act”.

SEC. 1684. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a grassroots entity referred to in section 1683 shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(b) SELECTION CRITERIA.—In awarding grants under this subtitle, the National Center shall consider—

(1) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(2) the engagement of local organizations in a grassroots entity with other local organizations; and

(3) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

SEC. 1685. USES OF FUNDS.

(a) IN GENERAL.—Funds received under this subtitle may be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development, technical assistance, and training, comprehensive support services and local agency partnerships, and activities to further community objectives in reducing youth crime and violence.

(b) GUIDELINES.—The National Center will promulgate guidelines to ensure the effective use of grant funds.

SEC. 1686. REPORTS.

The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

SEC. 1687. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $1,000,000 for each of the fiscal years 2000 through 2004.

Subtitle H—National Youth Crime Prevention

SEC. 1688. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for administrative costs, technical assistance, and training, comprehensive support services to the youth (including young adults).
(ii) 1 member who meets the criteria for eligibility under paragraphs (1) and (2) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum necessary to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission’s business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 1693. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict access to certain firearms, and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including any tamper-resistant devices, and any impact of such information on incidents of youth violence.

(ii) the date of the appointment of the last member of the Commission; or

(iii) the date of the appointment of the last member of the Commission.

(b) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 1694(a), test the testimony of parents and students and learn and memorialize their views and experiences regarding incidents of youth violence.

(c) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the first meeting, the Commission shall submit to the President and Congress a comprehensive report of the Commission’s findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports required under the Commission by any entity under contract for research under section 1694(e); and

(B) any other material relied on by the Commission in the preparation of the Commission’s report.

SEC. 1694. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 1693.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1921 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission’s duties under section 1693. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission’s duties under section 1693. A copy of any subpoena issued under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the person producing such materials to answer, either through a sworn deposition or through written answers, any other questions relevant to the examination. Any person upon whom the subpoena is served, to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena in the required form and after reasonable notice, and shall certify to the Commission the authenticity and completeness of all materials or information submitted. The provisions of section 1601 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(c) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1605 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission, the head of such department or agency, or any person acting or transacting business on behalf of the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1605 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission for the purpose of the purpose of reviewing, receiving, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1605 of title 18, United States Code.

(d) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission’s duties under section 1693.
SEC. 1695. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay payable to level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—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, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate such director and such additional personnel as may be necessary or advisable to enable the Commission to perform its duties. The employment and termination of an individual shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of 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 such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of said title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detail to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) 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 said title.

SEC. 1696. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated under this authority may be used without fiscal year limitation, until expended.

SEC. 1697. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 1696(a).

Subtitle J—School Safety

SEC. 1698. SHORT TITLE.

This subtitle may be cited as the “School Safety Act of 1999”.

SEC. 1699. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 619(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting ‘‘(other than a gun or firearm)’’ after ‘‘weapon’’;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

‘‘(10) DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.—

(A) AUTHORITY OF SCHOOL PERSONNEL WITH REGARD TO GUNS OR FIREARMS.—

(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or at a school function under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (A) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

(B) FREE APPROPRIATE PUBLIC EDUCATION.—

(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under paragraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

(C) RELATIONSHIP TO OTHER REQUIREMENTS.—

(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this paragraph, other than this paragraph.

(D) FIREARM.—The term ‘‘firearm’’ has the meaning given the term under section 921 of title 18, United States Code.’’.

(b) CONFORMING AMENDMENT.—Section 619(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking ‘‘Whenever’’ and inserting the following: ‘‘Except as provided in section 615(k)(10), whenever’’.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore pursuant to Public Law 94–201, as amended by Public Law 105–275, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress: Janet L. Brown, of South Dakota, and Mickey Hart, of California.

MEASURE READ THE FIRST TIME—S. 1138

Mr. GRASSLEY. Mr. President, a bill by Senators Mccain and Dodd is at the desk. I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1138) to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce.

Mr. GRASSLEY. I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

DECLARE PORTION OF JAMES RIVER AND KANAWHA CANAL IN RICHMOND, VIRGINIA, NONNAVIGABLE WATERS

Mr. GRASSLEY. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 118, H.R. 1034.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1034) to declare a portion of the James River and Kanawaha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

There being no objection, the Senate proceeded to the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1034) was considered read the third time and passed.
May 26, 1999

LEWIS R. MORGAN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. GRASSLEY. On behalf of Senator Lugar, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1121 and that the Senate then proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1121) to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the “Lewis R. Morgan Federal Building and United States Courthouse”:

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

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed.

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

The bill (H.R. 1121) was considered read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. I ask unanimous consent that the Senate immediately proceed to executive session to consider en bloc the following nominations on the Executive Calendar: Nos. 15, 72, 73, 74, 75, 76, 77 through 91, and all nominations on the Secretary’s desk in the Air Force, Army, Marine Corps, and Navy. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear in the Congressional Record.

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

The bill (H.R. 1121) was considered read the third time and passed.

CONGRESSIONAL RECORD—SENATE

11091

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general
Brig. Gen. Robert R. Blackman, Jr., 0141
Brig. Gen. William G. Bowdon III, 2940
Brig. Gen. James T. Conway, 2270
Brig. Gen. Arnold Fields, 0640
Brig. Gen. Jan C. Huly, 6184
Brig. Gen. Jerry D. Humbles, 2378
Brig. Gen. Frank W. Knaus, Jr., 2948
Brig. Gen. Harold Maschburn, Jr., 6435
Brig. Gen. Gregory S. Newbold, 6783
Brig. Gen. Clifford L. Stanley, 4000

To be lieutenant general
Maj. Gen. Paul V. Hester, 2071

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)
Capt. Craig R. Quigley, 1769

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 634:

To be colonel
Brig. Gen. Robert A. Harding, 6107

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Paul V. Hester, 2071

DEPARTMENT OF DEFENSE

Lorraine Fratte Lewis, of the District of Columbia, to be Inspector General, Department of Education.

To be inspector general
Mr. Kent M. Wiedemann, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Kingdom of Cambodia.

THE JUDICIARY

Hiram E. Puig-Lugo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

To be brigadier general
Col. James A. Stead, Jr., 9606

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general
Brig. Gen. Roger A. Brady, 6581

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Raymond P. Ayres, Jr., 5986

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Earl B. Halston, 8306

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be major general
Brig. Gen. Robert R. Blackman, Jr., 0141
Brig. Gen. William G. Bowdon III, 2940
Brig. Gen. James T. Conway, 2270
Brig. Gen. Arnold Fields, 0640
Brig. Gen. Jan C. Huly, 6184
Brig. Gen. Jerry D. Humbles, 2378
Brig. Gen. Frank W. Knaus, Jr., 2948
Brig. Gen. Harold Maschburn, Jr., 6435
Brig. Gen. Gregory S. Newbold, 6783
Brig. Gen. Clifford L. Stanley, 4000

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 (lower half)
Capt. Craig R. Quigley, 1769

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 634:

To be lieutenant general
Maj. Gen. Paul V. Hester, 2071

DEPARTMENT OF EDUCATION

Mr. GRASSLEY. On behalf of Senator Lugar, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1121 and that the Senate then proceed to its immediate consideration.

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

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general
Col. Thomas J. Nicholson, 4342
Col. Douglas V. Odell, Jr., 02171
Col. Cornell A. Wilson, Jr., 9123

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general
Brig. Gen. Roger A. Brady, 6581

IN THE MARINE CORPS

The following named officer for appointment as the Vice Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be general
Lt. Gen. John M. Keane, 9656

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Raymond P. Ayres, Jr., 5986

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Earl B. Halston, 8306

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Raymond P. Ayres, Jr., 5986

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Earl B. Halston, 8306

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Raymond P. Ayres, Jr., 5986

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nomination of Donna R. Shay, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Joseph B. Hines, and ending Peter J. Molski, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nomination of Timothy P. Edinger, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nomination of Chris A. Phillips, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Robert B. Heathcock, and ending James B. Mills, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Paul B. Little, Jr., and ending John M. Shepherd, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Bryan D. Baugh, and ending Jack A. Woodford, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.
Mr. M. CONNELL. Mr. President, I would like to make three comments on the nomination of Mr. Kent Wiedemann, a career foreign service officer slated to be the next U.S. Ambassador to the Kingdom of Cambodia. Let me say at the outset: I strongly oppose this nomination.

First, it is apparent that Mr. Wiedemann has done little to further the cause of democracy in Burma where he has been Charge in Rangoon for the past several years. When we met in my office a few months ago, I asked him to cite specific instances where he supported Burmese democracy activists. Mr. Wiedemann produced a single letter from democracy leader Aung San Suu Kyi. However, he could not cite a single action or activity that he undertook on the ground to help strengthen justice and freedom in Burma. Not one.

In addition, I asked the Senate Foreign Relations Committee to request copies of all statements or speeches Mr. Wiedemann gave while serving in Burma which support the U.S. policy to restore the legitimate government of Aung San Suu Kyi, we knew of no efforts by Mr. Wiedemann.

These are not my words; they are those of courageous Burmese men and women who stand for principles and justice. Yet, less than one month after the passing of Aung San Suu Kyi's husband, I understand that Mr. Wiedemann again requested a letter from her in support of his nomination. He seems more interested in personal and career promotion than advancing the cause of freedom in Burma.

Second, Mr. Wiedemann is simply the wrong American representative to send to Cambodia at this difficult time. My colleagues may be interested to know that in March, I visited that war-ravaged country and was not encouraged by what I saw and heard. From Khmer Rouge trials to narcotics trafficking by the Cambodian military to rampant corruption and pervasive lawlessness, the next U.S. Ambassador must be a vocal advocate of human rights and the rule of law. When Mr. Wiedemann's nomination was being considered last year, Prince Norodom Ranariddh—then the First Prime Minister who had been ousted in July 1997—and Sam Rainsy—an opposition leader who has survived two assassination attempts since March 1997—expressed their grave concerns:

We urge you not to replace Ambassador Kenneth Quinn after his term expires in Phnom Penh, and certainly not with Kent Wiedemann who we believe may be less than supportive of the cause of democracy in Cambodia.

Other Cambodian democracy activists have since joined the chorus of concern with his nomination. Again, in their own words:

We are deeply concerned that Mr. Wiedemann will court CPP [the Cambodian People's Party] strongman Hun Sen—at the expense of the democratic opposition—in an attempt to win him over.

This particular nomination sends the wrong message at the wrong time to the government characterized by lawlessness and corruption. Mr. Wiedemann may lack the credentials to effectively promote American interests in Cambodia. He is not known as a vocal supporter of democracy in Southeast Asia.

Despite my strong beliefs and the legitimate fears of those who would be most affected by Mr. Wiedemann's appointment, it is clear that he will be confirmed by the Senate. Therefore, let me make clear my expectations of Mr. Wiedemann once he receives his credentials in Phnom Penh.

I expect him to meet regularly and publicly with opposition political party leaders as well as democracy and human rights activists. I expect him to openly embrace and actively encourage the rule of law in Cambodia, even if this causes tensions with Prime Minister Hun Sen and his ruling CPP Party.

I expect him to support international and local nongovernmental organizations in Phnom Penh committed to legal and political reforms. And, I expect that he will not shirk the awesome responsibilities as the American people's representative to Cambodia, a task that President Ronald Reagan described in February 1983:

The task that has fallen to us as Americans is to move the conscience of the world, to keep alive the hope and dream of freedom. For if we fail or falter, there'll be no place for the world's oppressed to flee to. This is not the role we sought. We preach no manifest destiny. But like the Americans who brought a new nation into the world 200 years ago, history has asked much of us in our time. (February 18, 1983).

Mr. President, it is my hope that Mr. Wiedemann will do this job in Cambodia supporting democracy, human rights, and the rule of law than his lackluster performance in Burma. I will be following his tenure in Cambodia to ensure that he does.

I do not think one Senator should have this nomination on hold for more than a year. During that time, Mr. Wiedemann has waged a campaign to support his nomination, energy which might have been better directed by securing the declared U.S. goal of restoring the National League for Democracy to office. Nonetheless, I do not think one Senator should thwart the nomination process. So, I leave it to my colleagues to allow his nomination to move forward. I, for one, want it to move forward.

Mr. REID. Mr. President, I want to say that we in the Senate tend to look at these nominations as mere numbers. Because we deal with so many nominations in this body, we tend to forget that these numbers stand for real people whose lives and dreams we are deciding upon.

I would like to talk in particular about one of these numbers, number 77. He is someone who, in a way, represents all of these numbers.

Number 77—otherwise known as Dr. Ikram Khan—is a resident of the State of Nevada, and one of the most important citizens we have in Nevada. He has served on the Nevada State Board of Medical Examiners. He has been involved in many, many charitable activities over the course of the past two decades. He is a skilled physician, an outstanding surgeon. He comes from a very substantial family, a family that is highly regarded in the State of Nevada.

I say these things because Dr. Khan is an outstanding man. And he is all the more remarkable because he is a new citizen of the United States—he immigrated from Pakistan. What exemplifies what is good about our country. He is someone who has come here from another country on another continent, arrived in the United States, and hit...
the ground running. He worked hard and made a name for himself and his family and built a successful career in a very short time.

And he was able to do all of that while taking the time to help others. I’m not even including those whose health and lives he has saved in his medical practice. I can’t think of an event held in Nevada involving the public good that he has not been involved with in some way. We recently inaugurated a new Governor of the State of Nevada. Dr. Khan served very capably on his transition team.

In short, number 77 is an outstanding person, just as are all of these people who are numbered here, 18, 72, 73, 74, 77 through 91. It’s regrettable that we here tend to rush through these nominations, for each one of these people will dedicate significant time and effort in service to this country.

Many of these nominations are of men and women who are being promoted to general officers in the armed forces, or are being promoted within the rank of general. Dr. Khan, however, will serve as a Member of the Board of Regents of the Uniformed Services University of the Health Sciences, a nomination that I think sets him apart even in this group of good and able men and women. He will serve the University and the country at his own expense. He will devote many hours and days and weeks of his time doing this, and he does it willingly.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, MAY 27, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order, following some remarks I am going to make.

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

OLDER AMERICANS MONTH

Mr. GRASSLEY. Mr. President, Older Americans Month is drawing to a close. Before it ends, I would like to describe another Iowan whose accomplishments reflect an ageless spirit.

MARGARET SWANSON

Margaret Swanson of Des Moines has been called the city’s “best known and most beloved volunteer.” Approaching age 80, she has completed 50 years of volunteer service.

Despite her pledge to slow down, she still maintains a heavy schedule. She estimates that she volunteers 20 hours to 25 hours a week. Sometimes, she has four or five board meetings in a single day.

New causes present themselves, and Mrs. Swanson is not of a mind to say no. Her varied interests have included the Iowa Lutheran Hospital, the American Red Cross, the Girl Scouts, the East Des Moines Chamber of Commerce and the Iowa Caregivers Foundation. She identifies a need, immerses herself in the task and produces the desired result.

When her church needed an elevator, she raised money to buy one. When a used car center tried to open in her neighborhood, she fought for a day care center instead. When a home for children had an out-of-tune piano, she found an inexpensive tuner. No challenge appears too large or too small for her attention.

Mrs. Swanson’s volunteer work has earned her such esteem that other community activists clear their ideas with her before proceeding. Her fellow volunteers prize her knowledge and judgment.

Age doesn’t seem to play a role in Mrs. Swanson’s approach to volunteerism. She is an outstanding volunteer, rather than an outstanding senior volunteer. Growing older means only that she brings more experience and more wisdom to her work. In volunteerism, as in so many other aspects of life, maturity is an asset, certainly not a liability.

During Older Americans Month, I want to thank Mrs. Swanson for her limitless gifts of time and energy to the citizens of Des Moines. By setting high standards of altruism, and by inspiring new generations of volunteers, Mrs. Swanson perfectly illustrates the theme of Older Americans Month, “Honor the Past, Imagine the Future: Toward a Society for All Ages.”

ED JOHNSTON

Mr. GRASSLEY. Mr. President, there is a saying that success is the repetition of meaningful acts day after day. The most successful individuals identify a single purpose and work toward that cause in any capacity they can find.

An Iowan named Ed Johnston perfectly fits this definition of success. Mr. Johnston, of Humboldt, Iowa, tirelessly devotes his days to helping people with disabilities. He serves on the Governor’s Developmental Disabilities Council, a position he earned after immersing himself in learning about the agencies that serve those with disabilities.

Several days a week, he volunteers at the Humboldt County Courthouse to help people with special needs in five surrounding counties. He interacts with legislators about the importance of providing proper job training to persons with disabilities. He offers his expertise when someone seeks a wheelchair ramp or assistive technology to accommodate a physical need.

Mr. Johnston brings the invaluable insight into his work of someone who has lived the life of the people he seeks to help. He himself has a physical disability, although no one would consider him limited in any way.

Those familiar with his work admire his compassion and persistence. He is able to navigate the layers of government agencies that sometimes appear impenetrable to those who need services.

Another impressive element of Mr. Johnston’s advocacy work is that it is his second career. In the early 1990s, he retired after 38 years of running his own shoe repair business and devoted himself to his current vocation.

The Humboldt Independent newspaper called Mr. Johnston “a man on the move.” The description is accurate. He moves government agencies, legislators and his community to respond to the needs of persons with disabilities.

At age 64, Mr. Johnston is the youngest of the Iowans I have honored during Older Americans Month. I wish him many more years of his priceless work.

FRED AND FERN ROBB

Mr. GRASSLEY. Mr. President, the Fairfield Ledger of Fairfield, IA, printed a photo of a newly married couple earlier this month. The groom is wearing a stylish suit and a wide smile. The equally resplendent bride has eyes only for her new husband.

The couple is picture-perfect, just like any other couple starting a new life together. Unlike any other couple, the groom in this case is age 102.

Mr. ROBB. Mr. President, the couple is Mr. and Mrs. FRED AND FERN ROBB. Their marriage, however, is not a liability.
The Rev. Fred Robb of Washington, Iowa, married Fern Claxton, 25 years younger, at the Presbyterian Church in Birming- ham, Alabama, on April 9, 1999. The couple renewed an old friendship at the Rev. Robb's 100th birthday celebra-
tion in 1996. Among other meetings, they shared in the 100th birthday celebra-
tion of the minister's brother, Milt Robb, in January.

The Rev. Robb is one of more than 750 centenarians in Iowa. I don’t know for a fact, but I’d bet many of them ap-
proach aging with the same positive spirit as the Rev. Robb.

I run into a lot of older Iowans who don’t impose unnatural limits on them-
selves because of their age. They don’t stop doing what’s important to them just because the calendar reflects a certain milestone. These individuals are agreeable, not due to the years they have lived but in their approach to life. One of my favorite examples of an age-
less Iowan is a 92-year-old woman who was in a hurry because she said she had to deliver meals to the “old people.”

During my time in office, I want to congratulate Fred and Fern Robb on their ageless spirit and wish them a happy life together. By defying the conventional wisdom that newly-
weds must be young, the Robbs advance the theme of Older Americans Month: “Honor the Past, Imagine the Future: Toward a Society for All Ages.”

BIRDS THAT DON’T FLY

Mr. GRASSLEY. Mr. President, I would like to draw the Senate’s attention to a growing embarrassment in our efforts to support counter-drug programs in Mexico. The story would be funny if it weren’t so serious and had not been going on for so long.

In 1996, the Department of Defense began the process of giving 73 surplus UH-1H helicopters—Hueys—to Mexico to assist in counter smuggling operations. The President approved this transfer in September and the heli-
copters began arriving in December.

The main justification at the time for this contribution was to stop major air smuggling into Mexico. The Colombi-
an and Mexican drug cartels were flying large quantities of drugs into Mex-
ico in private airplanes. Sometimes these were multiple flights, sometimes single ones. Usually they were twin-engine propeller-driven aircraft, but oc-
casionally they were larger, commer-
cial-sized cargo jets. Earlier in the 1990’s, the U.S. State Department had instituted a program with Mexico’s At-
torney General of developing a heli-
copter-based interdiction force. One can only assume that DoD sought to engage Mexico’s military in a similar way. Somewhere along the way, how-
ever, something went wrong.

Here’s one for the books. We have a civilian State Department program with the civilian Attorney General’s office in Mexico operating an air force that works. And we have the U.S. mili-
tary trying to fly the helicopters of the Mexican military to operate an air force that doesn’t work.

It not only doesn’t work, it does not have a purpose, so far as I can tell. I have asked the GAO to look at this twice, and they have had a problem in identifying a purpose or results.

I have asked the Defense Department and it seems to be stumped as well. The Mexican Government is puzzled. We ought to be dumbfounded.

Today, none of the 70-plus helicopters is flying. No one can tell me when they might be flying. No one seems to know how many might fly if they ever do. No one seems to know what they are to do if they do fly. It is unclear how they can tell us we gave Mexico a capability at all will cost. Or who is going to pay. Since no one knows the answer to any of these questions, no one can tell me how many helicopters might be needed. Is 70 too many? No one knows. Is this any way to run a government?

I cannot seem to get a straight-
forward answer from the Administr-
tion about what the plan for these heli-
copters is. As one U.S. embassy official noted to my staff last year, what to do with and about the helicopters is a muddle. It is a muddle all right, but it is one of our making.

When plans were first announced about putting these helicopters in Mex-
ico, I began asking about the need for radars. Mexico lacks any sustained radar coverage of its southern ap-
proaches. If you are planning an air interdiction program, it would seem logical to include a plan for developing the eyes needed to make the program work. I got no work from both U.S. and Mexican officials to questions about radars was a deafening silence. Or vague promises. I kept asking. Fi-

ally, after about six months, the U.S. and Mexican Administrations informed me that no radars were necessary. And why? Because there was no longer a major air trafficking threat; it was mostly maritime. And when did we know there was no longer a major air threat? In 1995. And when did we give Mexico the helicopters? In 1996. So far as I can tell, we gave Mexico a capability to deal with a problem that both countries knew we no longer faced. Today the threat is mostly maritime. So why helicopters?

Well, having taken that on board, the next question is, what are we going to have the helicopters do? It turns out that the best idea is to have them ferry troops around to chop poppies or mari-
juana. But this is mostly in the moun-
tains and the helicopters aren’t very capable in the mountains. And how many helicopters are needed? It turns out there is no very clear answer. But before we got very far down that road, a problem was discovered that ground all Hueys in 1998. This necessitated a worldwide assess-
ment of the air worthiness of the equipment. Although this was eventu-
ally it happens, Hueys are old, Viet-
am War-vintage aircraft. They are still serviceable, but they are aging and need a lot of care and feeding. It is also harder to get spare parts for them.

And being old, they are sometimes cranky. We gave Mexico 73 of these birds in the spirit of cooperation. So, today, the helos in Mexico have been on the ground becoming very expensive museum-quality memorials to the United States-Mexican partnership. After three years of asking, no satisfactory answers or justifications for flying the equipment is in doubt. So even if we could get the birds up tomorrow, it is not clear that the air crews are qualified to fly them. And we still aren’t sure what they are sup-
pposed to do if we did. We are not even sure at this point if the Mexicans still want the helos.

It is in this environment that I have asked the Department of Defense to provide me and Congress with a plan. Since no one in the past two to three years seems to have a clue about what we are doing, I think it is reasonable and prudent to have a plan on the record. This is not rocket science. But so far, I have not had much luck. Now, you would think that there would al-
ready be a plan.

Given the importance of our drug co-
operation with Mexico it would not be unreasonable to expect one. We have bilateral agreements. We have bina-
tional strategies. We have joint meas-
ures. But it is unreasonable to expect one. We have had “high-level contact group” meetings at great public expense to both countries. But apparently we have no plan. We have had recently several Administra-
tion visits to Mexico and more discus-
sions. But apparently we have not.

The administration cannot seem to tell the differ-
ence between “talking” and a “plan.”

I, for one, do not think that this is a situation we can accept any longer. When we are asking, one has to begin to wonder just what it is we think we are doing. I have not men-
tioned the C-26 airplanes that we gave to Mexico and other countries for which there appears to be just as much lack of thinking. That is for another time. But there is one more piece to the helicopter story.

As of last week, a new problem has developed and all Hueys are grounded again. This doesn’t affect the heli-
copters in Mexico since they weren’t flying anyway, but it leaves us even more in doubt. The result is an embarr-
sament for both countries.

I yield the floor.
CONGRESSIONAL RECORD—SENATE

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

THE PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 9:04 p.m., adjourned until Thursday, May 27, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations made by the Senate May 26, 1999:

DEPARTMENT OF STATE

A FETER BURLEIGH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SERVICE, AS INDICATED:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SERVICE, AS INDICATED:

FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE OF THE UNITED STATES IN- JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SERVICE, AS INDICATED:

To be major general:

Thereupon, the Senate, at 9:04 p.m., Executive nominations received by the Senate for appointment for the term expiring August 13, 2000 (REAPPOINTMENT):

FOREIGN SERVICE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZED FOR A TERM EXPRESSLY AUTHORIZE
CONGRESSIONAL RECORD—SENATE

May 26, 1999

11099

To be lieutenant commander

MICHAELE. P. BURNS, 0000

Lorenzo D. Bernal, 0000

The following-named officers for appointment to the grade indicated in the united states navy under title 10, u.s.c., sections 624 and 628:

To be captain

DOUGLAS G. MACKREA, 0000

MICHAEL E. FELDMANN, 0000

JAMIS S. VACHON, 0000

SUSAN E. JANNUZZI, 0000

To be commander

JEAN R. KEIBLE, 0000

RONNIE C. KING, 0000

JOHN J. POMERFILLY, 0000

Mladen K. Vraskan, 0000

The following-named officer for appointment to the grade indicated under title 10, u.s.c., section 12200:

To be rear admiral

RABA. L. JOHNSON, 0000

RABA. L. JOHN F. COTTON, 0000

RABA. L. VERNON P. HARRISON, 0000

RABA. L. ROBERT C. MARLAY, 0000

RABA. L. STEVEN R. MORGAN, 0000

The following-named officers for appointment to the grade indicated in the united states marine corps under title 10, u.s.c., section 12200:

To be rear admiral

RABA. L. JOHN F. BRUNELLI, 0000

RABA. L. JOHN N. COSTAS, 0000

RABA. L. ROBERT A. STIERKE, 0000

The following-named officer for appointment to the grade indicated in the united states navy under title 10, u.s.c., section 624:

To be rear admiral (lower half)

CAPT. CRAIG R. QUIGLEY, 0000

CAPT. CRAIG R. QUIGLEY, 0000

CAPT. CRAIG R. QUIGLEY, 0000

CAPT. CRAIG R. QUIGLEY, 0000

To be brigadier general

HARRY A. AXSON, JR., 0000

GUY M. BOURN, 0000

RONALD L. HUNGER, JR., 0000

RENO BUTLER, 0000

WILLIAM C. COWALL, IV, 0000

RANDAL R. CASTRO, 0000

STEPHEN J. CURRY, 0000

ROBERT DECKER, 0000

ANN E. DUNWOODY, 0000

WILLIAM J. EDWARDS, 0000

LESLIE L. FULLER, 0000

DAVID F. GROSS, 0000

EUGENE R. HARBER, 0000

KEITH E. ROBERTS, 0000

RABI. A. HUGHES, 0000

RABI. A. JOHN B. COTTON, 0000

RABI. A. JOHN G. HARRISON, 0000

RABI. A. ROBERT C. MARLAY, 0000

RABI. A. STEVEN R. MORGAN, 0000

RABI. A. ROBERT A. STIERKE, 0000

The following-named officer for appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, u.s.c., section 661:

To be brigadier general

COL. JAMES M. HILDRETH, JR., 0000

COL. JAMES M. HILDRETH, JR., 0000

COL. JAMES M. HILDRETH, JR., 0000

COL. JAMES M. HILDRETH, JR., 0000

The following-named officer for appointment in the united states army to the grade indicated while assigned to a position of importance and responsibility under title 10, u.s.c., section 661:

To be general

LT. GEN. JOHN M. KEANE, 0000

LT. GEN. JOHN M. KEANE, 0000

LT. GEN. JOHN M. KEANE, 0000

LT. GEN. JOHN M. KEANE, 0000

The following-named officer for appointment in the reserve of the united states marine corps to the grade indicated under title 10, u.s.c., section 12200:

To be general

Maj. Gen. RAYMOND P. ATKINS, JR., 0000

Maj. Gen. RAYMOND P. ATKINS, JR., 0000

Maj. Gen. RAYMOND P. ATKINS, JR., 0000

Maj. Gen. RAYMOND P. ATKINS, JR., 0000

The following-named officer for appointment in the united states navy to the grade indicated while assigned to a position of importance and responsibility under title 10, u.s.c., section 661:

To be general

BRIG. Gen. ROBERT A. BRAUN, 0000

BRIG. Gen. ROBERT A. BRAUN, 0000

BRIG. Gen. ROBERT A. BRAUN, 0000

BRIG. Gen. ROBERT A. BRAUN, 0000

The following-named officer for appointment in the united states air force to the grade indicated while assigned to a position of importance and responsibility under title 10, u.s.c., section 661:

To be general

BRIG. Gen. FRANK L. HILL, 0000

BRIG. Gen. FRANK L. HILL, 0000

BRIG. Gen. FRANK L. HILL, 0000

BRIG. Gen. FRANK L. HILL, 0000

The following-named officer for appointment in the united states air force to the grade indicated under title 10, u.s.c., section 624:

To be major

DONNA J. RAY, 0000

DONNA J. RAY, 0000

DONNA J. RAY, 0000

DONNA J. RAY, 0000

The following-named officer for appointment in the united states army to the grade indicated under title 10, u.s.c., section 624:

To be major

PETE. J. SELLERS, 0000

PETE. J. SELLERS, 0000

PETE. J. SELLERS, 0000

PETE. J. SELLERS, 0000

The following-named officer for appointment in the united states air force to the grade indicated while assigned to a position of importance and responsibility under title 10, u.s.c., section 661:

To be general

BRIG. Gen. ROBERT A. BRAUN, 0000

BRIG. Gen. ROBERT A. BRAUN, 0000

BRIG. Gen. ROBERT A. BRAUN, 0000

BRIG. Gen. ROBERT A. BRAUN, 0000

The following-named officer for appointment in the united states air force to the grade indicated while assigned to a position of importance and responsibility under title 10, u.s.c., section 661:

To be general

BRIG. Gen. ROBERT A. BRAUN, 0000

BRIG. Gen. ROBERT A. BRAUN, 0000

BRIG. Gen. ROBERT A. BRAUN, 0000

BRIG. Gen. ROBERT A. BRAUN, 0000

Army nominations beginning Joseph R. Bines, and ending "Peter J. Moll, which nominations were
To be lieutenant colonel

TIMOTHY P. EDINGER, 0000

To be lieutenant colonel

CHRIS A. PHILLIPS, 0000

Army nominations beginning Robert B. Heathcock, and ending James B. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 1999.

Army nominations beginning Paul B. Little, Jr., and ending John M. Shepherd, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 1999.

Army nominations beginning Bryan D. Baugh, and ending Jack A. Woodford, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 1999.

In the Marine Corps

Marine corps nominations beginning Dale A. Crabtree, Jr., and ending Kevin P. Toomey, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 1999.

Marine corps nominations beginning James C. Addington, and ending David J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 1999.

Marine corps nominations beginning James C. Andrus, and ending Philip A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 1999.

In the Navy

The following-named officer for appointment to the grade indicated in the United States Naval Reserve under Title 10, U.S.C., section 12203:

To be captain

DON A. FRASIER, 0000

The following-named officer for temporary appointment to the grade indicated in the U.S. Navy under Title 10, U.S.C., section 5721:

NOBERTO G. JIMENEZ, 0000

Navy nominations beginning Neil R. Bourassa, and ending Steven D. Tate, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 1999.

Navy nominations beginning Basilio D. Brna, and ending Harold T. Workman, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 1999.

WITHDRAWAL

Executive message transmitted by the President to the Senate on May 26, 1999, withdrawing from further Senate consideration the following nomination:

Executive Office of the President

MYRTA K. SALE, OF MARYLAND, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE G. EDWARD DESERVE WHICH WAS SENT TO THE SENATE ON JANUARY 7, 1999.
The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SUNUNU).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.
May 26, 1999.
I hereby appoint the Honorable JOHN E. SUNUNU to act as Speaker pro tempore on this day.
J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

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

We learn from the book of Psalms that we should make a joyful noise to You, O God, and that we should break forth into joyous song and sing praises. With all of the suffering and pain in the world, let us begin our day by giving thanks to You, gracious God, for Your goodness and Your love to us and to all people. You lead us when we are lost; You comfort us when we are weak; You forgive us when we have missed the mark, and You show us the path of good will and peace. With gratefulness and praise we laud Your name and ask for Your blessing. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces that the House has approved thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. SUNUNU) rose to address the House in the Pledge of Allegiance.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute speeches on each side.

AMERICANS DESERVE ANSWERS, NOT QUESTIONS

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

Mr. BURR. Mr. Speaker, I rise today to tell a story, an entertaining story of spies and secrets. Some may even think it sounds like a James Bond movie, but unfortunately, it is not a fictional tale. I am, of course, referring to the Select Committee's report that was released yesterday, a report that details acts of espionage compromising our most precious military secrets. These findings frightened me months ago when I was briefed and they disgust me today.

What is the difference between a Bond movie and the Select Committee's report? In the Bond movie, the Department of Justice would have allowed wiretaps. In a Bond movie, we would have gotten the bad guy.

All the American people have gotten out of this process are questions. Why did the Department of Justice limit the investigation? Why did the Department of Justice drag their feet? Why was not the President told and, if he was, why did he not do anything? Why, why, why?

The American people, Mr. Speaker, deserve answers, not questions.

CONSUMER SAFETY WITH GUNS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, people in the White House talk an awful lot about "the children." Well, today, our children are a lot less safe and a lot less secure because our entire nuclear arsenal has been compromised.

Communist China acquired our most sophisticated technology, some by theft but even more right through the front door. This administration has sold the Chinese communists high-speed supercomputers, sophisticated satellite launch technology, state-of-the-art machine tools and ultra sophisticated nuclear energy design technology. Communist China now sells our technology to Iran and other rogue nations, but we do nothing. The White House covers it up and even denies China has done it.

We are discovering now that in 1995 communist China had stolen the crown jewel of our nuclear arsenal and yet this administration did nothing about it. If the President is to be believed, no one even informed the Commander-in-Chief.
CONGRATULATIONS TO UNION CARBIDE CORPORATION TECHNICAL CENTER

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

Mr. WISE. Mr. Speaker, this is a noteworthy week in South Charleston, West Virginia, as Union Carbide Technical Center celebrates its 50th anniversary. As an innovator for Union Carbide’s activities located worldwide, the Tech Center was located in April 1949 in the original research building. I want to congratulate Union Carbide’s CEO, Dr. William Joyce, the employees and the retirees of the Technical Center, as we look forward to continuing a very productive working relationship.

The Tech Center, in addition to being a highly profitable and decorated organization, has also been an excellent corporate citizen in its involvement as volunteers in the area and a good partner for the community.

Since its location 50 years ago, the site has grown to approximately 650 acres, and the technical center offers worldwide assistance to Union Carbide in its manufacturing businesses and research, development and engineering. It comes as no surprise that Union Carbide has won awards for three of its products and services primarily developed at the technical center.

We want to congratulate again Union Carbide for being a good citizen and its 50th anniversary.

WANG GOT GUNS AND CLINTON GOT CASH

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

Mr. PITTS. Mr. Speaker, I would like to respond to my Second Amendment-hating friend on the liberal side of the aisle. If the administration and its defenders in Congress are so concerned about guns, then why did the Clinton administration sign a waiver on February 2, 1996 for a Chinese gun company to import 100,000 additional assault weapons and millions of bullets?

Here is some information that my colleagues on the other side might not want to hear. Four days later, on February 6, 1996, the Chinese arms exporter attended a White House fund-raiser; I mean a coffee, that raised money, but it was not a fund-raiser. That exporter was named Wang Jun.

In obtaining a visa he had filed a letter from Ernest Green, a close Clinton friend and top fund-raiser. The day after he had coffee with the President, Ernest Green’s wife contributed $50,000 to the DNC. Her contribution the year before was $250.

Can anyone imagine why suddenly Wang got his guns on American streets and Clinton got his campaign cash?

WAR IN KOSOVO

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

Mr. TRAFICANT. Mr. Speaker, the headlines read, crisis in Kosovo. Conflict in Kosovo. Spare me, Mr. Speaker. This is war in Kosovo, stone-cold war. And it is time, it is time to support independence for Kosovo. There will be no long-lasting peace without it. It is time to arm the KLA and send Milosevic looking over his shoulder, and it is time to arrest Milosevic for war crimes.

One last point. After it is over, Europe should clean up Kosovo and Europe should pay for the concrete and steel to rebuild Kosovo, not the American people.

REJECT AMENDMENT TO INCREASE MILK TAX

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

Mr. GREEN of Wisconsin. Mr. Speaker, later today the House is expected to consider an amendment to the agricultural appropriations act that would essentially prevent Secretary Glickman from implementing his proposed very modest milk marketing reforms.

This amendment is terrible public policy. It would reinforce what I call the milk tax, government-imposed costs on dairy products, costs to the tune of $1 billion annually.

In a recent letter, Citizens Against Government Waste said it “opposes any effort to artificially mandates higher milk prices and will score the vote for such an amendment as a vote against the U.S. taxpayer.” Against the U.S. taxpayer.

This amendment is bad for taxpayers, it is bad for consumers, and yes, it is bad for family farms. I urge my colleagues to join me later today in rejecting this amendment to increase the milk tax.

GUN VIOLENCE IN OUR SCHOOLS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, as a school nurse I rise today to address a national crisis in our schools: gun violence. I spent last weekend with my two grandchildren. Hugging them, my heart ached for the parents and grandparents whose kids attend Heritage and Columbine High School.

Something is terribly wrong when school shootings become commonplace in our society. There is no simple solution to youth violence, but common sense gun control is an important place to start.

Mr. Speaker, we worry about the safety of our children’s toys, but we do not have child safety locks on guns. Let us get real.

Last week, the Senate passed sensible legislation that will save lives. Now the House must act. Not next month, today. Each day, 13 children under age 19 are killed because of guns.

Mr. Speaker, Congress should listen to parents, grandparents and students everywhere and act now to stop this national epidemic.

DOD AUTHORIZATION BILL

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

Mr. RYUN of Kansas. Mr. Speaker, the United States military has been stretched to the point of breaking. Congress has had to increase the President’s defense budget by $50 billion over the last five years just to add to important unfunded requirements. While operational commitments around the world have increased by 300 percent since 1989, the Air Force and Army have been reduced by 45 percent, the Navy, 36 percent, and the Marines, 12 percent. Mr. Speaker, these are frightening numbers.

The conflict in Kosovo has revealed to the world the questionable readiness state of the United States military. Readiness of our military equipment goes beyond the state of hardware and encompasses the quality of life of our soldiers.

Mr. Speaker, the United States military has been operationally deployed 30 times in the last 8 years. To retain our skilled military personnel, operation temps must be reduced and readiness accounts must be increased.


THE WAR IN KOSOVO

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

Mr. KUCINICH. Mr. Speaker, the Los Angeles Times headline points out that the United States or NATO is preparing to send 50,000 troops to Kosovo, to the Kosovo border. They call them...
Mr. SHOWS. Mr. Speaker, today I am introducing the NAFTA Impact Relief Act. Since NAFTA was introduced in 1994, factories across the country and in my district, Centreville, Prentiss, Collins and Magee, have shut down and lost thousands of jobs, exploiting cheap foreign labor. The NAFTA job retraining program is sorely underfunded and really not very complete. It misses the point. When people in the rural area lose a factory, there is not a job to be retrained for. They need actual jobs. The NAFTA Impact Relief Act creates new jobs by authorizing the Secretary of Commerce to designate NAFTA-impacted communities similar to enterprise zones. Businesses would receive tax incentives to locate and hire workers in these communities. The NAFTA Impact Relief Act is a win-win for business and labor, and needs to become law. I urge my colleagues to get behind the bill, because there are many, many unemployed Americans in this country because of NAFTA. Please help us.

THE ADMINISTRATION HAS FAILED IN PROTECTING AMERICA’S NUCLEAR WEAPONS SECRETS

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

Mr. HEFLEY. Mr. Speaker, in 1995 the person in charge of counterintelligence at the Department of Energy discovered some devastating information. It appeared that the Communist Chinese had obtained our most important nuclear secrets. The most advanced nuclear weapon in our arsenal, the W-88, had somehow been given to the Communist Chinese. It was so horrific he could hardly believe his ears; the worst possible case, the ultimate national security disaster.

Communist China was the same country that was selling weapons of mass destruction technology to Iran and other rogue regimes, the same country that imprisoned citizens for their political beliefs, the same country that massacred a thousand in Tiananmen Square for believing in freedom.

That Energy Department official then sounded the alarm, but no one listened. The Justice Department unbelievably turned down the FBI’s request twice to wiretap the scientist suspected of giving away the most important secret the United States owned, and political appointees at the White House downplayed the disaster. This administration has utterly failed us.

THE BEST SECURITY IS A BRIGHT LIGHT

(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, my parents told me that the best security is a bright light. Americans want to know if the Chinese nuclear arsenal was built on the genius of American scientists and on the backs of the American taxpayers.

Our counterintelligence at the Department of Energy has been a specific concern of the Permanent Select Committee on Intelligence for some time, and we all deserve answers.

This Congress must pursue investigative public hearings based on information provided by the Cox Committee that examines Chinese-directed espionage against the United States, including efforts to steal nuclear and military secrets; that will examine Chinese-directed covert action type activities conducted against the United States, such as the use of agents to influence and efforts to subvert or otherwise manipulate the U.S. political process.

Mr. Speaker, Motel 6, I think, has a motto: ‘We’ll keep the lights on.’ Unfortunately, the White House has turned the lights off, and now our national security is at stake.

America deserves answers, and that is what they shall get. I yield back to America all the lights they may need and any national security we have left.
CONGRESS SHOULD ENACT GUN SAFETY LEGISLATION NOW

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

Mr. CUMMINGS. Mr. Speaker, when manufactured products injure our children, we must act. When manufactured products play a role in the death of our children, we must act. This concept is simple and is not new. For years safety regulations have been promulgated aimed at protecting our children from certain products.

I hold in my hand a product that is small but has maimed or taken the lives of thousands, a firecracker. Forty percent of its victims have been children under 15 years of age. Fortunately, however, injury rates from this product are at an all-time low, dropping 30 percent from 1995 to 1996 alone. Why? Federal safety regulations. In other words, we took action.

It took decades of tragic experience to teach us this lesson. We are now facing a similar situation. Thirty of our Nation’s youth are dying each day from a manufactured product, guns.

I submit that we learn our lesson now. Again, this concept is simple. It is not new. Let us act this week to ensure the safety of our children.

INTRODUCTION OF LEGISLATION TO PROVIDE RELIEF FOR THE MARRIAGE TAX PENALTY

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

Mr. KNOLLENBERG. Mr. Speaker, with Federal taxes at an all-time high, Congress has, I think, a moral obligation to provide some relief to the American people. While there are several tax cut proposals that are being given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, we are taking up a bill that will fund congressional salaries, fund the cleaning of the marble and the brass in the Capitol, and pay for the furniture in our offices.

Apparently we have time for that, but we do not have time to take up legislation to fund more counselors and after school programs for our children. While it seems we can find the time to regulate the manufacture of toys, it seems we cannot find the time to put some modest safety regulations on guns, regulations to keep our children safe.

Mr. Speaker, where are Republican priorities? Is it the guns or our children? Is it the marble and the brass, or our schools and our communities?

It is time to make a choice. It is no use passing a bill to keep our Capitol marble and brass gleaming if we cannot pass a bill to keep our children safe in school.

The true glory of this Capitol is what we do in this Chamber, so I ask the Republican leadership to let us take up legislation to keep our children safe today; not tomorrow, not next month, but today, before we lose another life.

SAVING LIVES CAN RESULT WHEN PEOPLE START OBEYING EXISTING LAWS

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

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my colleague from New Jersey (Mr. MENENDEZ). I would say this, this does become a matter of priorities. We need to reach out and save American lives.

One way we can do that is by taking a careful, considered look at the problem of domestic violence and school violence, but also at the very real threat the Chinese now present to the American people.

Mr. Speaker, nuclear weapons are really big guns. They are not firecrackers. The grim reality is that this administration, the Clinton-Gore gang, took hundreds of thousands of dollars of campaign contributions from the Communist Chinese, and an arms dealer by the name of Wang Jun provided some of that money. Curiously, the Justice Department waived any restrictions. The result was, 100,000 assault weapons were turned loose in the city of Los Angeles, adding to the violence.

Mr. Speaker, it is one thing to talk about laws, and it is one thing to preen and posture on convictions, but the fact is, serious results come when people start by obeying existing laws.

INTERNATIONAL CODE-SHARING AGREEMENTS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, it is interesting. I have listened to all the speeches, and I can tell the Members that we do have a number of issues that are pressing that we need to address. Gun violence certainly is one we need to address, and not just talk about the issue, but also talk about what it takes to correct it.

We are correcting the Chinese situation to a great extent, and it is being addressed in this administration. It has been going on for 20 years.

I rise today to talk about another issue of great concern to the flying public. We hope we can address it soon, and not look up and find all of these planes are crashing that are connecting with ours. It is called international code-sharing agreements.

Code sharing agreements are agreements between air carriers, most often a U.S. carrier and a foreign flag carrier, whereby the U.S. carrier can sell seats on the other carrier’s flight while identifying it as their own.

What this means in an international market is that while the passenger’s ticket may say he or she is flying on a U.S. carrier overseas, in reality it is an overseas flight, and they do not meet the same safety standards.

I will continue to work to get this issue addressed.

BLAME AND THE CHINESE ESPIONAGE SCANDAL

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

Mr. CHABOT. Mr. Speaker, with regard to the Chinese espionage scandal, I have heard the other side say over and over again; let us not overreact; let us not politicize this; there is plenty of blame to go around; let us not blame Ronald Reagan’s fault, and, of course, the “everybody does it” defense that we hear every single time wrongdoing by this administration is discovered. It is almost as though they have no interest in our real problem, our national security.

This administration’s real attention, its real interest, was raising campaign cash, avoiding blame, avoiding embarrassment, getting reelected. Change the subject; talk about guns, cigarettes, school uniforms. Let us do it for the children.

If the Clinton administration had really wanted to do something to make
the children of this Nation safer, they would have protected them from potential nuclear annihilation some day. That is what they should have been doing. Instead, they were raising campaign cash.

WHY WAIT TO DEBATE GUN SAFETY LEGISLATION?
(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, yesterday the Republican leadership announced that it was willing to bring gun safety legislation to the floor of the House in mid-June.

After a week of wrangling and stalling, I applaud their decision to join the Democrats to discuss fair and sensible measures that will in fact save children's lives. But why are we waiting? There is not a reason to put off until tomorrow actions that will reduce the chances of tragedy today.

Do American parents have to wait, when they are so scared? I quote to my colleagues from USA Today. “Slightly more than half of parents with school-aged children say they fear for their children’s safety when they are at school, up from 37 percent 1 year ago.”

Parents in this country need to know that this body is willing to act, willing to act quickly to allay their fears and not make them fearful to send their children to school every single day. That is not what the United States is all about.

Why are we stalling the American public? Do we want the additional time to give the NRA the opportunity to twist arms? Measures like this will pass this House in a heartbeat. Let us do it, let us do it in the next 2 days.

ARMING OF COMMUNIST CHINA
(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, the mantra of the Democrats this day has been gun control. But Mr. Speaker, it is very, very difficult to entrust this administration and that side of the aisle with gun control when they have been so unsuccessful with arms control.

Many are calling the information revealed in the Cox Report the scandal of the century. There are two major scandals detailed in this impressive bipartisan report. There was a national security breakdown in the Energy Department labs, a breakdown that started in the 1970s and became nearly total beginning in 1993 under an administration that has never taken national security issues seriously.

And there is an even bigger scandal, the effort to downplay, to cover up and to thwart investigations into the first scandal I mentioned. In 1995, I repeat, the bigger of the two scandals is not that China successfully spied on the U.S., but the almost incomprehensible reaction to that fact when it was discovered in 1995.

The biggest scandal of all is the arming of the communist Chinese after hundreds of thousands of dollars of campaign contributions to the Democratic Party.

HOUSE SHOULD PASS GUN SAFETY LEGISLATION BEFORE MEMORIAL DAY BREAK
(Ms. DeGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeGETTE. Mr. Speaker, the recent spate of school shootings has left us all saddened, stunned and determined to do something. It is time for all of us to respond to the outrage of the American people. The public wants us to protect children from random gun violence, and they want action on child gun safety legislation. We need to act and we need to act now. Every day we wait, another 13 children die at the hands of a gun.

I do not believe that legislation is the only solution to this complex problem of youth violence, but I do believe that the easy availability of firearms is a clear contributing problem. That is why my Democratic colleagues and I urge the leadership to bring three reasonable gun safety bills to the House floor this week. These three bills are similar to the legislation enacted in the Senate and are commonsense solutions to some of the problems we face.

First is a bill that requires background checks for all firearms sales at gun shows. Second, a bill that requires all handguns to be fitted with child safety locks. And, finally, banning large ammunition magazines. Let us do it this week.

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

Mr. HOEKSTRA. Mr. Speaker, it is time to review a little history. Just last year Republicans put forward a commonsense proposal to save 90 percent of the budget surplus for Social Security. Simply, it was called the 90–10 Plan, 90 percent for Social Security, 10 percent for tax cuts.

That proposal was vilified every day for months by Democrats as a raid on the Social Security Trust Fund. Let me repeat that. Democrats repeated day in and day out that because only 90 percent of the surplus was designated to go to Social Security, that proposal was a raid on the Social Security Trust Fund.

Now this year the President has proposed to set aside 68 percent of the surplus for Social Security, which last time I checked was less than the 90 percent which the Republican proposal set and yet the President claims that his proposal saved Social Security while ours was a raid on the Social Security Trust Fund.

Now, there is some reasoning that I just do not trust.

PROTECTING CHILDREN FROM GUN VIOLENCE
(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, with horror we have watched a string of school shooting tragedies over the last 2 years: Littleton, Colorado; Springfield, Oregon; Fayetteville, Tennessee; Edinboro, Pennsylvania; Jonesboro, Arkansas; West Paducah, Kentucky; Pearl, Mississippi; and just last week in Conyers, Georgia.

Thirteen children under the age of 19 are killed each and every day because of guns. Families are so afraid of school violence that children are kept home. This is a serious crisis and we need to act now. Our colleagues in the other body took action last week. The House can and should begin debate on how to reduce youth violence before this Memorial weekend break.

Addressing the issue of school gun safety and media violence alone will not solve the problem. We need to address the broader issue of the quality of our children’s education. A real solution must deal with the issues of class size, which is especially important in my District of Queens and the Bronx, but also of discipline, of safety officers and guidance counselors in our schools, both in pre- and after-school programs as well.

We cannot wait for another tragedy to happen before Congress acts, Mr. Speaker. We as Democrats stand ready to force a vote now on a juvenile justice bill so we can get it to the President’s desk by the end of this school year.

SECURITY OF OUR NATION DEPENDS ON OUR RESPONSE TO CHINESE ESPIONAGE
(Mr. DeMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeMINT. Winston Churchill once said, “Men occasionally stumble upon the truth, but most of them pick themselves up and hurry off as if nothing happened.”

Yesterday, the House Select Committee on U.S. Security and Military/
Commercial Concerns with the People's Republic of China released their report on Chinese spying. We now know the truth. The Chinese communists have obtained virtually all of our nuclear secrets. And today, brand new American-designed Chinese missiles are aimed at our homes.

Mr. Speaker, we know the truth and we are not going to hurry off as if nothing had happened. The security of our Nation depends on where we respond to this report of Chinese espionage. It is not too late to pass a Nation that is safe and secure to our children.

Through a strong defense, more decisive leadership, and a renewed vigilance in protecting our secrets and prosecuting spies, we can make sure that every citizen lives in freedom and security.

CONGRESS MUST DEAL WITH PROBLEM OF YOUTH VIOLENCE NOW

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

Mr. WEINER. Mr. Speaker, there has emerged a national consensus that we have to deal with the problem of youth violence. Hollywood must help, parents must be involved, and, yes, I say to my colleagues, Congress must act as well.

There are some commonsense proposals that have reached a national consensus level for good reason. We now have laws in this country to require child-proof caps on aspirin bottles, but we do not have any laws that require trigger locks on handguns.

The Speaker of this House deserves great credit for speaking up this week and saying he agrees we need commonsense gun regulations. The other body has spoken, and overwhelming numbers of us in this body agree we need these changes in the law.

So why the stall? Why not act now, right now, today? We will have an opportunity before the Memorial Day break to take that national consensus and close the gap that often exists between what people are saying in the country and what we do here in the Congress.

BOTH PARTIES MUST WORK TOGETHER TO ACHIEVE GREATER GOOD FOR AMERICA

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

Mr. EWING. Mr. Speaker, I come here today and I listen and I am amazed by the vitriolic rhetoric from the other side of the aisle; accusations that everything wrong in America is the majority party's problem.

It takes both parties to get something done. Gun laws are a good example. Yes, we need to move on gun legislation; and, yes, we need to protect the rights of Americans under the Second Amendment. I believe sometimes, when I listen to the rhetoric, they would throw out the Constitution for the political gain they think they might get on that issue. Or campaign finance reform. Yes, we must do that now, whether it is fair or whether it is not fair.

My colleagues, I am amazed by the attitude, the political rawness that I see here in this House, when only by working together can we achieve what is good for America.

TOYS HAVE CHILD SAFETY MECHANISMS BUT NOT GUNS

(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, this silly toy has safety regulations, yet today in the United States, guns, that is right, guns do not have child safety regulations. What is wrong with this picture?

The message we are sending to the American people is that toys, this silly stuffed toy, is more dangerous to children than a gun. That is outrageous. It is outrageous that we do not have child safety locks on guns to protect our children from hurting themselves and hurting others if they get a gun in their hands.

How many more accidents, I ask my colleagues, will it take? How many more school shootings before we do something about this? How many lives will be taken? How many children will be killed before we have safety locks on guns?

We must pass gun safety now. We must prevent senseless tragedies from happening to our children, our families, our communities. We must schedule a vote on gun safety legislation and we must do it immediately.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H. R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 185 and Rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 1906.

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 further consideration of the bill (H. R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. PEASE in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 25, 1999, the amendment by the gentleman from Oklahoma (Mr. COBURN) had been disposed of and the bill was open for amendment from page 10, line 1 to page 11, line 24.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the last word.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H. R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 185 and Rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 1906.
<table>
<thead>
<tr>
<th>AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES</th>
<th>APPROPRIATIONS BILL, 2000 (H.R. 1906)</th>
<th>(Amounts in thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE I - AGRICULTURAL PROGRAMS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of the Secretary</td>
<td>2,836</td>
<td>2,942</td>
</tr>
<tr>
<td>Production, Processing, and Marketing</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Executive Operations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Economist</td>
<td>5,620</td>
<td>6,622</td>
</tr>
<tr>
<td>National Appeals Division</td>
<td>11,718</td>
<td>12,899</td>
</tr>
<tr>
<td>Office of Budget and Program Analysis</td>
<td>8,120</td>
<td>8,563</td>
</tr>
<tr>
<td>Office of the Chief Information Officer</td>
<td>5,301</td>
<td>7,986</td>
</tr>
<tr>
<td>Office of the Chief Financial Officer</td>
<td>48,086</td>
<td>48,918</td>
</tr>
<tr>
<td><strong>Total, Executive Operations</strong></td>
<td>76,460</td>
<td>80,190</td>
</tr>
<tr>
<td>Office of the Assistant Secretary for Administration</td>
<td>813</td>
<td>836</td>
</tr>
<tr>
<td>Agriculture buildings and facilities and rental payments</td>
<td>137,184</td>
<td>168,364</td>
</tr>
<tr>
<td>Payments to USA</td>
<td>(108,057)</td>
<td>(115,542)</td>
</tr>
<tr>
<td>Building operations and maintenance</td>
<td>(24,127)</td>
<td>(24,820)</td>
</tr>
<tr>
<td>Repairs, renovations, and construction</td>
<td>(5,060)</td>
<td>(26,000)</td>
</tr>
<tr>
<td>Hazardous waste management</td>
<td>15,700</td>
<td>22,700</td>
</tr>
<tr>
<td>Departmental administration</td>
<td>30,168</td>
<td>36,117</td>
</tr>
<tr>
<td>Outreach for socially disadvantaged farmers</td>
<td>3,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Office of the Assistant Secretary for Congressional Relations</td>
<td>3,968</td>
<td>3,906</td>
</tr>
<tr>
<td>Office of Communications</td>
<td>4,136</td>
<td>8,136</td>
</tr>
<tr>
<td>Office of the Inspector General</td>
<td>65,126</td>
<td>68,246</td>
</tr>
<tr>
<td>Office of the General Counsel</td>
<td>29,194</td>
<td>32,675</td>
</tr>
<tr>
<td>Office of the Under Secretary for Research, Education and Economics</td>
<td>540</td>
<td>2,061</td>
</tr>
<tr>
<td>Economic Research Service</td>
<td>65,737</td>
<td>65,528</td>
</tr>
<tr>
<td>National Agricultural Statistics Service</td>
<td>103,964</td>
<td>100,559</td>
</tr>
<tr>
<td>Census of Agriculture</td>
<td>(23,568)</td>
<td>(16,469)</td>
</tr>
<tr>
<td><strong>Agricultural Research Service</strong></td>
<td>765,516</td>
<td>836,868</td>
</tr>
<tr>
<td>Buildings and facilities</td>
<td>56,437</td>
<td>44,500</td>
</tr>
<tr>
<td><strong>Total, Agricultural Research Service</strong></td>
<td>841,955</td>
<td>881,368</td>
</tr>
<tr>
<td>Cooperative State Research, Education, and Extension Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and education activities</td>
<td>481,216</td>
<td>496,965</td>
</tr>
<tr>
<td>Native American Institutions Endowment Fund</td>
<td>(4,003)</td>
<td>(4,900)</td>
</tr>
<tr>
<td>Extension activities</td>
<td>437,967</td>
<td>421,903</td>
</tr>
<tr>
<td><strong>Total, Cooperative State Research, Education, and Extension Service</strong></td>
<td>919,203</td>
<td>943,421</td>
</tr>
<tr>
<td>Office of the Under Secretary for Marketing and Regulatory Programs</td>
<td>616</td>
<td>641</td>
</tr>
<tr>
<td>Animal and Plant Health Inspection Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>425,803</td>
<td>428,445</td>
</tr>
<tr>
<td>NPI user fees</td>
<td>(56,000)</td>
<td>(59,000)</td>
</tr>
<tr>
<td>Buildings and facilities</td>
<td>7,000</td>
<td>7,200</td>
</tr>
<tr>
<td><strong>Total, Animal and Plant Health Inspection Service</strong></td>
<td>433,903</td>
<td>449,945</td>
</tr>
<tr>
<td>Agricultural Marketing Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>48,651</td>
<td>60,160</td>
</tr>
<tr>
<td>Standardization user fees</td>
<td>(4,000)</td>
<td>(4,000)</td>
</tr>
<tr>
<td>Limitation on administrative expenses, from fees collected</td>
<td>(60,730)</td>
<td>(60,730)</td>
</tr>
<tr>
<td>Funds for strengthening markets, income, and supply</td>
<td>10,998</td>
<td>12,443</td>
</tr>
<tr>
<td>Transfer from section 30</td>
<td>1,200</td>
<td>1,200</td>
</tr>
<tr>
<td><strong>Total, Agricultural Marketing Service</strong></td>
<td>61,029</td>
<td>73,825</td>
</tr>
<tr>
<td>Grain Inspection, Packers and Stockyards Administration:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>26,787</td>
<td>26,448</td>
</tr>
<tr>
<td>Limitation on inspection and weighing services</td>
<td>(42,557)</td>
<td>(42,557)</td>
</tr>
<tr>
<td>Office of the Under Secretary for Food Safety</td>
<td>446</td>
<td>446</td>
</tr>
<tr>
<td>Food Safety and Inspection Service</td>
<td>619,066</td>
<td>652,955</td>
</tr>
<tr>
<td>Lab accreditation fees 1)</td>
<td>(1,000)</td>
<td>(1,000)</td>
</tr>
<tr>
<td><strong>Total, Production, Processing, and Marketing</strong></td>
<td>3,447,677</td>
<td>3,572,866</td>
</tr>
<tr>
<td>Farm Assistance Programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of the Under Secretary for Farm and Foreign Agricultural Services</td>
<td>572</td>
<td>585</td>
</tr>
<tr>
<td><strong>Farm Service Agency</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>714,499</td>
<td>794,839</td>
</tr>
<tr>
<td>Transfer from export loan</td>
<td>(549)</td>
<td>(572)</td>
</tr>
<tr>
<td>Transfer from F.R. (40,000)</td>
<td>(815)</td>
<td>(845)</td>
</tr>
<tr>
<td>Transfer from ACP</td>
<td>(206,861)</td>
<td>(209,861)</td>
</tr>
<tr>
<td><strong>Subtotal, Transfers from program accounts</strong></td>
<td>(211,266)</td>
<td>(211,378)</td>
</tr>
<tr>
<td><strong>Total, salaries and expenses</strong></td>
<td>825,764</td>
<td>1,006,217</td>
</tr>
<tr>
<td>State mediation grants</td>
<td>2,000</td>
<td>4,000</td>
</tr>
<tr>
<td>Decay indemnity payments</td>
<td>450</td>
<td>450</td>
</tr>
<tr>
<td><strong>Subtotal, Farm Service Agency</strong></td>
<td>716,949</td>
<td>799,299</td>
</tr>
<tr>
<td>Agricultural Credit Insurance Fund Program Account:</td>
<td>FY 1999 Enacted</td>
<td>FY 2000 Request</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Loan authorizations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm ownership loans:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct</td>
<td>86,681</td>
<td>126,049</td>
</tr>
<tr>
<td>Guaranteed</td>
<td>425,023</td>
<td>431,373</td>
</tr>
<tr>
<td>Subtotal</td>
<td>511,704</td>
<td>558,422</td>
</tr>
<tr>
<td>Farm operating loans:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct</td>
<td>800,000</td>
<td>800,000</td>
</tr>
<tr>
<td>Guaranteed unsubsidized</td>
<td>946,276</td>
<td>997,642</td>
</tr>
<tr>
<td>Guaranteed subsidized</td>
<td>900,000</td>
<td>914,422</td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,646,276</td>
<td>2,795,504</td>
</tr>
<tr>
<td>Indian tribe land acquisition loans</td>
<td>1,000</td>
<td>1,008</td>
</tr>
<tr>
<td>Emergency disaster loans</td>
<td>25,000</td>
<td>63,000</td>
</tr>
<tr>
<td>Total, Loan authorizations</td>
<td>2,284,956</td>
<td>3,066,734</td>
</tr>
<tr>
<td>Loan subsidiaries:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm ownership loans:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct</td>
<td>12,852</td>
<td>4,067</td>
</tr>
<tr>
<td>Guaranteed</td>
<td>7,756</td>
<td>2,418</td>
</tr>
<tr>
<td>Subtotal</td>
<td>19,608</td>
<td>6,485</td>
</tr>
<tr>
<td>Farm operating loans:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct</td>
<td>34,150</td>
<td>29,300</td>
</tr>
<tr>
<td>Guaranteed unsubsidized</td>
<td>11,000</td>
<td>23,940</td>
</tr>
<tr>
<td>Guaranteed subsidized</td>
<td>17,450</td>
<td>6,565</td>
</tr>
<tr>
<td>Subtotal</td>
<td>62,600</td>
<td>61,825</td>
</tr>
<tr>
<td>Indian tribe land acquisition</td>
<td>153</td>
<td>21</td>
</tr>
<tr>
<td>Emergency disaster loans</td>
<td>560</td>
<td>6,231</td>
</tr>
<tr>
<td>Bailment loan subsidy</td>
<td>1,440</td>
<td></td>
</tr>
<tr>
<td>Total, Loan subsidiaries</td>
<td>89,709</td>
<td>77,320</td>
</tr>
<tr>
<td>ACIF expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expense (transfer to FSA)</td>
<td>209,861</td>
<td>209,861</td>
</tr>
<tr>
<td>Administrative expenses</td>
<td>10,000</td>
<td>4,300</td>
</tr>
<tr>
<td>Total, ACIF expenses</td>
<td>219,861</td>
<td>214,161</td>
</tr>
<tr>
<td>Total, Agricultural Credit Insurance Fund</td>
<td>2,284,956</td>
<td>3,066,734</td>
</tr>
<tr>
<td>Risk Management Agency</td>
<td>64,000</td>
<td>79,716</td>
</tr>
<tr>
<td>Support Services Bureau</td>
<td>74,000</td>
<td></td>
</tr>
<tr>
<td>Total, Farm Assistance Programs</td>
<td>1,091,069</td>
<td>1,236,131</td>
</tr>
<tr>
<td>Corporations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Crop Insurance Corporation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal crop insurance corporation fund</td>
<td>1,504,096</td>
<td>987,000</td>
</tr>
<tr>
<td>Commodity Credit Corporation Fund</td>
<td>8,438,000</td>
<td>14,368,000</td>
</tr>
<tr>
<td>Reimbursement net realized losses</td>
<td>(5,000)</td>
<td>(5,000)</td>
</tr>
<tr>
<td>Total, Corporations</td>
<td>9,943,096</td>
<td>15,378,000</td>
</tr>
<tr>
<td>Total, Title I Agricultural Programs</td>
<td>1,441,906</td>
<td>26,714,117</td>
</tr>
<tr>
<td>[By transfer]</td>
<td>(211,375)</td>
<td>(211,375)</td>
</tr>
<tr>
<td>[Loan authorization]</td>
<td>(2,394,956)</td>
<td>(2,068,734)</td>
</tr>
<tr>
<td>Total, Title II - CONSERVATION PROGRAMS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of the Under Secretary for Natural Resources and Environment</td>
<td>693</td>
<td>721</td>
</tr>
<tr>
<td>Natural Resources Conservation Service:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation operations</td>
<td>641,243</td>
<td>680,679</td>
</tr>
<tr>
<td>[By transfer]</td>
<td>44,425</td>
<td>44,425</td>
</tr>
<tr>
<td>Watershed surveys and planning</td>
<td>10,366</td>
<td>11,732</td>
</tr>
<tr>
<td>[projects]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[resource conservation and development]</td>
<td>28,643</td>
<td>32,425</td>
</tr>
<tr>
<td>Watershed Protection program</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Conservation programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Natural Resources Conservation Service</td>
<td>792,379</td>
<td>886,096</td>
</tr>
<tr>
<td>Total, Title II, Conservation Programs</td>
<td>763,072</td>
<td>886,202</td>
</tr>
</tbody>
</table>
### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

#### Appropriations Bill, 2000 (H.R. 1906)—Continued

(All amounts in thousands)

<table>
<thead>
<tr>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>Bill</th>
<th>Bill vs. FY 1999 Enacted</th>
<th>Bill vs. FY 2000 Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Under Secretary for Rural Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural community advancement program</td>
<td>586</td>
<td>612</td>
<td>586</td>
<td>-24</td>
</tr>
</tbody>
</table>

#### Rural Housing Services:

- Rural Housing Insurance Fund Program Account:
  - Loan authorizations:
    - Single family (sec. 502) | (965,313) | (1,100,000) | (1,337,632) | (1,372,319) | (2,373,632) |
    - Unsubsidized guaranteed | (3,000,000) | (3,200,000) | (3,200,000) | (3,200,000) | (3,200,000) |
    - Housing repair (sec. 504) | (25,001) | (32,385) | (32,400) | (7,395) | (14,400) |
    - Farm labor (sec. 514) | (20,000) | (25,201) | (25,000) | (5,000) | (5,000) |
    - Rural housing (sec. 515) | (114,371) | (120,000) | (120,000) | (120,000) | (120,000) |
    - Multifamily housing guarantees [sec. 538] | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) |
    - Site loans (sec. 524) | (5,182) | (5,182) | (5,182) | (5,182) | (5,182) |
    - Credit sales of acquired property | (16,632) | (7,503) | (7,503) | (9,127) |
    - Self-help housing land development fund | (5,000) | (5,000) | (5,000) |
  - Total, Loan authorizations | (2,491,717) | (4,576,062) | (6,036,867) | (940,897) | (2,257,609) |

- Loan subsidies:
  - Single family (sec. 502) | 114,100 | 93,830 | 114,100 | 12,270 |
  - Unsubsidized guaranteed | 2,700 | 19,520 | 19,520 | 16,820 |
  - Housing repair (sec. 504) | 3,000 | 9,800 | 9,000 | 9,800 |
  - Multifamily housing guarantees [sec. 538] | 1,230 | 480 | 480 |
  - Farm labor (sec. 514) | 10,408 | 11,308 | 11,308 | 900 |
  - Rural housing (sec. 515) | 55,160 | 29,680 | 47,616 | 7,544 |
  - Site loans (sec. 524) | 17 | 4 | 4 |
  - Credit sales of acquired property | 3,492 | 874 | 874 | 2,618 |
  - Self-help housing land development fund | 292 | 281 | 281 |
  - Total, Loan subsidies | 197,285 | 175,877 | 204,083 | 5,796 | 28,265 |

- RHIF administrative expenses (transfer to RHS) | 360,735 | 383,879 | 377,879 | 17,094 | -6,000 |

- Rental assistance program:
  - (Sec. 521) | 577,497 | 434,100 | 577,000 | -3 |
  - (Sec. 522)(a)(5)(i) | 5,900 | 5,900 | 5,900 |
  - Subtotal | 583,397 | 440,000 | 563,000 | 3 | 143,400 |

- Advance appropriation, FY 2001 | 200,000 |

- Total, Rental assistance program | 583,397 | 640,000 | 563,000 | 3 | -56,800 |

- Total, Rural Housing Insurance Fund | 1,141,467 | 1,199,756 | 1,185,362 | 23,395 | 34,394 |

- Mutual and self-help housing grants | 26,000 | 30,000 | 26,000 | 2,000 |

- Rural housing assistance grants | 41,000 | 54,000 | 50,000 | 4,000 |

- Subtotal, grants and payments | 67,000 | 84,000 | 76,000 | 11,000 |

- RHS expenses:
  - Salaries and expenses | 60,978 | 81,979 | 81,979 | 1,001 |
  - (Transfer from RHIF) | [360,735] | [383,879] | [377,879] | (17,094) | (5,000) |
  - Total, RHS expenses | [421,713] | [445,858] | [439,858] | (18,095) | (5,000) |

- Total, Rural Housing Service | 1,269,445 | 1,345,735 | 1,305,341 | 39,394 | 40,394 |

- Rural Business Cooperative Service:
  - Rural Development Loan Program Account:
    - Loan authorizations | [33,000] | [52,495] | [52,495] | (19,495) |
    - Loan subsidies | 16,015 | 22,799 | 22,799 | 6,784 |
    - Administrative expenses (transfer to RBCS) | 3,482 | 3,337 | 3,337 | 145 |
  - Total, Rural Development Loan Fund | 20,067 | 26,136 | 26,136 | 6,069 |

- Rural Economic Development Loans Program Account:
  - Loan authorizations | [15,000] | [15,000] | [15,000] |
  - Direct subsidy | 3,783 | 3,453 | 3,453 |
  - Rural cooperative development grants | 3,300 | 9,000 | 6,000 | 2,700 |

- Total, RBCS expenses | [29,162] | [27,849] | [27,849] | (1,213) |

- Total, Rural Business Cooperative Service | 52,860 | 63,201 | 60,201 | 7,341 |

- (Loan authorization) | [48,000] | [67,495] | [67,495] | (19,495) |
### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
#### APPROPRIATIONS BILL, 2000 (H.R. 1906) – Continued

**Rural Utilities Service:**

<table>
<thead>
<tr>
<th>Program Account</th>
<th>Enacted</th>
<th>FY 2000 Request</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Electrification and Telecommunications Loans Program Account:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loan authorizations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Direct loans:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electric</td>
<td>(71,500)</td>
<td>(90,000)</td>
<td>(121,500)</td>
<td>(+50,000)</td>
</tr>
<tr>
<td>Telecommunications</td>
<td>(275,000)</td>
<td>(290,000)</td>
<td>(290,000)</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>(146,500)</td>
<td>(110,000)</td>
<td>(190,500)</td>
<td></td>
</tr>
<tr>
<td><strong>Treasury new Telecommunications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(290,000)</td>
<td>(290,000)</td>
<td>(290,000)</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>(300,000)</td>
<td>(300,000)</td>
<td>(300,000)</td>
<td></td>
</tr>
<tr>
<td><strong>FFB loans:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electric, regular</td>
<td>(700,000)</td>
<td>(300,000)</td>
<td>(1,500,000)</td>
<td>(+800,000)</td>
</tr>
<tr>
<td>Telecommunications</td>
<td>(120,000)</td>
<td>(120,000)</td>
<td>(120,000)</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>(820,000)</td>
<td>(420,000)</td>
<td>(1,620,000)</td>
<td>(+800,000)</td>
</tr>
<tr>
<td><strong>Total, Loan authorizations:</strong></td>
<td>(1,561,500)</td>
<td>(1,370,000)</td>
<td>(2,411,500)</td>
<td>(+850,000)</td>
</tr>
<tr>
<td><strong>Loan subsidies:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Direct loans:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electric</td>
<td>9,325</td>
<td>450</td>
<td>1,085</td>
<td>(+3,280)</td>
</tr>
<tr>
<td>Telecommunications</td>
<td>7,342</td>
<td>560</td>
<td>840</td>
<td>(+1,502)</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>16,667</td>
<td>1,010</td>
<td>1,925</td>
<td>(+14,732)</td>
</tr>
<tr>
<td><strong>Treasury rates, Telecommunications</strong></td>
<td>810</td>
<td>2,370</td>
<td>2,370</td>
<td></td>
</tr>
<tr>
<td>Multirate Electric</td>
<td>29,842</td>
<td>9,175</td>
<td>10,927</td>
<td>(+15,015)</td>
</tr>
<tr>
<td><strong>Total, Loan subsidies</strong></td>
<td>43,319</td>
<td>12,555</td>
<td>15,132</td>
<td>(+28,187)</td>
</tr>
<tr>
<td><strong>RETLA administrative expenses (transfer to RUS)</strong></td>
<td>20,902</td>
<td>31,048</td>
<td>31,048</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Rural Electrification and Telecommunications Loans Program Account:</strong></td>
<td>73,301</td>
<td>43,861</td>
<td>46,178</td>
<td>(+27,133)</td>
</tr>
<tr>
<td><strong>Loan authorizations:</strong></td>
<td>(1,561,500)</td>
<td>(1,370,000)</td>
<td>(2,411,500)</td>
<td>(+850,000)</td>
</tr>
</tbody>
</table>

**Rural Telephone Bank Program Account:**

<table>
<thead>
<tr>
<th>Program Account</th>
<th>Enacted</th>
<th>FY 2000 Request</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Loan authorization)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct loan subsidy</td>
<td>(157,500)</td>
<td>(175,000)</td>
<td>(175,000)</td>
<td>(+17,500)</td>
</tr>
<tr>
<td>RIF administrative expenses (transfer to RUS)</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>7,114</td>
<td>6,290</td>
<td>6,290</td>
<td>(-824)</td>
</tr>
</tbody>
</table>

**Distance learning and telemedicine program:**

<table>
<thead>
<tr>
<th>Program Account</th>
<th>Enacted</th>
<th>FY 2000 Request</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Loan authorization)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct loan subsidy</td>
<td>(150,000)</td>
<td>(200,000)</td>
<td>(200,000)</td>
<td>(+50,000)</td>
</tr>
<tr>
<td><strong>Grants</strong></td>
<td>1,500</td>
<td>2,000</td>
<td>2,000</td>
<td>(+1,000)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>12,600</td>
<td>20,700</td>
<td>18,700</td>
<td>(+2,000)</td>
</tr>
<tr>
<td><strong>Alternative Agricultural Research and Commercialization Revolving Fund</strong></td>
<td>3,000</td>
<td>10,000</td>
<td></td>
<td>(-7,000)</td>
</tr>
<tr>
<td><strong>RUS expenses:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>(33,000)</td>
<td>(34,107)</td>
<td>(34,107)</td>
<td>(+1,107)</td>
</tr>
<tr>
<td>(Transfer from RETLA)</td>
<td>(29,842)</td>
<td>(31,048)</td>
<td>(31,048)</td>
<td>(+1,206)</td>
</tr>
<tr>
<td>(Transfer from RIF)</td>
<td>(3,000)</td>
<td>(3,000)</td>
<td>(3,000)</td>
<td></td>
</tr>
<tr>
<td><strong>Total, RUS expenses</strong></td>
<td>(65,862)</td>
<td>(68,150)</td>
<td>(68,150)</td>
<td>(+2,288)</td>
</tr>
<tr>
<td><strong>Total, Rural Utilities Service</strong></td>
<td>129,695</td>
<td>114,688</td>
<td>103,275</td>
<td>(-26,360)</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(32,863)</td>
<td>(34,048)</td>
<td>(34,048)</td>
<td>(+1,185)</td>
</tr>
<tr>
<td>(Loan authorization)</td>
<td>(1,909,048)</td>
<td>(1,845,000)</td>
<td>(2,786,500)</td>
<td>(+937,491)</td>
</tr>
<tr>
<td><strong>Total, Title II, Rural Economic and Community Development Programs</strong></td>
<td>2,175,234</td>
<td>2,134,249</td>
<td>2,130,511</td>
<td>(-33,728)</td>
</tr>
<tr>
<td>(By transfer)</td>
<td>(267,249)</td>
<td>(261,262)</td>
<td>(261,262)</td>
<td>(+6,103)</td>
</tr>
<tr>
<td>(Loan authorization)</td>
<td>(6,164,726)</td>
<td>(6,067,547)</td>
<td>(7,666,682)</td>
<td>(+1,501,135)</td>
</tr>
</tbody>
</table>

**TITLE IV - DOMESTIC FOOD PROGRAMS**

Office of the Under Secretary for Food, Nutrition and Consumer Services: 554 576 554 -22

Food and Nutrition Service:

<table>
<thead>
<tr>
<th>Program Account</th>
<th>Enacted</th>
<th>FY 2000 Request</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child nutrition programs</td>
<td>4,128,747</td>
<td>4,635,768</td>
<td>4,611,828</td>
<td>(+2,060)</td>
</tr>
<tr>
<td>(Transfer from section 32)</td>
<td>5,046,150</td>
<td>4,929,286</td>
<td>4,929,286</td>
<td></td>
</tr>
<tr>
<td><strong>Discretionary spending</strong></td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Child nutrition programs</strong></td>
<td>9,176,827</td>
<td>9,585,036</td>
<td>9,547,058</td>
<td>(+37,978)</td>
</tr>
<tr>
<td>(Special supplemental nutrition program for women, infants, and children(WIC))</td>
<td>3,924,000</td>
<td>4,105,495</td>
<td>4,005,000</td>
<td>(+80,000)</td>
</tr>
<tr>
<td><strong>Food stamp program:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Reserve)</td>
<td>21,158,106</td>
<td>20,106,444</td>
<td>20,106,444</td>
<td>(-104,662)</td>
</tr>
<tr>
<td>(Nutrition assistance for Puerto Rico)</td>
<td>1,200,600</td>
<td>1,200,600</td>
<td>1,200,600</td>
<td></td>
</tr>
<tr>
<td>(Discretionary spending)</td>
<td>1,200,600</td>
<td>1,200,600</td>
<td>1,200,600</td>
<td></td>
</tr>
<tr>
<td>(Advance appropriation, FY 2007)</td>
<td>4,800,000</td>
<td>4,800,000</td>
<td>4,800,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Food stamp program</strong></td>
<td>22,568,106</td>
<td>21,307,444</td>
<td>21,307,444</td>
<td>(-1,260,662)</td>
</tr>
<tr>
<td><strong>Commodity assistance program</strong></td>
<td>151,000</td>
<td>155,215</td>
<td>141,000</td>
<td>(+10,000)</td>
</tr>
<tr>
<td>AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APPROPRIATIONS BILL, 2000 (H.R. 1906) — Continued</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Amounts in thousands)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY 1999</td>
<td>FY 2000</td>
<td>Bill</td>
<td>SH vs.</td>
<td>Bill vs.</td>
</tr>
<tr>
<td>Enacted</td>
<td>Request</td>
<td></td>
<td>Enacted</td>
<td>Request</td>
</tr>
<tr>
<td>----------</td>
<td>---------</td>
<td>------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Food donations programs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newly family program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,081</td>
<td>1,081</td>
<td>1,081</td>
<td>1,081</td>
<td>10,000</td>
</tr>
<tr>
<td>Elderly feeding program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>140,000</td>
<td>150,000</td>
<td>140,000</td>
<td>140,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Total, Food donations programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>141,081</td>
<td>151,081</td>
<td>141,081</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Food program administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>106,561</td>
<td>119,841</td>
<td>106,561</td>
<td>-11,280</td>
<td></td>
</tr>
<tr>
<td>Total, Food and Nutrition Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36,506,645</td>
<td>41,361,112</td>
<td>35,520,114</td>
<td>-546,531</td>
<td>-5,860,968</td>
</tr>
<tr>
<td>Total, title IV, Domestic Food Programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36,506,149</td>
<td>41,361,112</td>
<td>35,520,114</td>
<td>-546,531</td>
<td>-5,860,968</td>
</tr>
</tbody>
</table>

**TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS**

Foreign Agricultural Service and General Sales Manager:

Direct appropriation........................................... 130,203 137,798 137,798 +1,565
(transfer from export loan).................................. (2,331) (3,413) (3,413) +1,082
(transfer from F.I.L. 489)...................................... (1,039) (2,383) (2,082) -1,508

Total, Program level........................................... (140,469) (142,271) (142,271) +1,805

Public Law 480 Program and Grant Accounts:

Title I - Credit sales:

Program level................................................. (218,724) (214,523) (214,523) +5,142
Direct loans.................................................. (300,473) (300,552) (300,552) +0,080
Net grants.................................................... (9,024) (9,400) (9,400) -1,260

Total, Program level........................................... (524,221) (524,575) (524,575) +0,354

Title II - Commodity grants:

Program level................................................. (25,000) (25,000) (25,000) +0,000
Lend subsidies................................................ (176,596) 114,062 185,420 -1,118 +51,338
Financing..................................................... 815 845 845 +30

Total, Program level........................................... 1,860 1,938 1,938 +88

Total, Public Law 480

Program level................................................. (1,061,724) (807,320) (1,081,582) -20,142 +114,254

Appropriation.................................................. 1,059,695 915,060 1,018,338 -36,357 +103,338

COC Export Loans Program Account (administrative expenses):

General Sales Manager (transfer to FAS)..................... 3,231 3,413 3,413 +182
Farm Service Agency (transfer to FAS)......................... 589 672 672 +83

Total, COC Export Loans Program Account.................... 3,820 4,085 4,085 +265

Total, title V, Foreign Assistance and Related Programs

(transfer from export loan).................................. (4,946) (4,508) (4,508) -438

1,186,718 1,186,718 1,186,718 -26,527 +103,338

**TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Salaries and expenses, direct appropriation.................. 670,687 1,108,950 1,072,950 +102,000 -37,000
Prescription drug user fee act................................ (130,273) (145,434) (145,434) +15,161
Subtotal....................................................... 1,103,140 1,254,384 1,218,384 +115,244 -37,000

Omnibus clinics user fee (postal savings)............... (14,389) (14,389) (14,389) +0
Payments to GSA.............................................. (30,696) (100,190) (100,190) +1,314
Buildings and facilities.................................... 819,350 31,750 919,750 +20,400

Total, Food and Drug Administration....................... 982,217 1,141,700 1,106,700 +220,400 -37,000

DEPARTMENT OF THE TREASURY

Financial Management Service: Payments to the Farm Credit System

Financial Assistance Corporation.......................... 2,595 2,595

INDEPENDENT AGENCIES

Commodity Futures Trading Commission......................... 61,000 67,855 65,000 +2,855

Y2K conversion (emergency appropriations).................. 358

Farm Credit Administration (limitation on administrative expenses).................. (35,800) (35,800) (35,800) +0

Total, title VI, Related Agencies and Food and Drug Administration.................. 1,048,138 1,208,355 1,189,700 +123,562 -38,855

**TITLE VII - GENERAL PROVISIONS**

Hunger fellowships........................................... 1,000 1,000 1,000 +1,000 1,000
### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

**APPROPRIATIONS BILL, 2000 (H.R. 1906)—Continued**

*Amounts in thousands*

<table>
<thead>
<tr>
<th></th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE VIII - EMERGENCY APPROPRIATIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency appropriations (P.L. 105-277) (Title VII and Title VIII)</td>
<td>5,916,655</td>
<td></td>
<td></td>
<td>-5,916,655</td>
<td></td>
</tr>
<tr>
<td>Grand total:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New budget (obligational authority)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>61,677,014</td>
<td>66,883,182</td>
<td>60,842,572</td>
<td>+5,934,442</td>
<td>-6,040,610</td>
</tr>
<tr>
<td>Emergency appropriations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(55,713,635)</td>
<td>(81,863,182)</td>
<td>(60,842,572)</td>
<td>(+5,129,737)</td>
<td>(+1,040,810)</td>
</tr>
<tr>
<td>Advance appropriations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(612,780)</td>
<td>(5,000,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(By transfer)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loan authorization</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Limitation on administrative expenses)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(144,087)</td>
<td>(108,287)</td>
<td>(144,087)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1/ In addition to appropriation.
The CHAIRMAN. Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. KUCINICH

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

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 10, line 14 (relating to Agricultural Research Service), after the dollar amount, insert the following: "(reduced by $100,000)".

Mr. KUCINICH. Mr. Chairman, a few years ago I visited an elementary school at the start of the school year. The children celebrating the beginning of their school year had released hundreds and hundreds of butterflies into the air.

Now, a butterfly is a powerful symbol in our society. It is a symbol of transformation, transformation from a caterpillar into this beautiful winged being. Butterflies excite the imagination, they enthral us with their possibilities. Yet, the butterfly may become the next casualty of our brave new world.

We are all familiar with the genetically altered crops where pesticides are engineered right into the crop. A recent study indicates that pollen from such crops may have the potential to kill off butterflies, including the majestic and beautiful Monarch butterfly.

Mr. Chairman, my intention with this amendment is to provide the Agricultural Research Service with $100,000 to study the effects of pollen from genetically modified crops on harmless insects, and to study the effect on other species, including animals and humans, that may come in contact with the pollen.

Corn that has been genetically engineered with the pesticide Bt has been approved and was introduced to farmers' fields in 1996. It now accounts for one-fourth of the Nation's corn crop. Bt is toxic to European and Southwestern corn borers, caterpillars that mine into corn stalks and destroy developing ears of corn.

According to a recent study conducted at Cornell University, it is also deadly to Monarch butterflies. The Cornell study found that after feeding a group of larvae, milkweed leaves dusted with Bt pollen, almost half died. The larvae that did survive were small and lethargic.

The implications of this are very clear. Pollen from Bt-exuding corn spreads to milkweed plants, which grow near cornfields. Monarch larvae feed exclusively on milkweed. Every year, Monarchs migrate from Mexico and southern States, and many of them grow from caterpillars into beautiful black, orange, and white butterflies in the United States. The corn belt, during the time the corn pollination occurs.

I am sure that millions of Americans have had the experience of taking their children in hand and going into a pasture and watching for beautiful butterflies to come by and visiting an arbor, a grove, and a park and watching the butterflies.

Well, now, if we read the Washington Post, it says that pollen from plants can blow onto nearby milkweed plants, the exclusive food upon which the Monarch larvae feed, and get eaten by the tiger-striped caterpillars.

At laboratory studies at Cornell, the engineered pollen killed nearly half of those young before they transformed into the brilliant orange, black, and white butterflies so well-known throughout North America. Several scientists expressed concern that if the new study results are correct, then monarchs, which already face ecological pressures, but so far have managed to hold their own, may soon find themselves on the Endangered Species list. Other butterflies may soon be at risk.

From the Friends of the Earth we hear, "The failure of Congress and the administration to ensure more careful oversight and education on genetically modified organisms has unleashed a frightening experiment on the people and environment of the United States. It is time to look more closely at the flawed review process of the three Federal agencies that regulate genetically modified products: EPA, FDA, and USDA."

"The implications of the Cornell University study go far beyond Monarch butterflies and point to the need for a revamping of our regulatory framework on biotechnology."

Monarchs have already lost much of their habitat when tall-grass prairies were converted to farmland. We now need to protect them and other species that are harmless to farmers' crops, that may be adversely affected by Bt pollen.

It is shocking that more extensive studies like the one performed at Cornell were not done before the crop was approved. It also makes one wonder what effects other genetically altered crops may have on other species, such as birds, bees, and even humans, and if adequate risk assessments are being done on bioengineered products before they are approved and released into the environment.

Mr. Chairman, my colleagues, more research obviously needs to be done on these transgenic crops. I ask my colleagues to support my amendment to protect Monarch butterflies from the harmful effects of genetically modified crops.

Finally, Mr. Chairman, last year I had the opportunity to visit Pelee Island in Canada, which is a migration point for the Monarch butterflies. There is nothing more beautiful than to see hundreds of thousands of these beautiful butterflies moving in a migratory pattern. It is an awesome sight.

And yet, because of a lack of foresight on the part of our government, there is the possibility that these beautiful creatures may in fact be doomed. That is why this amendment is important.

Mrs. MEEK of Florida. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to enter into a colloquy with the strong, gentle woman from Ohio (Ms. KAPTUR), the ranking member of the subcommittee. I am strongly supporting this bill because agriculture is an essential part to our country. It is as essential to our country as manufacturing, services, transportation, or any other sector of our economy.

I am concerned, however, about two major programs in particular. These programs are the Agricultural Research Service, which conducts and funds a variety of research projects, including those related to animal and plant disease and soil, water, safety, and agricultural engineering; and the Cooperative State Research Education and Extension Service, which works in partnership with universities to advance research, extension, and education in food and agricultural sciences.

My concern, Mr. Chairman, is not so much about how much money is being spent on these programs or what research projects are being done. My concern is what other hands are needed to do this work. In looking over the list of universities that are conducting research in these programs, I am concerned that land grant colleges and universities in general, and historically black colleges and universities in particular, are underrepresented in research and education funding.

There is still a woeful gap between the capacity of majority land grant colleges and historically black land grant colleges, particularly in the areas of research and the facilities that are available. Despite this, historically black colleges have consistently outperformed majority institutions in the development of minority scientists and engineers.

The assistance of the government in this effort has been essential. I would hope that as the legislative process moves forward today and in conference with the Senate, my colleague will help voice these concerns and work with the distinguished chairmen, the gentleman from New Mexico (Mr. SKEEN), in working for a fairer distribution of Federal agriculture research and education funding.

Ms. KAPTUR. Mr. Chairman, will the gentleman from New Mexico (Mr. SKEEN), in working for a fairer distribution of Federal agriculture research and education funding.

Ms. KAPTUR. Mr. Chairman, will the gentleman from New Mexico (Mr. SKEEN), in working for a fairer distribution of Federal agriculture research and education funding.

Ms. KAPTUR. Mr. Chairman, will the gentleman from New Mexico (Mr. SKEEN), in working for a fairer distribution of Federal agriculture research and education funding.

Ms. KAPTUR. Mr. Chairman, will the gentleman from New Mexico (Mr. SKEEN), in working for a fairer distribution of Federal agriculture research and education funding.

Ms. KAPTUR. Mr. Chairman, will the gentleman from New Mexico (Mr. SKEEN), in working for a fairer distribution of Federal agriculture research and education funding.
and universities that can make valuable contributions to agricultural research and really deserve the support of this committee.

I promise that I will work with the gentlewoman and the chairman, the gentleman from New Mexico (Mr. SKEEN) of our subcommittee and my colleagues on the full committee to address this problem as the bill moves through the process and through conference, particularly starting with report language to require the Department to report back to us on what is currently being done, if anything, so we can establish the baseline for the future.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman for her comments.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment dealing with research by the Agricultural Research Service for the Monarch butterfly. Let me just say that the Committee on Agriculture, which the gentleman from New Mexico (Mr. SKEEN) chairs and of which I am the ranking member, is the chief ecosystem committee of this Congress, and I believe, of this country.

There is an expression: ‘You can’t fool Mother Nature.’ There are some fundamental questions being raised here by the gentleman from Ohio (Mr. KUCINICH) that are very important to the future of botanical life and biological life in our country. Because we have never before had these genetically engineered crops, we really do not know their long-term impacts.

I know recent articles in Scientific American and many newspapers indicate that as a result of butterflies, which spend, I suppose, a majority of their life in the eastern corn belt, we know something about corn and soybeans, and these butterflies are essential to our future. After being impacted by this pollen, 40 percent of them died. 40 percent. This is a profound result. So I think the gentleman from Ohio (Mr. KUCINICH) brings to us a very important and current finding that is well deserving of research.

I also would say to the gentleman, I thank him for doing this, because I know he represents the inner part of Cleveland, Ohio; and one of my greatest concerns as another American is that we have the first generation of people in the Nation’s history who do not spend the majority of their time raising their food or with any connection to production at all, so they are divorced from the experiences that he is talking about.

I would just say, for someone from Cleveland, Ohio, a major city in this country, to bring this amendment to the floor, to me, in some ways is a modern-day miracle. So I want to thank the gentleman and I look forward to supporting him.

Mr. KUCINICH. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I appreciate the gentlewoman’s response. And it is an honor to serve with the gentlewoman in this Congress, serving the people of Ohio.

She raised an interesting point, and that is, what effect do these genetically engineered products have on our natural environment? I mean, sometime in the 20th century there was kind of a disassociation between humanity and the natural environment; and I suppose, a good part of the next century trying to reconnect.

The disassociation from the land which the gentlewoman speaks about is a profound disconnection from nature. I thank the schoolchildren, for example, find it so fascinating to study butterflies. Because in some ways, that primal human sympathy which Wordsworth talked about in his poetry, butterflies in the heart when we see something so beautiful. And I think that as the schoolchildren, who spend time with their parents and their grandparents going to parks and zoos and arboretums, have the knowledge that this very beautiful butterfly could be impacted by this bioengineering. I think that we are going to see a response nationally. And it would be healthy because this country needs to look for opportunities to reconnect with our natural state.

So I thank the gentlewoman. I hope that the esteemed chairman, the gentleman from New Mexico (Mr. SKEEN) would be able to respond.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I will tell the gentlewoman I am all aflutter. I would like to say that I understand the concern of the gentleman, and I will continue to work with him to address this situation, and I think he has got a good program.

Mr. KUCINICH. Mr. Chairman, if the gentlewoman would continue to yield, I would be more than happy to work with the chair. I need the help of the gentlewoman from Ohio (Ms. KAPTUR) and I need the help of the chair. We can work together to address this issue, bring it to the committee.

With that kind of assurance, I say to the gentleman from New Mexico (Mr. SKEEN) of our amendment, but look forward to working with both of my colleagues to find the appropriate venue within the committee so that we can start to get these agencies to be aware of this major concern of public policy.

I thank the gentleman again for his work on the matter for his work on the agricultural bill. And again, my gratitude to the gentlewoman from Ohio (Ms. KAPTUR). It is an honor to be with her in this House.

Ms. KAPTUR. Mr. Chairman, I say to the gentleman from Cleveland, Ohio (Mr. KUCINICH) that I thank him very much for bringing this to the Nation’s attention. He is a leader on this issue, and I look forward to working with our chairman to find an answer to this as we move toward the conference.

The CHAIRMAN. Without objection, the amendment of the gentleman from Ohio (Mr. KUCINICH) is withdrawn.

There was no objection.

( Ms. KAPTUR asked, and was given permission to speak out of order for 2 minutes.)

THANKS TO THE FOLKS BACK HOME

Ms. KAPTUR. Mr. Chairman, I will not take long, but to say I should have said this yesterday as I began my remarks on this Agricultural Appropriations bill for the Year 2000. And that is that I am very indebted to the people from back home who have sent me here to serve on their behalf. A number of them are farmers and have spent their life in production and in agriculture.

I want to recognize a few of them on the floor today, in particular, Ray Zwyer and Thelma Zwyer, who are now, I believe, Social Security recipients. And I know Ray is undergoing kidney dialysis several times a week. I want to thank him and his wife, Thelma, for everything they taught me about agriculture, for taking me out on my first combine, for helping me understand chicken production and poultry production, for helping me understand the importance of the farm family in this country to make it, to watch their son Tom and his children and their family to try to carry on the family tradition on that farm in Monclova Township.

I want to thank his brother, Howard, and his wife, Eleanor Zwyer, right across the street, for all the hard work they have done to create and keep in our area production agriculture.

I also want to thank Herman and Emma Gase up the street, who have worked so very hard to raise their family. And I notice they had a couple of pieces of equipment for sale in their front yard this past week.

I also want to thank Melva and Pete Plocek. Pete is the one that taught me what it is like to have wet beans and that they do not get as much when they take them to the elevator.

There are so many people like this back home who truly represent rural life in this country, the very best traditions of our Nation. And I just want to thank them for letting me try to be their voice here, as well as
the one million farm families across our country who expect us to do the job for them in this bill.

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

The Clerk read as follows:

Amendment offered by Mr. COBURN: 

Page 30, line 14, after the dollar amount insert "(reduced by $50,863,000)". 

Mr. COBURN. Mr. Chairman, I hope the chairman and ranking member will bear with me on this amendment. I do intend on withdrawing this amendment at some point in the discussion, but I think the American people need to know about the increase in agricultural research. I agree with many of the increases that are in there, but I think it is going to do us a good job of informing the American people where we actually spend this money.

This $50 million increase that this committee has put in for agricultural research. I want to put it in light of the real issues of why we are trying to trim this budget back to last year's level.

I am going to say again, for our seniors out there that are watching and for our children that are watching, that are going to pay the bills for the money that we spend above the caps, that the Social Security money that ends up getting spent this year despite the fact that we made a commitment to not spend that money: The graph that you see to the left shows what is going to happen to Social Security revenues. The bars that you see in the black are the increase in the number of dollars that are coming in over expenditures, the amount of money that comes in minus the amount of money that goes out for Social Security payments.

In 2014 we see a tremendous change. We start seeing red show up. That money, that red, is indicative of the amount of money that is going to have to come from the general fund, not the Social Security fund, to meet the obligations for Social Security.

Where is that money going to come from? That money is going to come from increased payroll taxes on our children. The Congressional Budget Office and the Social Security Administration estimate that if we stay on the track that we are staying right now, that in fact our children and grandchildren most likely will be paying twice in payroll taxes as they pay today just to meet the requirements of the baby boomers. I happen to be a baby boomer. I was born in 1948. I was a product of the postwar greatness that came in this country in terms of we came back from the war and were allowed to have children with the material standard of living rose greatly.

Our commitment in this body, both by the budget that the Democrats provided and the Republicans provided, everybody committed that we would not touch one dollar that Social Security money being spent. You are on a track to make sure that we spend about $45 billion of that money this year. Most people know that but they are not willing to say it. They are not willing to admit that the 232(b) allocations that have been put out will actually in the long run spend Social Security money.

I think that it is unfair to the American public to say that we are going to go through an appropriations process that is going to protect Social Security and protect 100 percent of the dollars in that, when in fact in our heart we know that Washington is not going to live up to that commitment. That commitment is going to be honored.

But, more importantly, it is a commitment to our children and our grandchildren.

If you ask the seniors in this country, the people that won World War II, do they want to burden their grandchildren with a FICA tax rate that is twice what they paid so that we can meet the real obligations of Social Security, they are going to say no. And if you ask them what if we just trim spending a little bit more in Washington so that does not happen, they will all say yes.

I am a grandfather. I will do almost anything for my grandchildren. I will make whatever physical, material sacrifice that I need to make for my grandchildren. The question that we have before us and the debates that we have before us today are about whether or not we are going to do that.

Agriculture is a very important part of our country. I have said when we discussed this bill and when we discussed the rule, this is a good bill. My son, who is a veterinarian, is working on a farm. He hopes that we make the commitment that we are going to be able to meet our obligations to the American people by not spending Social Security money. Just so that everybody can know, here is 1999.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

(Yesterday the House adopted an amendment by the gentleman from Vermont (Mr. SANDERS) which I opposed. It reduced the amount for the Agricultural Research Service by $13 million in order to provide an increase for the Commodity Assistance Program.

I opposed that amendment because I think that research is absolutely essential if we want the 2 percent of our people who are farmers to continue to feed the other 98 percent of our people and much of the rest of the world, too. I am sure that they would like to contribute to that. And contributing a huge amount to our balance of trade and humanitarian assistance. This simply would not be possible if it were not for our agricultural research efforts which are the envy of the entire world.

Mr. COBURN. Mr. Chairman, what we see is 1999 and 2000 estimated numbers for Social Security surplus. Last year there were $127 billion in excess Social Security payments in over what we paid out. What did we do? We started out, we had a budget that spent $1 billion of it. This is before we had made a commitment not to do that. Then we had a $15 billion supplemental. And then at the end of the year we crashed through the omnibus bill at the end of the year.

So what we ended up doing was spending $20 billion of Social Security payments to run this country last year because the Congress did not have the courage million for ourwed. Government to be efficient. It is not a matter of making cuts. It is a matter of demanding efficiency from the Federal Government and living within the budget.

In 1997, we agreed with the President, both bodies of this Congress, that we would live within the 1997 total budget caps. At the time we did that, most of the pain we knew was going to start this year. The actual spending on discretionary programs, programs other than Medicare, Medicaid and mandated programs, has to decline by $10 billion this year if we are not going to spend Social Security money.

Here is where we are going. Right now the President's numbers that say that we are going to have $138 billion in Social Security excess payments, we are on track to spend $57 billion of that money. If you look at it conservatively, the best that we will do if we stay on the track is that we will spend $45 billion of that money.

This House has a lot of integrity. It is time for us to stand up and meet that integrity. It is time for us to live within the budget dollars that we agreed that we would live with.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, this amendment continues the process that we started yesterday. The gentleman has demonstrated that he has patience and endurance, and I would say that the committee has no shortage of endurance or patience.

Yesterday the House adopted an amendment by the gentleman from Vermont (Mr. SANDERS) which I opposed. It reduced the amount for the Agricultural Research Service by $13 million in order to provide an increase for the Commodity Assistance Program.

I opposed that amendment because I think that research is absolutely essential if we want the 2 percent of our people who are farmers to continue to feed the other 98 percent of our people and much of the rest of the world, too. I am sure that they would like to contribute to that. And contributing a huge amount to our balance of trade and humanitarian assistance. This simply would not be possible if it were not for our agricultural research efforts which are the envy of the entire world.

The gentleman’s amendment would reduce this amount by $51 million in addition to the $13 million reduction that the House agreed to yesterday. This would reduce the Agricultural Research Service well below the fiscal year 1999 level and would make it impossible to maintain the base level of activity. I oppose this amendment. I ask all the Members to oppose it and to support the committee.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

May 26, 1999

CONGRESSIONAL RECORD—HOUSE 11115
Mr. Chairman, I also rise in opposition to the gentleman's amendment. Let me say in defense of Social Security, the most important input to Social Security's Trust Fund is an America that is working and that is productive. Therefore, the reason we have seen the revenues bounce up in Social Security is because the economy has been stronger in the last several years than in past decades. And so the most important thing we can do is help people's incomes rise and help people keep working so that that revenue flow increases.

The Social Security Trust Fund is not a static fund. It is a fund that is very connected to what is happening in production America, whether it is in the industrial plants, whether it is in agriculture or in our service industries. Rural America is going to have a future if we go out of the tailspin that they are in so that they again can become productive partners, contributing to the national well-being as well as their own well-being.

And so I would say to the gentleman, I think his efforts to try to be responsible and to deal with the budget issue here are admirable. However, in the context of the way we function as the Congress, we are one of 13 committees. We have been given the budget mark against which we must not go over. When we bump our heads up against it, we know we cannot go over.

As the gentleman admitted on the floor yesterday, we have done our job on this committee. Now, other committees have spending that is cut several hundred million dollars. That is all balanced out by the leadership of your party. Therefore, we on the Committee on Agriculture in some ways are insulted by the fact that you would try to go line item by line item inside our accounts and say, "Well, this isn't important." or 'This isn't important' when we have so many tradeoffs that we have had to try to make, especially in Depression level conditions like rural America is facing today.

This agricultural research account is critical, because it is the future. If America is going to have a future in agriculture, it is built on the research that is being done every day by scientists who are not given enough credit here in Congress or in general in the country.

If you look at some of the costs to our economy where we do not have answers, something like soybean nematode which takes 25 percent of our crop, if we could produce 100 percent of the crop or 90 percent rather than 75 percent, how much more wealth and buying power and income that would add to our rural sector. In the South, something like a corn earworm costs farmers over $1.5 billion annually in losses, in chemical costs. We do not have answers to that problem.

These may seem like funny names to people who live in rural America but to people who face this every day, these are vital problems. We had the gentleman from New York (Mr. Crowley) yesterday talk about the Asian Longhorned beetle infecting New York City as well as Illinois. Maple sugar producers in my area are scared to death that that thing is going to come across the State and cause billions of dollars worth of damage and kill all of our hardwoods.

These are not simple issues. We need answers to these questions. The gentleman from Ohio (Mr. Kucinich) was just here on the floor talking about the problem with the Monarch butterfly. We do not have an answer to why nearly half the Monarchs in this country are dying, but we better find an answer because if we do not, production agriculture goes down, income goes down and we do not have dollars flowing into that Social Security Trust Fund.

I would just say to the gentleman also in my time here that he keeps looking at the accounts in our overall budget and he says, "Well, this one is going up," but he does not look at the ones that went down. We have a lot of accounts, for instance, our surplus commodities and foreign food shipments account has gone down by over $25 million, our P.L. 480 title I by over $11 million, all of our rural community advancement programs by over $56 million. You look at our Agricultural Credit Insurance Fund by over $18 million, the Agricultural Research Service buildings and facilities, over $11 million.

So we feel that we have done what we need to do in each of these accounts, but I would not cut America's future, not cut her seed corn for the future by cutting these agricultural research accounts. And also to say to the gentleman, go back to your leadership. If you have got a budget problem, do not put it all on the backs of this subcommittee. We have done our job, we have met our mark.

We are proud of the work that we have done, and we do not have answers to these questions. The gentleman from Ohio (Mr. Kucinich) was just here on the floor talking about the problem with the Monarch butterfly. We do not have an answer to why nearly half the Monarchs in this country are dying, but we better find an answer because if we do not, production agriculture goes down, income goes down and we do not have dollars flowing into that Social Security Trust Fund.

I want to address just to the gentleman also in my time here that he keeps looking at the accounts in our overall budget and he says, "Well, this one is going up," but he does not look at the ones that went down. We have a lot of accounts, for instance, our surplus commodities and foreign food shipments account has gone down by over $25 million, our P.L. 480 title I by over $11 million, all of our rural community advancement programs by over $56 million. You look at our Agricultural Credit Insurance Fund by over $18 million, the Agricultural Research Service buildings and facilities, over $11 million.

So we feel that we have done what we need to do in each of these accounts, but I would not cut America's future, not cut her seed corn for the future by cutting these agricultural research accounts. And also to say to the gentleman, go back to your leadership. If you have got a budget problem, do not put it all on the backs of this subcommittee. We have done our job, we have met our mark.

We are proud of the work that we have done.

I rise in strong opposition to the gentleman's amendment.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words. Actually, before I begin with my comments, I would yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I want to address a couple of things that the ranking member of the committee said.

First of all, my first comments were that I supported the research, that I planned on withdrawing this amendment, that I thought it was good that the American people knew where we were spending the money. So I want to put some of this in so that they can get some flavor of where we are spending the money.

"Sugarbeet research. The Committee is aware of the need for additional funding to adequately support the ARS sugarbeet research program at Fort Collins, Colorado, to strengthen sugarbeet research at the ARS laboratory. The Committee directs the ARS to fund this project in FY 2000 at least at the same level as in FY 1999." But in fact what are the prices of sugar in this country and how much are we subsidizing sugar versus what the price is in the rest of the world?

There is no question we should be directing our research to improve our productivity, and I am for that. But now we are directing money to a program where we are subsidizing and falsely charging in this country a higher price for sugar than what the market would ever have us have.

So it is not about not agreeing with the research. It is about getting money into areas where we have a market that is not working today because we have overproduction, and we are spending research to enhance that overproduction more, which means a lot more money is going to come out of the subsidy programs that are available for sugar beet or sugar.

So the question is, should we not have a discussion about these things? And I am sure there is a defensible position for that. I am not saying there is not, and I am saying that I support without a doubt, and I will make a unanimous consent, and I hope that it is agreed to, to withdraw this amendment.

But we still have a 6.5 percent increase in agricultural research of which most is directed to specific Members' requests and programs, and we ought to talk about what that is. Do we have a coherent, to talk about what that is. Do you have a coherent, cogent policy for research that is directed fundamentally at the basic needs that we have in this country?

Mr. SANFORD. Mr. Chairman, reclaiming my time, I would just like to interrupt for 2 seconds.

For instance, I want to follow up with the brief comment he made on sugar because this issue of sugar makes my blood boil. The idea that we have a research system set up that costs a little guy a lot of money, I think is crazy.

I mean, if we look at the sugar subsidy program that is in place, basically it costs the consumer $1.4 billion a year in the form of higher sugar prices. Our sugar prices domestically are about double that of world prices, and all that benefit goes down to the hands of truly a few.

I mean, there are about 60 domestic sugar producers in the United States. One of those sugar producers is, for instance, the Panjul family, who live
May 26, 1999

CONGRESSIONAL RECORD—HOUSE

Page 13, line 11, after the dollar amount in-

down in Palm Beach. They are on the
Forbes 400 list, they have got yachts, they
have got helicopters, and they
have got airport, and yet they get $60
million a year of personal benefit as a
result of this program.

So the idea of sending taxpayer
money from somebody that is strug-
gling in my district to help fund the
life-styles of the rich and famous with
the Fanjul family is, to me, not sen-
sible.

Now, as I understand it, he may actu-
ally withdraw this amendment, but to
say there is not another dime that
could be cut out within ag research I think
is a grossly inadequate assumption.

Ms. KAPTUR. Mr. Chairman, will the
gentleman yield?

Mr. SANFORD. I yield to the gentle-
woman from Ohio.

Ms. KAPTUR. Mr. Chairman, was the
gentleman suggesting that there is one
dime in money in the agricultural re-
search account that goes to the family
that he is talking about, that he claims
receives funds? Is he saying agricul-
tural research, sugar beets go, or is he trying
to distort this argument?

Mr. SANFORD. The gentlewoman
from Ohio is absolutely right; they are
apples and oranges. The research goes
toward sugar, and our sugar system, as
it is configured in the United States,
Mr. Chairman, very much benefits this
one particular family and basically
about 60 other domestic sugar pro-
ducers in the United States.

Ms. KAPTUR. If the gentleman
would just be kind enough, Mr. Chair-
man, I have farmers in my district that
raise sugar beets. I would challenge the
gentleman any day to come and put in
the day of work that they do. That is
one heck of a dirty job, to raise beets
in this country, and if there is a better
job than that, I would like to know from
a little bit more at processing time, I am for them.

Mr. SANFORD. Reclaiming my time,
I think there is no question that there are
some hard-working, sugar-pro-
ducing, sugar-beet-producing families
throughout the Midwest, but there also
happens to be the Fanjul family that
controls over 180,000 acres of sugar
cane production in south Florida. That
is not exactly the family farm, and the
fact of the matter is that part of this
research will benefit a family like the
Fanjuls.

Mr. COBURN. Mr. Chairman, I ask
unanimous consent to withdraw this
amendment.

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

Ms. KAPTUR. Mr. Chairman, I ob-
ject.

The CHAIRMAN. Objection is heard.

The question is on the amendment
offered by the gentleman from Okla-
(Fanjuls).

The question is on the amendment
offered by the gentleman from Okla-
 minister withdraw this amendment, but to
say there is not another dime that
could be cut within ag research I think
is a grossly inadequate assumption.

Ms. KAPTUR. Mr. Chairman, will the
gentleman yield?

Mr. SANFORD. I yield to the gentle-
woman from Ohio.

Ms. KAPTUR. Mr. Chairman, was the
gentleman suggesting that there is one
dime in money in the agricultural re-
search account that goes to the family
that he is talking about, that he claims
receives funds? Is he saying agricul-
tural research, sugar beets go, or is he trying
to distort this argument?

Mr. SANFORD. The gentlewoman
from Ohio is absolutely right; they are
apples and oranges. The research goes
toward sugar, and our sugar system, as
it is configured in the United States,
Mr. Chairman, very much benefits this
one particular family and basically
about 60 other domestic sugar pro-
ducers in the United States.

Ms. KAPTUR. If the gentleman
would just be kind enough, Mr. Chair-
man, I have farmers in my district that
raise sugar beets. I would challenge the
gentleman any day to come and put in
the day of work that they do. That is
one heck of a dirty job, to raise beets
in this country, and if there is a better
job than that, I would like to know from
a little bit more at processing time, I am for them.

Mr. SANFORD. Reclaiming my time,
I think there is no question that there are
some hard-working, sugar-pro-
ducing, sugar-beet-producing families
throughout the Midwest, but there also
happens to be the Fanjul family that
controls over 180,000 acres of sugar
cane production in south Florida. That
is not exactly the family farm, and the
fact of the matter is that part of this
research will benefit a family like the
Fanjuls.

Mr. COBURN. Mr. Chairman, I ask
unanimous consent to withdraw this
amendment.

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

Ms. KAPTUR. Mr. Chairman, I ob-
ject.

The CHAIRMAN. Objection is heard.

The question is on the amendment
offered by the gentleman from Okla-
(House)
Mr. POMEROY. Mr. Chairman, I object, Mr. Chairman. The CHAIRMAN. Objection is heard. Mr. POMEROY. Mr. Chairman, I move to strike the last word.

The gentleman from Oklahoma (Mr. COBURN), the sponsor of the 100-plus amendments that have turned the ag appropriations bill into such an utter fiasco in this House has strong convictions. Good for him. I believe they are heartfelt, and he is certainly articulate in advancing his belief on these things.

I have strong convictions, too. In fact, there are 435 of us in this body with strong convictions.

Many of us believe that hijacking the floor of this House is not the appropriate way to advance our strong convictions, work within the process, plug along, and ultimately try and make our beliefs prevail.

But to unilaterally tee off on America’s farmers, as is the case with the 100-plus amendments sponsored by the gentleman from Oklahoma (Mr. COBURN), is fundamentally wrong and utterly unrelated to the concerns that he continues to tell us so much about.

There is a budget. It has been adopted by this body. It provides for spending of general fund dollars. The Committee on Appropriations has made allocations to its subcommittees, and the gentleman from New Mexico (Mr. SKEEN), dealing with the appropriation made to agriculture, came up with a bill that enjoyed bipartisan support coming out of that committee.

I do not like the bill. I do not think there is enough response to the needs in agriculture funded in the bill brought forward. I believe we needed to do more.

But to have the gentleman tee off on agriculture, up here and try to make his ideological points at the expense of America’s farmers is wrong.

It is his prerogative. We all have our own ways of doing things.

Ultimately, the blame for this fiasco falls upon majority leadership, Speaker HASTERT, where is he? Majority Leader ARMEY, where is he? Majority Whip DELAY, where is he? America’s farmers need their direction and they need your leadership, and they need it now.

I believe that we need to assess what is taking place on this bill, and if Speaker HASTERT cared about America’s farmers, he would put a stop to it, and there are innumerable ways available to the Speaker of the House to get this bill from being eviscerated in the fashion the gentleman is attempting. Give him an opportunity to have his amendment, one amendment, and then let us get on and appropriate the money so our farmers know where they stand.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman currently has this amendment and 10 other amendments that are pending at the desk. I have no doubt that the gentleman has many more such amendments that he will propose for this account. At this point they are all flawed, as was his amendment yesterday on the Department of Agriculture buildings and facilities.

Each of them proposes to eliminate a single item, but does not reduce the overall total, and so there is no reduction accomplished by the amendment. In this series of amendments, each amendment proposes to eliminate a single special research grant within the Cooperative State Research, Education, and Extension Service, and in almost all cases these are projects that have been ongoing for many years and were proposed to be eliminated in the administration’s budget request, and that were restored by the committee at the same level of funding provided in fiscal year 1999.

The special research grant that this amendment proposes to eliminate is described in detail in part 4 of the committee’s hearing record on page 1,432, and the following is a brief description of the research performed under this grant:

“Radiation from the sun occurs in a spectrum of wavelengths with the major portion of wavelengths being beneficial to human and other living organisms. A small portion of the short wavelength radiation, what is known as the Ultraviolet or UV-B Region of the
spectrum, is harmful to many biological organisms. Fortunately, most of the UV-B radiation from the sun is absorbed in the atmosphere and does not reach the surface of the Earth. The discovery of the deterioration of the stratosphere ozone layer and the ozone hole over polar regions has raised concern about the real potential for increased UV-B irradiance reaching the surface of the earth and the significant negative impact that it would have on all biological systems, including man, animals and plants of agricultural importance. There is an urgent need to determine the amount of UV-B radiation reaching the Earth's surface and to learn more about the effect of this changing environmental force. The Cooperative State Research, Education and Extension Service, CSREES, is in the process of establishing a network for monitoring surface UV-B radiation which will meet the needs of the science community for the United States, and which will be compatible with similar networks being developed throughout the world.\[p\]

Grants for this kind of work have been reviewed annually and have been awarded each year since 1992, and the work is performed at Colorado State University.

Mr. Chairman, this is a good project and it deserves the support of all Members, and I support the project and I oppose the gentleman's amendment to eliminate it.

Mr. BASS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say that I have nothing but the deepest respect and admiration both on a professional and personal level for the distinguished chairman of the agriculture appropriations committee, as I do for every other member of the Committee on Appropriations. I have watched with amazement as the gentleman from Oklahoma has withstood the most withering criticism from other Members of Congress, not so much for the content of the amendments that he has offered, but for his insistence upon exercising his right as a Member of this body to question the product that has been produced by a committee of this House.

I think it is regrettable that Members of Congress get up and imply that a Member's right to debate line items in the budget is somehow an insult to the Committee on Appropriations or any other committee of the House. In fact, in my opinion it is an opportunity for individual Members of Congress to state their views and positions on issues, regardless. They may seem trite and unimportant and wrong to some Members of Congress, but they are important to the Members of Congress.

And it may take a few hours to get through the agriculture appropriations bill, and I have no doubt that we will pass a fine product in the end. But I hope this body will give every Member of Congress the tolerance that we should exercise in allowing everybody the opportunity to debate their amendments. Because remember, you will be the person at some future date that will want to have that same respect shown for you. Scrutiny is painful, but it is good for the process.

So I commend the gentleman from Oklahoma for what he is doing, and I rise in support of this amendment.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. BASS. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thank the gentleman for those words of support.

The gentleman from North Dakota (Mr. Pomijenov) said that the purpose of pork is to go out and look for something that is already being researched at a higher level. I am here to try to change it. The purpose is to ridicule money that does not go to our farmers.

We had seven votes last night on money that is spent on bureaucracy. This is not going to slow down one penny of money going to our farmers because this bill is going to pass. I said when we first started this debate that this was a good bill. I said that I supported the research.

The fact is we have a rule that allows us to debate these issues, and if one did not like the rule, one had an opportunity to vote against the rule. I voted against the rule because I think we spent money in the wrong ways and I wanted to change it, and I am here exercising my right as a Member of this body to try to change it.

My whole goal is to free agricultural research from the shackles of personal political power, and to make sure dollars go to the farmers, not political whims to get somebody reelected. So there is nothing wrong with asking questions about how the money goes.

The question of UV light, we are spending hundreds of millions of dollars on ultraviolet radiation in other areas of this government. This is a pork project, plain and simple, and it has been funded and it continues to be funded. It is $1 million that is going to do something. And it is $1 million that could go to farmers instead of researching something that is already being researched at a higher level in a much more thorough way in almost every medical university in this country, and to pretend that this is a significant research that we cannot do without or not use somewhere else efficiently is not an accurate statement.

I am not testing and going after the integrity of anyone here. It is the process, and the fact that we have a lot of dollars in this agriculture bill that do not go directly to farmers. I come from a farm State. My district is rural. I have the support of my farmers. They do not want money spent in Washington that should be going to farmers. They do not want money paid out of federal funds for something that will not have what they need when they go to farm their land.

So the question is not about whether or not we should do research. The question is about whether or not we should do research in a way that gives us a result that does not pay somebody off for a political favor.

So that may not be very palatable here, but there is a lot of that going on, and what I am saying is, let us free this agriculture bill from that type of thing and let us make sure that our research is directed in such a way that we get a benefit from it in this country.

I thank the gentleman for yielding.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this debate is all framed in the sense that we are all here to try to make a better America. Well, a better America is not just the Social Security program, it is the totality of what we try to do here. A lot of that totality is regarded in quantity of life. If one wants to have a better quality of life, which requires that one has healthier communities and strong economies, one has to remain competitive in the world, when America remains competitive in its research.

I guess if we go through all of the research projects that we do, we would find that there are some that we like and some that we do not like. Certainly the gentleman from Oklahoma, who is a doctor, would agree that if we cut out medical research, one, we are not going to be competitive with the rest of the world and two, we are not going to provide for a better quality of life.

The same is true with agriculture, this research issue, the ozone issue. It is a big issue in the world. It has become the number one issue for one of our competitive agricultural countries, Australia. They grow the same crops that we grow, only in reverse seasons. They are competitive in markets that we are in. They have made ozone one of the biggest issues in the country. They have made it a national policy. They have a saying there, slip, slop, slap. Slip on a T-shirt, slip on a hat, and slap on some lotion before you go outside. It is that big and that is everywhere, on billboards and everything.

So the issue about research and quality of life and agriculture is that our bodies are what we eat. If we do better research in agriculture, we are going to be eating healthier foods and living healthier life styles.

So I wish that the gentleman would really not attack agricultural research as some kind of big pork that is in here just for Members. This country was...
based on land grant colleges, on universities that were based on studying agriculture. Training people for agriculture. We still honor those with research programs, and I can tell the gentleman the research that we are doing in our area is really a cutting edge issue.

So I mean there has been a debate here, because this process of bringing in, as the gentleman told the desk, 114 amendments to an appropriations bill after never attending any of the hearings that the Committee on Appropriations had, if each Member offered, I just figured it out, if each Member, 435 of us, if each of us offered 114 amendments on an appropriation, we would have 4,159 amendments offered here.

Mr. Chairman, the process does not work when we do it that way.

So yes, there has been criticism of sort of the number of amendments and the style which the gentleman is going about, but in the end this bill, which I was involved in the markup and attended all of those hearings because I am a member of the committee, this bill really is about trying to make for a healthier America, trying to make for a more competitive agriculture, a more environmentally friendly agriculture, a healthier food product, all of the things that make America the great place in which we live and respecting our heritage in that.

So yes, the gentleman is getting some negative responses to his amendments for the same reasons that I have indicated. I stand opposed to this amendment and to the others that the gentleman is offering.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Some of the attacks on my friend from Oklahoma have been downright humorous, the fact that he was accused of unilaterally trying to tee off on America’s farmers. I want to speak for my friend from Oklahoma and say he is willing to tee off on anybody who goes over the board.

This is not about agriculture. This is about a process of how we are going to try to keep within our budget agreement.

I want to say up front that I support this bill and furthermore, I believe we do not devote enough to agricultural research. Furthermore, I will add that I believe that in the specifics of much of this agricultural research, much of it can be easily mocked and made fun of, but it is the backbone of the agriculture of this country.

Furthermore, I do not know enough about this particular project to know whether this is indeed real research or whether or not it was put in because some Members had clout. It is naive for Members of Congress to walk up here and say that we, in fact, have to trust our leadership, trust our Committee on Appropriations. We should at least be willing to challenge occasionally.

If the Members of Congress do not want their projects struck, they should come up here and defend them, as the gentleman from New Mexico (Mr. SKEEN), the chairman of this subcommittee, eloquently explained what the intent of this was. Where are the Members who represent this particular university in this particular State explaining what it is? Because this should be an opportunity for those who favor agricultural research to explain why this is in the bill.

A lot of this is a fight about the process. We hear that this is a “filibuster” or that we have had over 100 amendments. We have not had over 100 amendments. We do not know how many amendments there are going to be. But I believe that this is not going to slow our process down, we should have had more days in session earlier this year; we should not be taking four additional days next week, because this is what Congress is about.

We do not presume to know where the�ee into the appropriations process. There has been a lot of discussion whether we should go to the subcommittee, whether we should offer amendments.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from Ohio.

In fact, the only way an amendment can either be defended or anywhere in the country relative to this bill.

Did the gentleman come before our committee to testify, or send any correspondence relating to his amendment? Let me just say, in this bill, yes or no?

Mr. SOUDER. Mr. Chairman, I would tell the gentlewoman, no, I had no line item in this bill.

Mr. SOUDER. Mr. Chairman, I would tell the gentlewoman, no, I had no line item in this bill.

I reclaim my time because I did put, in fact, a request in to boost agricultural research spending, because I support an increase in agricultural research spending. I support this bill. I believe if there is any part of the overall spending process that we need to be careful not to tinker with, it is agriculture.

I am not fighting with the specifics here. I am fighting on a process; that all the appropriations bills should be allowed to have amendments and a full-fledged debate.

And whether it is one Member or a group of Members, they should be allowed to come here, because we are not trying to micromanage the subcommittees, but when we see the final report we have a right to say, as Members of Congress, that we do not believe that this full amount of money is legitimate; that we take apart pieces of this bill and say, this trick can get to a majority.

In fact, the only way an amendment cannot pass this House is if the majority of this country does not favor that amendment. It is not like some kind of a game here where there is some kind of a trick that can get to a majority.

Quite frankly, at least one of our leaders is threatening about this process, that we should not be allowed to offer amendments because it is uncomfortable. We are Members of Congress. We have a right. Not all of us are on a subcommittee of the Committee on Appropriations, on the full Committee on Appropriations or its subcommittees.

Some of us are on authorizing committees or on the Committee on the Budget. Some of us have the ability to come here and at least question.

I will vote for some amendments. I am voting against some amendments. I am going to vote on the end bill. But I do not think it is fair when the attacks are made on the floor and they are aimed at a generic, hey, this is an attack on agriculture, this Member is trying to tie up the House.

It sounds to me like, thou dost protest too much. If there are particulars that Members want to defend, come down and defend the particulars, because Members should be able to. There are plenty of reasons; even if it sounds embarrassing on some of these research projects, there are scientific reasons why we are the best agricultural Nation in the world.

If we do not do this research and if we let this get caught up in whether or not somebody had an inside deal, if someone’s project cannot stand the light of day, if their research project in their district cannot get to the light of C-Span in this national debate, then it should not be in the bill. Members should be down here defending it, as the subcommittee chairman did.

I commend my friend, the gentleman from Oklahoma, for challenging the structure; for making sure that each part of this bill can either be defended or not defended. I stand with him today because I think it is a healthy process for the United States Congress.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Let me just say, in reference to something the earlier speaker said, when we do not follow regular order, which means when we do not come to the subcommittee and the full committee and do not make views known, and then try to come to the floor and repair it, that is not regular order.

Regular order is making Members’ wishes known to the committee as we go through the regular process, because we have to deal with 435 Members.
Now let me say, in reference specifically to this amendment, which is global climate change, in terms of global climate change, this is not a project that will be done in this Member’s district. I know it will not be done in the chairman’s district. But there is no issue more important to agriculture in this country and in the world than climate change.

I can remember one time walking into the office of the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture, and he was watching television. But what was he watching? He was marking up one of the major authorizing bills for agriculture in this country.

I kind of laughed, because the sound was not on. I said, Charlie, what are you really doing? He said, you know how important weather is.

With changes in global climate, just a little bit of melt in any of the poles causes a change in the currents and the water and the world to the best of our ability feed the working folks. The idea of them needing to work in the back of their house, getting up and getting, let us say, in a walkover Forks or a Rabbit, going out to the administration buildings for agriculture here, and spending their day here. Those are very different days.

The bulk of these amendments have been about trying to do something about this huge and bloated bureaucracy that happens to exist within the Department of Agriculture here in Washington, D.C. To me, when we think about the idea of downsizing government, with the Department of Agriculture, there are 80,000 contract employees. We have 80,000 contract employees. That works out to be one agriculture employee for every 10 farmers.

So I think to make any recommendation to eliminate this line item is certainly backwards looking.

I would just say, and I am sorry that the gentleman left the floor, but I will bring it up again when he returns, if in fact he has a problem with special grants under the Cooperative State Research Extension and Education Service, I would recommend that the gentleman from Oklahoma (Mr. COBURN) eliminate that he asked for. In fact, I will list just three of them, totaling over $691,000.

Do we have a letter in our possession that was sent to one of the Members in our committee in which the gentleman from Oklahoma (Mr. COBURN) asks for assistance to the State of Oklahoma, and asks for targeted line item funding through the agricultural appropriations bill.

We do not have any discrimination against Oklahoma. We want to help Oklahoma. They include the following. Mr. SANFORD. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, it is my understanding that the gentleman from Oklahoma (Mr. COBURN) specifically asked that those be offsets. That is the heart of the matter that he is dealing with here today, and that is the issue of offsetting versus not. So I think every Member.

Ms. KAPTUR. I would reclaim my time and just say that the point is that the gentleman from Oklahoma (Mr. COBURN) put three projects in this bill. The word on these five projects he put in the bill, totally well over $1 million. My feeling is that if he wants to eliminate $1 million from the bill, let him eliminate the projects for Oklahoma.

Frankly, this Member would not eliminate projects for Oklahoma, but let me say what the projects are:

Expanding wheat pasture research, $285,000; integrated production systems for horticulture crops, $180,000; preservation and processing research for fruits and vegetables, $226,000. That is just $691,000 for those three projects alone under the very account that he is now trying to cut for global climate research, which affects every farmer in this country and their future.

So I would just say that I think the gentleman is maybe not quite knowledgeable enough about these accounts, because in fact, why would he add funding to a bill and to a set of accounts that he is trying to cut but not cut his own projects, rather than trying to cut a project that deals with the entire Nation’s needs?

My apologies to the State of Oklahoma, because they deserve a voice here. I would not have recommended that their particular projects be cut. But the fact is the gentleman from Oklahoma (Mr. COBURN) sent a letter.

THE CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

Ms. KAPTUR. Mr. Chairman, I ask unanimous consent to proceed for an additional 30 seconds.

THE CHAIRMAN. Objection is heard.

Mr. SOUDER. Mr. Chairman, I object.

THE CHAIRMAN. Objection is heard.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just pick up on our last conversation. That is, it seems to me fundamentally that the idea that the gentleman from Oklahoma (Mr. COBURN) and others on this House floor are trying to get at is not the idea of should we disenfranchise people within any of our respective congressional districts, but simply the idea of should we offset spending that takes place in the global climate research.

As the gentleman has consistently stated, his struggle is not so much with the agricultural bill, but the larger process we find ourselves in. That is a process headed towards a train wreck.

I would say this, there was an earlier comment talking about how anybody who would offer amendments to this bill was basically one teeing off on agriculture. I want to associate my words with those of the gentleman from Indiana, because that is absolutely not the case.

If Members simply think about the contrast that exists, when I think about the average farmer back home, his getting up in the morning, he is maybe having a cup of coffee in a fairly simple room in the back of his house, he is getting in a pick-up truck, he is going off, getting in a Massey Ferguson or John Deere tractor, and he is spending his day outside in the field. He ends up coming back covered with dust. That is one picture.

We have another picture of somebody getting up and getting, let us say, in a Volkswagen Jetia or a Rabbit, going off to the administration buildings for agriculture here, and spending their day here. Those are very different days.

No one has been about trying to do something about this huge and bloated bureaucracy that happens to exist within the Department of Agriculture here in Washington, D.C. To me, when we think about the idea of downsizing government, with the Department of Agriculture, especially when we have 80,000 contract employees, we have 80,000 contract employees. That works out to be one agriculture employee for every 10 farmers.

Most of the farmers that I talk to are real independent folks. They are hard-working folks. The idea of them needing a handholder or a babysitter to sort of accompany them, or at least to report on them, throughout the day is not something that makes common sense.

One of the amendments that the gentleman from Oklahoma (Mr. COBURN) offered yesterday was in fact a proposal to cut simply 12 percent from an increase in administration here in Washington. That seems to be sensible to farmers that I talk to.

Another had been to cut $400,000 from the Under Secretary of Agriculture. Mr. Chairman, why the Under Secretary of Agriculture needs another $400,000 does not quite fit with, again, the hard and simple view that I see for so many farmers back home.

Another amendment had been to trim $26 million from space planning;
not actually construction of buildings, but just planning on space for the future.

Again, these amendments have made sense when we look at the contrast that exists between the life that the farmer leads and the life that somebody in Washington leads working, for instance, for the Department of Agriculture.

As to this amendment in particular, as has already been indicated, there are a whole number of different projects around this country, and in fact, I sit on the Committee on Science, and there are a number of projects related to ultraviolet research.

So the issue here is this $1 million is duplication. It represents one 100th of 1 percent of the overall agriculture budget, and to say that it will cripple the agriculture budget is not exactly the case. It goes back to the heart of what these amendments have been all about.

I have here a letter from Ms. Evelyn Alford, born in 1924. She writes me from Johns Island, South Carolina: “It really is frightening when one thinks about what the Federal Government can get away with. If the politicians would keep their hands out of the social security fund and use it for what it was originally intended for there wouldn’t be a problem with the fund. The government takes money from us and tells us that the money is designated for one thing and they use it for something else. Isn’t there a word for that?”

And a P.S., please read this letter. Ms. Alford, I read the letter.

This is what these amendments have been all about. They have been about trying to prevent a train wreck that is most certainly headed our way if we do not adopt the proposals of the gentlemen from Oklahoma (Mr. Coburn). Because as we all know, while agriculture has stayed within the caps, Labor-HHS, there is no way we are going to come up with $5 billion worth of trimming in that account; VA-HUD, over $3 billion worth of trimming in that account.

Unless we come up with savings now, we are headed for a train wreck later on.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I came down to the floor with great respect for my colleague, the gentleman from Oklahoma (Mr. Coburn). But I would say to the gentleman that I understand that this committee has met its 302(b) allocation; we are on mark, they met their budget.

As I was listening to this debate, I thought that I would come down to discuss with my colleagues one of the programs that my friend’s amendment will cut. I think it is important to know that these programs are not just some programs that are out there that no one knows about and that are not having an impact.

The gentleman from Oklahoma (Mr. Coburn) indiscriminately attacking important programs in this bill without much discussion about the impact of his proposed cuts. I want to take a moment to talk about the program that the gentleman is attacking with this amendment.

The Cornell University Program on Breast Cancer and Environmental Risk Factors was launched in 1995, and responds to the abnormally high incidence of breast cancer in New York.

The CHAIRMAN. Does the gentleman have a point of order?

Mr. COBURN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. Mr. Chairman, the amendment that we are on is an amendment on UV research for $1 million. We have not attacked breast cancer research.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. Mr. Chairman, the amendment at hand. It is not germane to the amendment at hand.

Mrs. LOWEY. Mr. Chairman, if I may respond to the gentleman from Oklahoma (Mr. Coburn), it is my understanding that it is the same account, and the gentleman’s amendment will cut indiscriminately that account.

Mr. Chairman, if I may proceed, I would like to discuss another item in that account, because it will be impacted.

The CHAIRMAN. Debate must be relevant to the matter before the Committee. The Chair finds that the debate so far has been so.

The gentlewoman from New York (Mrs. LOWEY) may continue.

Mrs. LOWEY. Mr. Chairman, it is my understanding that this will impact the project. I think it is important for my colleagues to know that the Cornell University program on breast cancer and environmental risk factors was launched in 1995 in response to the abnormally high incidence of breast cancer in New York.

The program investigates the link between risk factors in the environment like chemicals and pesticides and breast cancer. The BCERF, which it is called, takes scientific research on breast cancer, translates it into plain English materials that are easy to understand, and disseminates this information to the public.

They have a web site that is filled with information on BCERF’s activities, breast cancer statistics, scientific analyses, and environmental risk factors and links to other sources of information. They sponsor discussion groups that provide a public forum to discuss breast cancer. This amendment will destroy our ability to bring the important work of the BCERF program to more people around New York and around the country.

Let me make this very simple, Mr. Chairman, if my colleagues oppose efforts to educate the public about breast cancer, if they think they have done enough to prevent breast cancer in this country, then vote yes on this amendment.

But if my colleagues agree with me that we need to do more about stopping the terrible scourge of breast cancer in this country, if they agree with me that they cannot sit idly by while one in eight women are diagnosed with breast cancer over the course of their lifetimes, if it outrages them that approximately 43,000 women will die from breast cancer and 175,000 women will be diagnosed with breast cancer this year alone, then join me in voting no on this terribly misguided amendment.

My colleagues, these are just some of the materials that they distribute, avoiding exposure to household pesticides, protective clothing, safe use and storage of hazardous household products, pesticides, and breast cancer risks and evaluations, and on and on and on.

Mr. Chairman, we all want to spend money wisely. We all understand that the hard-earned dollars of taxpayers should not be distributed willy-nilly. But the gentleman from New Mexico (Chairman Skelton), the gentlewoman from Ohio (Ms. Kaptur), our ranking member, has worked very hard to keep the numbers in this budget within their budget allocation.

I think it is very important that we not get misled by the desire to cut and balance our budget, because we all want to spend wisely. But we have to look at what these potential cuts will do, what kind of impact they will have on the lives of our constituents.

That is why, as I was sitting in my office, I decided to come down here. This is the kind of impact that this unwise, foolish cut will make.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. Coburn).

Mr. COBURN. Mr. Chairman, I thank the gentlewoman from Missouri for yielding to me.

What the gentlewoman from New York (Mrs. LOWEY) does not know is my sister has breast cancer. My closest cousin just died from breast cancer. If the gentlewoman will look at this amendment, we do not cut total research. We cut a million dollars out of it, as the chairman just said, because we did not cut the total dollars. We redirected the money in there. This $1 million will say that $1 million cannot go for this, but the total number was not cut in our amendment. The chairman made that point earlier.

Mrs. LOWEY. Mr. Chairman, if I may respond to the gentleman from Oklahoma (Mr. Coburn), it is my understanding that this will impact the project. I think it is important for my colleagues to know that the Cornell University program on breast cancer and environmental risk factors was launched in 1995 in response to the abnormally high incidence of breast cancer in New York.

The program investigates the link between risk factors in the environment like chemicals and pesticides and breast cancer. The BCERF, which it is called, takes scientific research on breast cancer, translates it into plain English materials that are easy to understand, and disseminates this information to the public.

They have a web site that is filled with information on BCERF’s activities, breast cancer statistics, scientific analyses, and environmental risk factors and links to other sources of information. They sponsor discussion groups that provide a public forum to discuss breast cancer. This amendment will destroy our ability to bring the important work of the BCERF program to more people around New York and around the country.

Let me make this very simple, Mr. Chairman, if my colleagues oppose efforts to educate the public about breast cancer, if they think they have done enough to prevent breast cancer in this country, then vote yes on this amendment.

But if my colleagues agree with me that we need to do more about stopping the terrible scourge of breast cancer in this country, if they agree with me that they cannot sit idly by while one in eight women are diagnosed with breast cancer over the course of their lifetimes, if it outrages them that approximately 43,000 women will die from breast cancer and 175,000 women will be diagnosed with breast cancer this year alone, then join me in voting no on this terribly misguided amendment.

My colleagues, these are just some of the materials that they distribute, avoiding exposure to household pesticides, protective clothing, safe use and storage of hazardous household products, pesticides, and breast cancer risks and evaluations, and on and on and on.

Mr. Chairman, we all want to spend money wisely. We all understand that the hard-earned dollars of taxpayers should not be distributed willy-nilly. But the gentleman from New Mexico (Chairman Skelton), the gentlewoman from Ohio (Ms. Kaptur), our ranking member, has worked very hard to keep the numbers in this budget within their budget allocation.

I think it is very important that we not get misled by the desire to cut and balance our budget, because we all want to spend wisely. But we have to look at what these potential cuts will do, what kind of impact they will have on the lives of our constituents.

That is why, as I was sitting in my office, I decided to come down here. This is the kind of impact that this unwise, foolish cut will make.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. Coburn).

Mr. COBURN. Mr. Chairman, I thank the gentlewoman from Missouri for yielding to me.

What the gentlewoman from New York (Mrs. LOWEY) does not know is my sister has breast cancer. My closest cousin just died from breast cancer. If the gentlewoman will look at this amendment, we do not cut total research. We cut a million dollars out of it, as the chairman just said, because we did not cut the total dollars. We redirected the money in there. This $1 million will say that $1 million cannot go for this, but the total number was not cut in our amendment. The chairman made that point earlier.
I treat women, as the gentleman from New York very much knows. Breast cancer is a great concern for me. I do not believe that the gentlewoman’s intention was to say that I was not concerned about breast research, because I am.

If my colleagues will look at the amendment and how it is actually written, it is written to cut this spending, but does not cut the total and allows the committee to spend that money elsewhere.

So the question is, we did not, in fact, attempt to cut that research. We attempted to withdraw an amendment after we had a discussion on total research.

I want to take this time to answer another question that the gentlewoman from Ohio (Ms. KAPTUR) brought up in trying to say that I sought funding. I very carefully worded a letter to the gentleman from Oklahoma (Mr. ISTOOK).

I want to read very carefully the wording in it, because here is what I do with the research universities that come to my office. When they ask for money, I ask them, where are they going to get the money.

Then I sent a letter to the gentleman from Oklahoma (Mr. ISTOOK), and I said, “They wish to receive funding.” Then I said, “What support do you plan to give for that funding?”

The gentleman from Oklahoma (Mr. ISTOOK) represents this university as well. My promise to that group of university leaders was, I said, I would ask if he would do it. I did not make a request for funding.

The other thing that most of the chairmen in the Committee on Appropriations will tell my colleagues is that when I receive a specific request for something that I want funded, I send with it a request for something that I want cut. If my colleagues would kindly check with the gentleman from Ohio (Mr. REGULA) on the bills, things that I have asked.

So I want to make very clear that I support breast cancer research, that I support NIH research, that I support the research. But I want to make clear again, a million dollar grant on UV radiation has little to do with global change, one.

Number two, we are spending millions and millions and millions of dollars on this same subject in other areas. It is my feeling, as a prerogative, as a Member, to say this: I think that money can be spent better and elsewhere.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would like to respond to the gentleman from Oklahoma (Mr. COBURN). It is my understanding that the amendment of the gentleman from Oklahoma (Mr. COBURN) will cut $1 million from the research account. This research project for me is not within that account. In fact, if his amendment will not cut from that account, then I am not sure what we are doing here debating it.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I yield again to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, this amendment cuts $1 million from one specific account, but does not cut it from the total account, because we did not lower the total amount in the research. Had we done that, we would have intended to cut the total amount.

So it still leaves the money there. Actually what it does is, it offsets $13 million that was taken last night by the gentleman from Vermont (Mr. SANDERS), out of research, which we did not get, we had a voice vote on and not a recorded vote on, and actually makes $1 million of that go back into general research.

So the gentlewoman from New York misstates the true facts of the amendment.

Mrs. LOWEY. Mr. Chairman, if the gentlewoman from Missouri would yield, based upon the information I have, I believe the gentleman from Oklahoma (Mr. COBURN) has distorted the response, or there is a misunderstanding here between people on this committee. But it is my understanding that the gentleman’s amendment does come from the special research account and that this breast cancer project is within that special research account.

Therefore, although the gentleman from New Mexico (Mr. SKEEN) has supported it, and I thank him, our grace chairman, and the gentlewoman from Oklahoma (Ms. KAPTUR) has supported it, it will have an impact in this project.

So, Mr. Chairman, there must be a misunderstanding here. Because on the one hand, it will cut; on the other hand, it will not have any impact.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I just want to say very specifically that I believe that they are mistakenly pointing this out. What this amendment really does is it will eliminate the million dollars and allow $1 million to go back into the general research against the $13 million losses.

Mrs. CLAYTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, if my colleagues will turn the page to page 14, they will see that we did not amend the total amount of research. Therefore, the million dollars is reduced in that one area, but the total amount of research is left the same. My colleagues will notice, on line 19, on page 14, that we did not amend $467,327,000.

Ms. KAPTUR. Mr. Chairman, if the gentleman from North Carolina will further yield, I thank the gentleman from Oklahoma (Mr. COBURN). That gets to my very point that he amends line 11, page 13, out of the special grant category. The project of the gentlewoman from New York (Mrs. LOWEY) is in the special grant category.

I wanted to get back to the letter that the gentleman from Oklahoma (Mr. COBURN) sent to the committee back on March 4. I am very glad that the gentleman brought it up himself here on the floor. The last paragraph says that Oklahoma State University met with him. They did not meet with another member of the committee.

Through that meeting, the gentleman learned about the specific projects, and then I quote from the gentlewoman’s letter. “They have targeted to get line item funding through the Agriculture Appropriations bill this coming spring.” This is the bill. This is the time we are talking about. The next paragraph goes through five different projects, and the last paragraph the gentleman from Oklahoma says, “They wish to receive funding,” this is what he says to another member of the committee, “in a line item form.” The gentleman from Oklahoma (Mr. COBURN) even tells them how he wants it, for each one; each one of the projects, he means. Then the gentlewoman says, “And I wanted to inquire as to what support you plan to give them in regards to these projects as they progress through the Committee on Appropriations.”

I will tell my colleagues, when I receive a letter from a Member, and the gentlewoman from New York
COBURN) did not send this particular letter to me. I would take it that when
the gentleman says something which projects he wants on behalf of his university, that
is a request for funds.
So, therefore, if this is not a request for funds, I go back to my original pro-
posal to the gentleman, because I un-
derstand he wants to cut funds, why
not take the special grants that he has
asked for, $285,000 for expanded wheat
pasture, $180,000 for integrated produc-
tion systems for horticulture crops, and
$226,000 for preservation and pro-
cessing research for fruits and vegeta-
bles, which total $691,000, and let us
eliminate those first.
Mr. COBURN. Mr. Chairman, will the
gentlewoman from North Carolina fur-
ther yield?
Mrs. CLAYTON. I yield to the gen-
tleman from Oklahoma.
Mr. COBURN. Mr. Chairman, first of
all, this was not sent to the Committee
on Appropriations. This was sent, one
letter, to another Member asking his
status on those projects.
Ms. KAPTUR. Mr. Chairman, if the
gentlewoman from North Carolina will
further yield, which committee is that
gentleman on?
Mr. COBURN. Mr. Chairman, if the
gentlewoman will continue to yield, he
is on the Committee on Appropri-
ations, but he is also from Oklahoma, and he also would have to support that,
should he take it.
When I make a request, and please go
and look at my request, I specifically
request things that I ask for. I mean
what I say and say what I mean; I
think the gentlewoman knows that.
I am very cautious with how I do it.
I was so answer one other point. We
made legislative history when I specifi-
cally asked this amendment to take $1
million for a specific amendment. So
that means no money is going to come
out of breast cancer research; it is
going to come out of that one specific
amendment.
I thank the gentlewoman from North
Carolina (Mrs. CLAYTON) for yielding to me.
Ms. KAPTUR. Mr. Chairman, if the
gentlewoman will continue to yield, let
me say to the gentleman from Okla-
ahoma, I take it, then, he does not wish
to support the Oklahoma State Univer-
sity's request for these ongoing re-
search projects. I think that the gen-
tleman's representative from the Com-
mittee on Appropriations should know
that from the State of Oklahoma. I
hope that the people from the Univer-
sity of Oklahoma also would know that.
Mr. COBURN. Mr. Chairman, will the
gentlewoman from North Carolina yield? I just want to answer the last
statement, if I may.
Mrs. CLAYTON. Mr. Chairman, I yield
to the gentleman, if he can do it
briefly.
Mr. COBURN. Mr. Chairman, I will be
happy to support Oklahoma State re-
search for that only if they can help
me cut some spending from somewhere
else.
Mrs. CLAYTON. Mr. Chairman, when
the gentleman from Oklahoma (Mr.
COBURN) has a chance to respond, I
hope he will respond as if he has writ-
ten the amendment, if indeed it is des-
ignated not to come off the general
special grant, because as it is written,
it is not what his intentions are. The
gentleman's intentions, as he stated,
giving him the benefit of the doubt, he
does not plan for it to come from can-
cer, but the result of his action means
it will come from cancer.
The CHAIRMAN. The question is on
the amendment offered by the gen-
tleman from Oklahoma (Mr. COBURN).
The question was taken; and the
chairman announced that the noes ap-
peared to have the best.
Mr. COBURN. Mr. Chairman, I de-
mand a recorded vote.
The CHAIRMAN. Pursuant to House
Resolution 185, further proceedings on
the amendment offered by the gen-
tleman from Oklahoma (Mr. COBURN)
will be postponed.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer
an amendment.
The Clerk read as follows:
Amendment offered by Mr. SANFORD:
Page 13, line 11, after the dollar amount in-
sert "(reduced by $5,136,000)".
Mr. SANFORD. Mr. Chairman, this
amendment is a very simple amend-
ment. All it does is decrease research
in education by $5,136,000 for wood uti-
ilization research. These are specific
grants to seven States, basically
throughout the Southeast.
The real point that has to be asked with an amendment like this,
and with wood utilization overall, is
who does it best. If we think that the
Federal Government, through grants to
universities and private interests, is
the best place to figure out where best
to utilize wood, then my colleagues
will want to vote against this amend-
ment. If, however, we think private en-
terprise, free enterprise might be more
capable at determining where and how
wood utilization research ought to
take place, then I think my colleagues
will want to vote for this amendment.
I happen to have a lot of experience
in terms of wood utilization. I grew up
on a family farm down south of
Charleston. My dad died when I was in
college and we converted the farm from
basically a row crop and from cattle to
pine trees. So over the course of my life,
my brothers and I have been out
behind a tractor, either mechanically
or by hand, planting pine trees,
throughout our whole life. And that
gives me a lot of experience in this
world.
Because with improved loblollies
being grown loblolly or slash pine down
in the Southeast.
Mr. SKEEN. Mr. Chairman, I rise in
opposition to the amendment.
The special research grant that this
amendment proposes to eliminate is
described in detail in part four of the
committee's hearing record on page
Mr. Chairman, this is a good project and it deserves the support of all Members. I support the project and I oppose the gentleman’s amendment to eliminate it.

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. SANFORD. Mr. Chairman, will the gentlelman yield?

Mr. COBURN. I yield to the gentlelman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentlelman for yielding to me, and I would like to follow up again on what I have actually seen in the field, because our family actually grows pine trees. And when I talk to people like Joe Young, they used to go out there with a chain saw and cut the wood. Now they have a thing called a feller-buncher, basically a cutter set up on top of a four wheel drive tractor that moves around through the woods.

But these guys out in the woods, without any government research grants, without any government money, they are able to figure out how best to cut a tree rather than some researcher from the Department of Agriculture in Washington, D.C. telling them how.

Mr. COBURN. Reclaiming my time, Mr. Chairman, again I would make the point that the purpose of this amendment does not cut overall research; rather it allows that money to go for something that we would deem to be more productive.

Again, I would come back to something I said earlier. There is no question that our Agriculture Committee Appropriations came in under the 302(b), and I have heard that thrown up seven times. The people bringing that point to the floor have to say if they are going to support the 302(b) for agriculture, they have to support the 302(b) for Labor, HHS and Education. We all want to fund education at a higher level, and we are not one of us who are not to tolerate a $5 billion cut in Labor, HHS.

So to use the claim that we met the 302(b) when it was set at a high level, none of the amendments that have been offered thus far have directly taken money away from America’s farmers. Not one. Not one amendment has been offered that takes money away from American farmers. What it does is it takes away money from people who are on the gravy train and on the line, that take money out of this budget.

If we care about American farmers, as the gentleman from North Dakota (Mr. POMEROY) said, then we have an obligation to make sure that there is nothing in this bill that could not be spent better elsewhere. Our American farmers know how to do it. And they know if we will get the resources to them, and if we will direct it down to their level, that they will continue to lead the world in terms of research. I would also make the point that if we make the claim we are within the 302(b), then we are certainly going to support a $3.8 billion cut to veterans and their Social Security dollars.

So to claim that this process is working because this committee is under the 302(b) or is within the 302(b) is not an honest representation of where we are going with this process. And it is okay, if we all will admit that this process is going to end with us spending $40 or $50 billion of Social Security money. We all voted to say we would not do that, and yet we are on a train that is going that way.

So, yes, it is a process, and it is a process that is going to end up in this body not keeping its word to the American public and their Social Security dollars. That is why I am insistant on these amendments. That is why I am insistant on us persisting and looking at every aspect of this bill that does not do what it is intended to do for our farmers.

Ms. KAP'TUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Ohio, my own State, is a very large forested State, and though this particular proposal for wood utilization research does not impact us directly, I think indirectly it impacts us as well as every other State in the Union, and I thought I would read some of the accomplishments of the research that has been done under this program.

Truly, one of the issues we face as a country is a need to provide wood products as fibrous product for various building needs and industrial needs, and yet those hardwoods that we used to have are really becoming extinct. In fact, we even have other committees here that deal with ancient forests, trying to save some of the last hardwood trees that we have in certain stands, and yet we still have to continue building homes, we have to replace what used to be wood with other products.

I am sure if Members have seen some of the new homes being built around the country, they even use these laminated products where they take wood chips and put glues in it in order to create the fiberboard that is used. In some places we are growing sugar cane and other types of cane products and figuring out how to take the moisture out of them and use them for wood construction, or what looks like wood but really is not.

The new knowledge that is gained through this research program has been conducted through six centers around our country. Let me just read some of the new types of products that have been able to bring to market.

The design of glued laminated beams that are reinforced with plastics saves up to 25 to 40 percent of the wood fiber that would otherwise have to be used in that construction. So even our forests that are growing our interests are not growing fast enough to meet the needs that we have domestically and internationally.

In addition to this, they have been working on technology to apply those wood preservatives, using superfluids to reduce the environmental problems associated with present commercial treatments. When they put on these laminates and these various glues, this is a very difficult industrial process and they have been working on that.

They have been working at better harvesting systems that are efficient and environmentally acceptable. Easy to say, hard to do.

They have been looking at the increase of wood machining speeds and the reduction of saw blade widths to increase productivity and save raw material itself. The world of the 21st century and the new millennium will be one of shrinking natural resources and trying to use what we have in wiser ways.

They have been working on a patented system to apply pressure and vibration to prevent the enzymatic sap stain which degrades hardwood lumber by $70 to $200 million a year. I know that because I have a little coffee table in my house, and I cannot get that sap to stop staining up through the covering that is on it. We need to find scientific answers to that so that wood can be fully utilized.

They have been doing research on the reduction of the quantity of wood bleaching chemicals needed by wood pulp producers. In other words, to try to be more environmentally conscious.

They have been working on the design and strength of wood furniture frames to minimize wood requirements. The wood being used today in furniture, if we were to take everything apart that used to use wood, we would be surprised at how that has
been minimized. In States like Michigan, States like Ohio, where many industries use this new research, it has been immediately adapted. Also, they have been using the adoption of European frame saw technology to composite lumber to provide a new raw material source for industry. It is very interesting to look at some of the layered wood products that have been used across our country. Some of the glues did not work originally. Now they are doing much better at that, where we are using just the top coating is actual wood and what is underneath is various types of composite products.

So I would say that this is extremely important. We are one of the largest forested nations in the world. We are having trouble with many of our softwoods, bringing them to market. People like the furniture industry, as well as under-
takings do have a direct commercial market application.

So I just wanted to put that on the record and I would support the chairman in his opposition to this amendment.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Once again I want to state that I actually favor increased agricultural research, and having grown up in the furniture industry, as well as understand this, I am not even sure I am going to vote for this amendment. I am listening to the debate on it.

But I want to make an additional point, and that is there have been a number of comments about the amendment process and how we, in fact, as Members learn.

I am on seven different subcommittees. The idea that I am going to sit in every single appropriations subcommittee and listen as every single proposal comes up, to hear all the background, is ridiculous.

What we have as a Member, the only option when we get the final bill, unless it is a high-profile event, is to deal with it after we get the appropriations bill, if we are lucky enough to get the appropriations bill before we vote, to look at it and see if there is anything here, if this bill exceeds the budget caps, that we believe should be looked at and debated on the House floor. And that is, in fact, what we are going through.

There are Members who are proposing that we are supposed to sit, as though we do not have other committees, on every single debate item. Now, presumably, if the committee has done its work well, and the subcommittee, they will be able to defend particular things.

But I have another concern and that is that one point that has been made on this floor is to resonate a lot with me. And that is that agriculture, while I do not believe it is being picked on in the nature of all the bills, guess what the only bill that Members of Congress cannot reduce is? It is our own branch appropriations. We are not allowed to come to the floor and offer amendments to reduce expenditures on Congress because we might micromanage Congress. Now, we are allowed to come to the floor to micromanage other agencies under House rules. But under the Democrats and under the Republicans, we are not allowed to come to the floor and do our own.

The reason this becomes important is because we keep hearing about these allocations to committee and how agriculture, which in fact has been very reasonable and stayed pretty much on an even keel in the budget, is getting battered in this process here, at least 18.7 percent in these great 302(b) allocations we are hearing.

But guess what? The Members of Congress are going to get a 7.3 percent increase for their personal offices. Members of Congress are going to get a 5.6 percent increase for their personal offices. In fact, the Committee on Appropriations is going to get a 14.9 percent increase, meaning the committees are going to get an increase.

And the leadership is going to get an 8.4 percent increase, plus the 660,000 they got in the supplemental bill, meaning they are going to get an 11.7 percent increase.

When we come with 302(b) allocations that propose unrealistic cuts in environment and education, but have increases in it for this House, for our personal offices, for the committees, for the leadership and then tell the Members of this House that we can amend everybody else’s bills to reduce expenditures, but we cannot reduce the expenditures on ourselves, I believe we have a problem here.

We are in an independent and bipartisan way.

Ms. KAPTUR. Mr. Chairman, I guess, will the gentleman yield?

Mr. SOUDER. Mr. Chairman, the gentleman made a reference to the point this is not this subcommittee’s fault, because there are unrealistic allocation numbers given through the budget process to each of the committees.

Could the gentleman tell me who produced those numbers, then, that he is objecting to?

The CHAIRMAN. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentle-

woman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Indiana for yielding.

Mr. CHAIRMAN. The time of the gentle-

man (Mr. SOUDER) has expired.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentle-

woman from Ohio.

Ms. KAPTUR. Mr. Chairman, I guess, as one ranking member on one of the 13 subcommittees, we did our work and we produced a bill under the mark we were given. As my colleague can imagine, we felt somewhat troubled by the fact that we have been dragged out to the floor here, now 2 days, with every line item picked apart when, in fact, we produced a bill under the rules we
were told to play by. And I guess we do not really understand why this is being fought out on the House floor.

Mr. Chairman, is this their only measure to bring it to us? Can my colleagues not do it in their own caucus?

Mr. SOUDER. Mr. Chairman, re-claiming my time, we in fact have been brought to our leadership as my colleague well knows, has a very small majority and it is very difficult to work out. And when we cannot work it out, we have no choice but to bring it to the full Congress and debate it bill by bill.

Agriculture has the misfortune of being the first bill up. My colleagues have basically stayed almost at a flat freeze. And the argument here is not with agriculture in particular, but the process. I believe we ought to air this through the entire process because the numbers are going to be greater variations in the future subcommittees than they are in agriculture.

But agriculture was picked because it was supposed to be the least controversial. And what the American people are seeing and the Speaker is seeing and the Members of the House are, even this bill is controversial because it is a test of where we are going as far as our budget process and how we can try to reach those goals.

But once again, I want to agree with the basic statement of my colleague. The problem is that we have unrealistic 302(b)s and my colleagues did indeed in their subcommittee stay within that, but that the overall category is fallacious and that is what we need to bring out.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here today to voice my support for the efforts to ad- here to the freeze, to not increase spend- ing this year.

I empathize with the comments that my colleague has made and the dif- ficulty that we are having in working some of these issues out through our own leadership. But I think that, as we have taken a look and heard the rhetoric in Washington this year, the Presi- dent talking about saving 52 or 68 per- cent of Social Security, Republicans talking about 100 percent of Social Security, and I think we really believe that this is the year and this is the op- portunity where we can move forward and have a surplus not only on the back of Social Security, but taking Social Security out of the equation and have a balance in our general fund, that that is the appropriate and the best way for us to go.

It really then lays the foundation for us to move forward effectively and ag- gressively into the future, to start ad- dressing some of our real priorities that we are looking at as we move into the new millennium.

We need to be taking a look at pay- ing down a portion of our debt. We need to be taking a look at reducing the tax burden on American families. The only way that we are going to be able to ad- dress those issues is that we hold the line on spending. And the only place that we can hold the line on spending is through the appropriations process, and that is why we are here and that is why this debate, as well as the 12 other appropriations bills, that is why the debate on each of those issues is so critical, because it sets the foundation for saving Social Security, for reform- ing Social Security, for saving and re- forming Medicare, and then to move forward towards paying down the debt and reducing the tax burden on the American people.

I want to talk a little bit on this issue for just a second, I came out of the furniture business. I worked in the office furniture industry. I worked for the second largest manufacturer of office furniture in America. I have three of the largest office furniture compa- nies either in my district or very close to my district, and I have got a lot of smaller office furniture manufacturers, many of them who use wood products. I am not sure that they need or want the government to direct or fund this research.

As a matter of fact, we were just up in the Committee on Rules, and I told my colleagues what they really want is, they would rather not have us fund this research; what they really want to have is, they want to have the ability to compete.

The amendment that we brought up in the Committee on Rules goes to an industry like this and says they cannot compete for business with the Federal Government. It is kind of interesting that we are saying we are going to give them $5 to $6 million to be more com- petitive, that otherwise what- ever they—earn—learn, they cannot compete for business with the Federal Government.

Why is that? Because their largest competitor in the Federal Government for Federal Government business is Federal prison industries. Federal prison industries make $200 to $300 million dollars for Federal Government business. And I think very peculiar, to use the word of the gentleman from Michigan, that we would be worried about discussing out in front of the American public where we are spending their money. And 10 hours of debate, what we have had thus far on this $61 billion, I think is far too little.

So I find it peculiar that we do not want the light of sunshine o come on what we are doing.

Mr. CASTLE. Mr. Chairman, reclaiming my time. If I may, I just wanted to come to the floor to discuss all of this because I have some views on this that may be a little bit different than what we have heard. I support the particular amendment, as I have a number of these amendments, with respect to re- ductions.

I have a tremendous amount of re- spect for the chairman of the commit- tee and for the work that the staff has done. I think they have actually worked hard on this. But I have a huge problem with the way that we are managing the finances of the country today. I am not talking about just here in the House. I am not talking about the House and the Senate. I am talking about the House, the Senate, the White House and the President of the United States.

It is my judgment that there are suf- ficient revenues on hand today to do
It is very simple. Why wait until the end, when virtually everybody agrees that probably we are going to break out of these budget caps, which allocations will probably change in some way or another? Why can we not get together now? Why can we not get together with the White House, which has a major voice in this, sit down and make the decisions and go from there? That is what the people of the country want. They want our country managed well from a financial point of view and in a basically conservative way so that we are able to move forward. That is what I would like to do.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Could I ask the gentleman with those very something for me? I heard what he said and that he wants an honest budget process. Our subcommittee came in exactly as we were told on the mark we were given. He does not like the marks the subcommittee did.

Mr. CASTLE. That is correct.

Ms. KAPTUR. What would make the gentleman happy? This process cannot make him happy. He is nit-picking a bill apart on the floor. What does he want?

Mr. CASTLE. Mr. Chairman, the gentlewoman is correct. I think that her subcommittee did fine. I have a problem with the allocations.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. CASTLE) has expired.

(On request of Ms. KAPTUR, and by unanimous consent, Mr. CASTLE was allowed to proceed for 2 additional minutes.)

Mr. CASTLE. Mr. Chairman, I believe that her subcommittee has done just fine based on the allocations which are there. My problem is that I do not think we can live with the budget caps which are there and get everything in that we are ultimately going to have to do in the course of this year.

You might be able to pass your particular appropriation bill, but, as I said, I think there are at least five and probably more than five, maybe six or seven which simply are not going to pass without caps. You happen to be sort of in the upper end of that if you really look at it. You are not as high as Defense and a couple of others but you are in the top four or five. Therefore, you are probably in the best circumstance in terms of what you can do.

But if you look down through these, VA-HUD and a series of others, Labor-HHS in particular and Interior and some others simply are not going to make it in this circumstance. We are not going to come to the end, then it will all get rolled together, we will do it in the form of an emergency bill, taking money away from Social Security and other spending we could do; or we will roll it together in some sort of omnibus bill at the end of the year as we did last year with all kinds of extraneous spending.

Unfortunately, you suffer the brunt of the conclusions of people like me and maybe some others who approach you from a different point of view. But because of that we need to express ourselves and try to get the attention of people all over Washington to try to pull this together and come up with some resolution of the matter.

Ms. KAPTUR. But that is my question to the gentleman. Obviously there is a problem on your side of the aisle. What is the mechanism for you to solve that problem internal to your caucus without dividing us on this floor? You had a budget. You did 13 appropriation bills. You did the budget. Why can we not get to?

Mr. CASTLE. Reclaiming my time, it is not, and I say this respectfully—I do not want to pick a political fight today particularly—it is not just on this side of the aisle. For example, the OMB director, Mr. Lew, has been trying to slam Republicans today for deep, unwarranted cuts in funding, yet he will insist that the GOP resist the temptation to raise the budget caps this year. That is probably a strategy that maybe your side of the aisle will use as well.

The bottom line is it involves all of us. If we are going to resolve this problem, it involves all of us. Yes, I think my side of the aisle should be involved, they should go down to the White House, too, but we should all be talking about this.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. CASTLE) has again expired.

(On request of Ms. KAPTUR, and by unanimous consent, Mr. CASTLE was allowed to proceed for 2 additional minutes.)

Ms. KAPTUR. I do not know what the White House has to do with this. The budget process is for us, the Budget Committee of the House, the Budget Committee of the other body. We do our budget, we get our allocations. What I do not understand, nobody has been able to explain to me in 2 days, if you do not agree with the budget allocations that have been given, why do you not go back and change the budget?

The gentleman from Texas (Mr. ARMLEY), the gentleman from Texas (Mr. DE LAZ), they were out here yesterday, they voted with the gentleman from Oklahoma (Mr. CONCUE) on the amendments that he brought up. And I am standing here thinking, “Wait a minute, they gave us the budget marks that we used in our committee, so now why are they voting against our own marks?” I do not understand. What is theMotivation? Which committee is not working over there? The Budget Committee? They already did the work. They gave us the marks. How do we avoid what is going on here?

A lot has happened in the last 2 years since we came to the balanced agreement. There are a lot more revenues on the table now. I believe that I am financially as are many members here, but I also believe that we have to make decisions which are astute which which make some sense.

I think the distinguished gentleman from Oklahoma is making some very good points here, not just individually on each of the amendments which he is presenting but on the basic concept of what we are doing. For that reason, I think that we have to start to think outside of the box on the finances of the United States.

I intend to take this up directly with the President, at least in the form of a letter, as well as with our leadership, to stress some of these points and to suggest that we are going down a road that we are not going to be able to complete and we are going to be casting votes here throughout the summer on a series of appropriations bills that are going to end up being very different when it comes to November. In a way it is a shame that somebody as distinguished as the present chairman is sort of at the brunt of the feelings of some of us who do not think the proper decisions are being made.
Does the gentleman understand my question?

Mr. CASTLE. I do understand your question. Reclaiming my time, I am going to try to answer your question.

The system of budgeting in this country in general has failed in many ways. I believe that the emergency appropriations, in which the White House was very involved, was a series of expenditures beyond what we should have done, cutting into what could have been used for Social Security and what could have been used for other spending. I believe that the omnibus bill that passed at the end of last year, and the President is involved in that, I am not saying it disrespectfully but the President is involved in that, was a bill which went well beyond any dollars that we should have spent in the course of this year because the President wanted to spend more.

I am cognizant of the fact that the President is going to want to spend more in my judgment by the end of this year. As I said, sometime in October or November, that is going to happen. The executive branch is always involved in decisions such as this. It is a political war going on. The White House is saying, "Don't break the budget caps." And the House and the Senate are saying, "Well, we're not going to break the budget caps."

But we are coming up with a methodology that is ultimately going to lead to that happening and it is going to happen at the end of the year. I do not think that is proper. I am not excusing what we are doing here, but I am also not going to say that the White House is not involved.

The CHAIRMAN. The time of the gentleman from Delaware (Mr. CASTLE) has again expired.

(On request of Ms. KAPTUR, and by unanimous consent, Mr. CASTLE was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. If the gentleman will yield further, I would forget the White House. My advice to your side of the aisle is: You have the majority. You do the budget you want to do. If you have got a problem with the other side over there, with the S-e-n-a-t-e, then deal with whatever that is. I do not know who is cutting the deals for you, but do not do that to our bill. I do not understand. The gentleman's party has the majority. You can produce whatever bill you want.

Mr. CASTLE. To suggest that the President of the United States should not be involved in the resolution of the spending of the United States, including the budget allocations, as well as all other decisions which are being made on Social Security and Medicare and the very essential things we do, is to presume that the President is powerless. And this President is not powerless. The White House is a major player in this.
concern about it. I appreciate the opportunity and the work that has gone into this.

(On request of Mr. SANFORD, and by unanimous consent, Mr. BALDACCI was allowed to proceed for 2 additional minutes.)

Mr. BALDACCI. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would agree, there certainly is a lot of valid research in any of the land grant colleges. My particular reason for offering this amendment, though, ties to part of the research goes for, in instance, into better harvesting methods.

Though Maine does not have the mosquitoes that South Carolina has, I know that you have a few mosquitoes in the summer.

The old saying is, necessity is the mother of invention. I cannot imagine a more resourceful person than that person laying under a logging truck or laying under a skidder, getting bit up by a mosquito—you have those—we call them dog ticks in South Carolina, they will be the size of your thumb coming at you. That person is going to be pretty resourceful in coming up with the quickest way to move a tree from a stump to a mill.

The reason for this amendment was not to in any way discount some of the valuable research that takes place but to say there is also some stuff that is probably extraneous and probably better done by the Joe Youngs of the world in Georgetown, South Carolina.

Mr. BALDACCI. Mr. Chairman, just gaining back an opportunity. I do appreciate that, and I would just like to say for public relations purposes the mosquitoes are not that big, even though they are called black flies, and so if my colleague is interested in coming to Maine rather than South Carolina, he can enjoy that.

The second thing is that what the gentleman has helped to do as a Member of Congress, and many other Members, is that now all of a sudden it just does not go out and the research is done through this money, but this money is matched by industry and by private support, and it is actually in collaboration.

The CHAIRMAN. The time of the gentleman from Maine (Mr. BALDACCI) has again expired.

(By unanimous consent, Mr. BALDACCI was allowed to proceed for 1 additional minute.)

Mr. BALDACCI. Mr. Chairman, last year the University of Maine received about $900,000 in Federal funds, matched with $500,000 in programs support, and industry provided in kind support an additional $250,000. So the collaboration is there, so it is not being just done by the university and by the money that is being provided here, it is a collaborative effort which has been forged, I believe recently, which I think is going to lend more value because there is actually going to also be an economic gain from that.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would just like to state for the record that the gentleman clarified something very important that I would like to put on the Record, and that is the industrial fund match in each of these centers: at Mississippi State, an average of $782,450 for the last 5 years; Oregon State University, $670,000; Michigan State University, $605,000, and the list goes on. We will submit it for the Record.

But the point is there are not only industry matches, there are also State matches. So NASA is truly a Federal, State, private sector cooperative program, and I thank the gentleman for coming to the floor.

Ms. DeLAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from New Mexico (Mr. SKEEN) for his leadership on the floor and for holding this colloquy with me to clarify the Agriculture Research Service funding level for rainbow trout research.

Is it correct that the chairman’s amendment offered in subcommittee markup provided that within the funds provided to the Agriculture Research Service the committee recommends an increase of $500,000 for research at the University of Connecticut on developing new aquaculture systems focused on the rainbow trout?

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Ms. DeLAURO. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, the gentlewoman is correct, and this is a typographical error. The amendment adopted in the subcommittee clearly stated $500,000. I regret the error, and I do welcome this opportunity to set the record straight.

Ms. DeLAURO. Mr. Chairman, I thank the gentleman from New Mexico.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman, and I just wanted to say for the record there was some references made a little bit earlier to the role of this House and the other body in preparing a budget and approving a budget, the role of the White House. I just wanted to mention that normally the way government at the Federal level works is that the Congress prepares and passes laws.

The President can propose, but it is our job to dispose, and when we finish our work, and it is ours to finish, we send it to the White House, and under the Constitution he has only two options: sign the bill or veto the bill. We do not really understand all this extralegal negotiation that is referenced here on the floor and so forth. We have our job to do, and we ought to do it, and if the President does not like what we do, then let him use his constitutional powers to veto and we will override, or we will come back to the drawing board and do this again.

But truly we are not meeting our constitutional responsibilities through the kind of dilatory tactics that we have experienced now on the floor for over 2 days. I do not remember when I have seen a bill, an appropriations bill for certain, come to the floor with hundreds of amendments filed on one particular subcommittee like this one.

So I just wanted to say to the leadership of this institution, “Do your job, send the bill over to the White House, and if they don’t like it, let them veto it. If they like it, let them sign it. But let’s not be bound up by some sort of private conversations which none of us have on this floor, which are party to. Let’s do our job. That’s our constitutional responsibility.”

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. The objection to spending, now 10 hours of debate on a $61 billion spending bill in the Committee of the Whole, the House, the whole House; that is why we do appropriations, so we can have it in the Committee of the Whole.

So my colleague’s objection is that we should not spend this time, or our purpose in trying to keep us under the spending totals that we all made a commitment to which of those two does she object to, because I am having trouble understanding.

My colleague knows what my purpose is. My purpose is to not to allow $1 of Social Security money to be spent when we have all said we would not spend it.

Ms. KAPTUR. Mr. Chairman, if I might reclaim my time, I think the gentleman’s purpose is to bring an interfamily fight within his party on the floor of this Congress. I am still having a little trouble understanding that fight.

But we met the budget numbers our colleagues gave us in the bill we have brought to this floor. We dealt with hundreds of Members. We had all kinds of testimony. We dealt with every Member respectfully. We dealt with all kinds of interests across this country in crafting this bill.

We are happy to have some attention, but it is interesting to me that there is just about a handful of Members with amendments to this bill. The gentleman from Oklahoma (Mr. COBURN) has hundreds of amendments, and what I cannot figure out from what
I have heard, and it is very confusing to me, people on his side saying he does not think the gentleman from Oklahoma is trying to do is basically save $200 million. I mean, that is over $10 million an hour that he would be saving the taxpayer. To me, that would be time well spent.

Mr. SANFORD. Mr. Chairman, I just wanted to say to the gentleman that under the budget they produced, we have done our job. We have met their budget mark. We are not the problem. He is making us a victim. He is anticipating the problem to come with some other bills. Well, if the gentleman does not like the marks on those bills, go fix them. I agree with the gentleman making us the victim.

Ms. KAPTUR. We are today, we were yesterday.

Mr. SANFORD. Mr. Chairman, I do not like what I was given, other than turning down here and doing this, I do not have some other amending process he can do on his side, inside his caucus, to produce the budget that he wants.

Mr. COBURN. If the gentlewoman would yield, if we had that capability, we would not be here.

Ms. KAPTUR. But they prepared the budget. It is their budget.

Mr. COBURN. The 302(b) allocations are prepared by certain groups within here, and those are the ones we object to. It is not the budget that we object to.

Ms. KAPTUR. Well, which party are they in? Is it the majority party?

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 185, further proceedings on the amendment offered by the gentlewoman from South Carolina (Mr. Sanford) will be postponed.

AMENDMENT OFFERED BY MR. COBURN

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

The Clerk read as follows:

Amendment offered by Mr. Coburn: Page 13, line 11, after the dollar amount insert "(reduced by $300,000)."

Mr. COBURN. Mr. Chairman, Oklahoma is the leading producer in this country of Spanish peanuts. Last year peanut production in this country coming off the farm generated $1 billion in revenue. The cost of peanuts in our country and the products that come from there end up being twice as high as they are worldwide.

Now, this amendment asks the question, we have a subsidized peanut program in this country that generates a billion dollars of revenue from the farm each year for peanuts. Why would we want to spend $300,000 on peanut competitiveness when we already know the reasons why we are not competitive in peanuts? It is because we have an oversupply and that we have tried to manage the problems with this oversupply through a subsidy program.

Again, here is $300,000 that is directed for research on why we are not competitive worldwide on peanuts when we already know the answer. So I would again go back to the fact that here is $300,000 that could be better spent, that could be better directed at other areas of research, that could in fact be used to help farmers directly rather than to set up a competitive research program when we already clearly know the answer.

The problem in peanuts is, we have to slowly wean away from this false market, and we all know that; and as my colleagues know, I do not want a peanut producer in my State to have to go out of business.

I understand the friction and the rub associated with these big problems for our farmers, but to turn around and to spend that kind of money in terms of our subsidy programs to turn around, and those are mandatory spending, to turn around and to spend $300,000 to tell us what we already know makes no sense.

I would rather see that $300,000 go directly to farmers, corn farmers, wheat farmers, soybean farmers or cattle ranchers who are competing with a market that is coming in from Canada, that ignores any type of testing, any type of standards that the rest of our ranchers have to have.

If we really want our ag research directed to help our farmers, then we will not have $300,000 set up for competitive peanut research, and instead we will spend that money somewhere else.

We do. We are demonstrating that we trust the committee because we are not taking this total amount out of the research. We are saying put it somewhere else, but do not spend it on a program that keeps at the seat of political favors rather than at the best efforts for our farmers.

As my colleagues know, the real debate is, we have allocations of money set for agriculture that I think is really a little too much. That is what I have been trying to do, get $250 million out of this bill because I think that is the only way we are going to meet our commitment to the seniors of not spending their money. But colleagues cannot claim that they did their job for the whole Congress, we as a body and the Committee of the Whole, if we meet a 302(b) here knowing that we have no intentions of meeting those allocations, that 302(b) will be with the four biggest bills that are going to come before us. It is not intellectually honest for us to say that.

We know that this committee has worked hard. I am sorry that we are where we are, but the fact is, if we made a commitment when the Democrat budget was offered, the commitment was made not to touch Social Security money. When the Republican
budget was offered, the commitment was made not to touch Social Security. When the President’s budget was offered, which I offered because nobody from the other side would offer his budget, two Members of this House agreed to spend 38 percent of the Social Security money.

They are the only two people in this body, the last right to have this process go through the way it is setting up, because they already said, “We don’t believe you can do that. We believe we ought to spend more money.” The rest of us voted to say we would not spend one penny of Social Security surplus.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

Mr. HINCHEY. Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COBURN), is my good friend planning to offer this amendment elsewhere?

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I have every intention of withdrawing this amendment and reoffering it. Whether the gentleman objects or not, I will still have the privilege of reoffering the amendment.

Mr. KINGSTON. Mr. Chairman, redeclaring my time, the gentleman is an incessant campaigner for his cause. With that, I will withdraw my reservation of objection and let the gentleman withdraw the amendment.

Mr. COBURN. Mr. Chairman, I thank the gentleman from Georgia.

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

There was no objection.

AMENDMENT OFFERED BY MR. COBURN

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

The Clerk read as follows:

Amendment offered by Mr. COBURN

Page 14, line 16, after the dollar amount insert "(reduced by $300,000)."

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I would like to speak to the intent of the gentleman’s previous amendment, and I hope the gentleman is about to reoffer it so that I may do so and not move on to another section.

Mr. COBURN. Absolutely, Mr. Chairman, I thank the gentleman from Georgia (Mr. KINGSTON) for his courtesies.

Mr. Chairman, I will be very brief in what I have to say about this amendment. We have a $300,000 expenditure for peanut competitiveness. We have a subsidized peanut program that produces $1 billion worth of raw peanuts off the farm a year. The prices of peanut-graded products in our country are higher than what they would be if we did not have a subsidized peanut program.

I have voted in the past for the subsidized peanut program. I have lots of peanut farmers. That does not mean in the future that we should not try to change that and weaken that to a competitive model where we have the appropriate amount of production and a competitive international model on that.

My point with this amendment is we know why we are not competitive on peanuts: why would we want to fund $300,000 to answer that question?

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a representative from the great peanut State of Georgia, I rise to oppose the amendment as offered by the gentleman from Oklahoma.

The National Competitive Center for Peanuts, one would envision by that title a building of bricks and mortar when it in fact is not. This goes into funding research at the University of Georgia, the purpose being to find out if there are more efficient ways to produce peanuts. It is legitimate agricultural research, as is the type of research that we do on a myriad of other crops and fibers and foodstuffs all over the country.

One of the great challenges that we have on this Subcommittee on Agriculture is funding research which is open to easy ridicule. For example, if this committee funds something that has to do with the mating habits of the screw, it is a great sound bite for Jay Leno and it is a great sound bite for Jay Leno and it is a great article for the Reader’s Digest to say “Look at what these idiots are doing, they are researching the sex life of bugs.”

And it is funny, and we all have a big laugh about it, and somebody from the other body says to the President, well, let’s laugh about it, and somebody from the other body says to the President, let’s do this obvious pork. Yet, to the families of America who eat groceries every day, it is very important.

They might not think this immediately benefits them. But I can promise my colleagues that agriculture research benefits every American household. Because, unlike some folks in the media and some folks in the other body, our constituents in this side of the legislature have to eat. And the more one knows about food, the more one can effectively and inexpensively produce it. That is why we do peanut research. That is why we do corn research. That is why we do bug research. This is part of a bigger picture.

Mr. Chairman, that the learned and distinguished conservative gentleman from Oklahoma’s real purpose here is to cut spending. But we also know that this bill, while it can be nickled and dimed, it has to do with the mating habits of the screw, it is a great sound bite for Jay Leno and it is a great article for the Reader’s Digest to say “Look at what these idiots are doing, they are researching the sex life of bugs.”

So for us to be in the position where we are going to allow a process to go forward that we know is going to deny the American people what we want them to have is the very thing that I am tired of in Washington.

It is my hope that we will return to the process where the confidence they deserve to have in this body. And if we say we are not going to spend their Social Security money, we should not spend it.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am searching in the report for the language that would be stricken by this amendment. I am searching in vain. I wonder if the gentleman from Oklahoma (Mr. COBURN) could assist me in finding the line where this item exists. It says, page 13, line 11. However, we cannot seem to find it in the report.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, the clerk has actually read the wrong line items. It is actually page 14, line 16. The Clerk read page 13, line 11. Our amendment was actually page 14, line 16. They happen to have the same amount of money, and therefore it was read as an inappropriate amendment.

Mr. Chairman, I ask unanimous consent to withdraw this amendment and offer the amendment as offered on the right line item.

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

Mr. KINGSTON. Mr. Chairman, reserving the right to object, if the gentleman chooses to withdraw the amendment, I will not object, but if he is planning to insert it elsewhere, then I will object because right now the amendment is basically void, am I not correct, Mr. Chairman, since it is an inappropriate amendment?

The CHAIRMAN. The Chair will not interpret the substantive effect of an amendment offered by a Member.

Mr. KINGSTON. Mr. Chairman, further reserving the right to object, I would inquire of the gentleman from Oklahoma (Mr. COBURN), is my good friend planning to offer this amendment elsewhere?
percent as good as one can get it in a legislative body of 435 people coming from all over the United States representing the great 260 million people in America.

With that, Mr. Chairman, I would strongly urge my colleagues to soundly reject this amendment. Not for the sake of peanuts, not for the sake of peanut competitiveness, but for the bigger future, the bigger purpose of putting food on the family breakfast, lunch and dinner tables across America. Because we, unlike other nations, only spend 11 cents on the dollar on our groceries. Other countries spend 20, 25 cents, 30 cents, 40 cents. Other places even less fortunate than that spend all day long scratching out a living only to get food on their table.

Agriculture research, Mr. Chairman, is very important. It is part of our agricultural picture, and fortunately, we have very few people as a percentage of our population going to bed hungry at night, but it is because of important agriculture research, as well as this farm program, that we have food.

Now, the gentleman talked about peanut subsidies. I would remind him that peanut subsidies are not there anymore. The peanut program is a program, and yes, it is an elaborate program, and no, it is not the model for capitalism and free market. But what it does do, it allows young people to go back home and farm for a living, because they know if they can make a profit on peanuts, then they can also grow corn, soybeans and hogs/pork which they cannot make a living off.

Protect America's farmers. Vote "no" on this.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. EVERETT. Mr. Chairman, I rise in opposition to the amendment. The Federal Administration grant that this amendment proposes to eliminate is described in detail in part 4 of the committee's hearing record on page 1761. The following is a brief description of the research performed under the grant.

The grant supports an interdisciplinary research and education program to enhance the competitiveness of the U.S. peanut industry by examining alternative production systems, developing new products and new markets, and improving production safety.

The project helps peanut producers become more efficient in the global market. In the first year of the project, 1998, a computerized expert system was adapted for hand-held computers that were used to help farmers reduce production costs. In addition, economic factors were added to a computerized disease risk management system which includes a large number of factors involved in the most destructive wilt. For every one-point improvement in the "wilt index," a farmer's net income is increased by $9 to $14 an acre. USDA funds were used to leverage $129,000 from which the Center for Peanut Competitiveness

Thank goodness that they do not use smaller print on this thing, nobody could read it.

Grants for this work have been reviewed annually and have been awarded each year since 1998. This work is performed at the University of Georgia and involves cooperation from Auburn University in Alabama.

Mr. Chairman, this is a good project and it deserves the support of all Members. I support the project, and I oppose the gentleman's amendment to eliminate it.

Mr. EVERETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Center for Peanut Competitiveness is in its third year for a program that provides critical research addressing several aspects of the peanut industry, including production development, production practices, safety, economics, and other areas that contribute to the competitiveness of the U.S. peanut farmer. At a time when profit margins for farmers are collapsing, at a time when farmers are choosing whether they will sell their family farms or not, it is incomprehensible to take research money from a center that works for the universities in Georgia and in Alabama to help farmers help themselves.

I say to my colleagues, in case we have not noticed, we are in a global economy, a complicated system where information and technology is our key to survival. In my district alone, information on how to be more competitive or how to market one's product more effectively can be the difference between the bank taking your grandfather's farm or being able to keep it.

Mr. Chairman, I urge a "no" vote on this in support of the American farmer. I would like to point out that I have listened to this debate for over 10 hours, and the lack of knowledge on the part of many members of Congress of the research being done that this amendment is starting.

First of all, there is no peanut subsidy. There has not been for a number of years. It is a no-cost program. In addition to that, it provides $33 million in deficit reduction through the year 2002. In 1996, the peanut farm bill made major changes in the program. We have done that. The program supports 30,000 American jobs.

I am just appalled at what has gone on, frankly, in this House for the last few years. People are nitpicking this appropriation process. What for? At the end of the day do they want to say "I told you so"? This is a self-righteous indulgence by a very few people in this House and ought not be happening.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if there was ever a sensible amendment, this one is it. I do not know what could be more clear cut. How many think it would be a good idea to put $300,000 to efforts to study democracy in Cuba? How many think it would be a good idea to put $300,000 to study the democracy that exists in Cuba, or how many think it would be a good idea to put $300,000 to study good government in Libya? None of them exist. That is exactly what this amendment is about.

This is a study of $300,000 for competitiveness in peanuts, which is something which does not exist. We have a market quota system. If you have a quota, you basically get to sell your peanuts for double, more or less double the price of anybody else.

For instance, I grew up on a farm down in Beaufort County, down in South Carolina. I am trying to pass on to a few of those traits to my boys.

Can I imagine my boys raising peanuts in the backyard, and then being penalized simply because they do not have a quota? What this quota means, if you happen to live in Los Angeles, if you happen to live in Chicago, if you happen to live in New York and you have a quota, you can sell that quota.

Do you have fat cat quota owners that basically get double what somebody else does simply because they have the quota.

That is not something that makes sense, but more significantly, what it says is this amendment does make sense, because to spend $300,000 studying competitiveness in something that is fundamentally not competitive is big government, at best.

That is what this amendment does. It makes common sense. It highlights, I think, the lunacy of some of the quota systems we have in place.

Can Members imagine a watermelon quota system? If you have a quota with watermelons, you can sell your watermelons for what my boys can raise them for in the backyard.

Can Members imagine a cantelope quota system? If you have the quota you can live in New York City, you can sell your right to produce quota cantelopes to somebody who is down struggling on the farm. This is something that penalizes the family farmer.

Again, this is not something that makes sense. It is the equivalent of saying let us spend $300,000 studying the democracy that exists in Cuba, or how many think it would be a good idea to spend $300,000 studying whether or not democracy in U.S. exists. We do not have competitiveness in peanuts. This simply says, let us admit that and not spend $300,000 of taxpayer money on something that does not exist.

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to associate myself with the remarks of my friend, the gentleman from Alabama (Mr. EVERETT). Having listened to the last amendment, the gentleman from South Carolina (Mr. SANFORD), I want to reiterate the problem that we have here in many of us not understanding the issues.
Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly, because I have the greatest respect for my fellow colleague, the gentleman from Oklahoma (Mr. COBURN), and he is one of the brightest men I have ever met, and one of the men that is committed to a lot of different causes.

But I could not let this debate go by without taking a few moments to make some remarks about agriculture. I grew up on a peanut farm. I have no financial interest in peanuts, except I do like peanut butter and have Oklahoma peanuts in my pocket. I have studied peanuts most of my life and agriculture most of my life. Because I have a couple of degrees in agriculture, I have an emotional tie about the agriculture position in this country, not just a political one.

Years ago our Founding Fathers set the Morrill Act, which established our land grant universities. One of the most important things they did with the land grant universities is they set up research farms, and those research farms were connected with other private sector farms and private sector research facilities.

Those land grant universities, through that research coupled with the extension agents or county agents, and also with our agriculture teachers, allowed us to make agriculture a role model for transferring technology to use on the farm.

What happened was we had the greatest technology transfer ever recorded in the history of our country, as we developed a food production system, unmatched by any country in the world, which is allowing us today to stay somewhat competitive in world trade. It was caused to happen because of the dollars in research that came about through our land grant universities. One of them, like Oklahoma State University. They have done a tremendous amount of research with peanuts and the peanut program.

The peanut program has changed a great deal in the last few years. If a lot of other of our agriculture programs were set up like the peanut program, it would not be costly to the government at all. But unfortunately, that is not the case.

I predict to the Members that somewhere in the near future in agriculture we will be producing a quota for this country, and then we will have a nonquota amount for the international marketplace.

As an agriculturist I was taught how to grow four blades of grass instead of one. We have done that in production agriculture in America.

On April 9, I had a meeting of the Agriculture Round Table leaders in Oklahoma. We talked about what were the policies we were faced with and what were the problems. It was not production. That was not even scored as a...
problem. It was not the actual finances that many were confronted with. It was the agricultural policy of our government that subsidized agriculture. We have got to be able to learn to market through value-added activities, to meet the markets around the world.

We are in a global competitive world. The European Union spends nearly 75 percent of its budget on subsidizing agriculture, in the production of E.U. agriculture and also subsidizing export markets. We do not have free markets in agriculture. We have to be able to market, and research has to allow us to be competitive in those markets around the world.

I stand in support of, agriculture research dealing with peanuts. Probably not too much of peanut research is done with the land grant universities in Oklahoma. And yet we do a lot of agency interchanging with other land grant universities in order to try to meet the needs of the peanut farmers in Oklahoma and helping them be competitive in the international market.

We have a value-added program at Oklahoma State University today that through research, we are being able to do more and more to allow our farmers and ranchers to benefit with greater profits, instead of just being efficient in production. I wanted to stand in support of this research for peanuts. It is important to Oklahoma agriculture.

Mr. Etheridge. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief. I will not take all the time. I think most of us know where we are going to be on this bill or this amendment. It is a lot like a lot of the others. The proponent may have his own agenda, but I think we need to have the agenda for America.

If we did away with all the research in every bill that makes a difference in America, where would America be today? Where would we be without research for transportation, research in medical technology, research that comes from our science programs, and all the research for our farmers? Where would we be today in terms of opportunity for food and fiber?

I strongly oppose this amendment. The peanut farmers are really the backbone of our economy in some of the poorest counties in the southern and eastern part of this country. For people to come to this floor and say that they are not going to hurt farmers, they just do not understand what they are talking about, or otherwise they are attempting to mislead.

This Congress, this Congress in 1995, when some of the very Members were offered these amendments to distribute to farmers the research to help them stay in business, passed the farm bill, they entered into a contract with the farmers. They said, for 7 years we are going to keep stable prices and they are going to go down. And they said to the peanut farmers, we are going to lower the rates. Where you are getting cut off, quotas are going to be reduced. Number three, the program will be open to new producers. Number four, out-of-State quota holders will be eliminated.

They voted on that, and now they want to come to this floor and eliminate that contract. In my opinion, that is a breach of faith, and this Congress ought not to do it. I do not think we are going to do it.

In return, they gave the farmers a farm bill that had virtually no safety net. We are seeing what is happening now across America; our farmers are in deep trouble.

Let me speak very quickly to peanut farmers and what this research money does. Peanut farmers face many obstacles and should not have to worry about how they do it. If we get too much rain, they get soggy peanuts, and there is a loss. If they get a drought, they get dust instead of peanuts. There is no one there to help them.

They are hardworking people. They take great chances. They are the foundation of this country like every other farmer, whether they be in the Midwest, whether it be in the West or whether it be in the East or the South.

As I said yesterday when I took this floor very briefly, I am embarrassed for this Congress that we would take a bill that is here to make a difference for agriculture, and we are talking about research to make a difference in our future and the future of our children, to produce food and fiber at a cheaper price with less disease to help not only our people, but to help the people around the world, and we are saying we are doing it to save money.

I learned a long time ago, we can be penny wise and pound foolish. When my colleagues cut research, they are penny wise and pound foolish. If they do it in research for medical technology and everything else, we could carry ourselves right back to the Stone Age. I am opposed to this amendment, and I ask every Member in this body to vote against it.

Mr. Latham. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to make a few comments. Obviously peanuts are not a big crop in Iowa. But it just struck me, I just spent a half an hour outside on the steps here with a group of FFA students from Ocheyedan, Iowa. We had a good conversation, and they asked me a lot of questions about Congress, about the agriculture.

One young lady asked me, “What is the future of agriculture?” It is a difficult question to answer. I have to kind of go back in my own mind and see what has transpired.

When I graduated from high school in 1968, there were 50 kids in my class. When my daughter graduated from that same high school in 1995, there were 17 in her class. We are seeing a huge change in agriculture, in rural America. We are seeing communities shrink. The section where I still live, there used to be four families living on that section; now there is one. It is a huge change.

To try and answer the question of this young lady about what is the future, really the answer is that agriculture today is a business, and it has to be treated that way. The people who will be successful are people who are agribusiness people, not just farmers.

The only way that one can make young people, for a future for them, of agriculture is a business, not just see 36 FFA kids from Ocheyedan, Iowa, I see the youth of America that is looking to us and asking what is agriculture’s future for me. Whether it is in Georgia and they want to be a peanut farmer, whether they want to raise rice, whether they want to raise corn or soybeans or hogs or cattle or chickens or emus, whatever they want to do, it is a matter of getting good information, sound information, unbiased information.

The only place that one can find that, that is people believe, is from our university researches. That is why it is extraordinarily critical that we maintain our commitment to agricultural research, that whether it is peanuts, whether it is corn or soybeans or hogs in my district, we have got to maintain our support.

The future of agriculture, the future of sound agricultural policy for our young people, for a future for them, of safe food, ample supply for all Americans and for the rest of the world, depends on a lot on what we do here today.

So I would just ask everyone in the House here, this may look like a good little cutting amendment, but when my colleagues vote today, think about maybe those 36 FFA kids in Georgia who maybe will not have the kind of future that a lot of us hope we have in agriculture.

I am a farmer myself, and this means a great deal to me. But think about all of them; do not just think about one little amendment here. We have lived
within our budget constraints. We have done everything to try and focus this research where it should be.

It is about the future of this country. It is about the future of safe, food, of the supply that is available. It is for the success of our young people. Please do not do this.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, there is no greater friend of the farmers than the gentleman from Iowa (Mr. LATHAM). He has been a consistent advocate of farmers; I profoundly respect that.

I think the particular amendment, though, of the gentleman from Oklahoma (Mr. COBURN) in no way cuts though, of the gentleman from Oklahoma (Mr. COBURN). He might be trying to make some point, some broad macro budget point, some highly principled ideological point, but the real fact is, he is tearing apart the budget for agriculture at a time when family farmers are in the deepest hurt I have ever seen. I have spent all my life in North Dakota. Agriculture is something that has been a part of me from the time I first formed any cognitive impressions of anything. This is not the time for the Congress of the United States to turn its back on the American farmer. My colleagues want to know what they want about this being the fiscal year 2000 budget. We are talking today about something that is not going to apply for several months. To the American farmer, in their hour of need, my colleagues are playing politics, and they are trivializing that which they care about the most, their bread and butter, agriculture, family farming. This should stop.

As Members come to the House in a few minutes for votes, I hope they will stand with me and express just how they feel about this nonsense. It is our appropriations bill today; it could well be theirs tomorrow. I urge my colleagues to think about that.

To the members of the House, as they come to the floor to vote, I hope they will sit and take stock of the spectacle that they have turned the floor of the House into. They are the leaders and they control this place.

To the extent that they allow a Member today to totally tie up this institution, they are unleashing a very unpredictable future course for the rest of this Congress, because what is important to the gentleman from Oklahoma (Mr. COBURN) this afternoon, there will be another issue of equally pressing importance to someone else further; and every appropriations bill about to be considered will be subject to this kind of debacle.

The Nation needs to have its work done. We do not need to turn the floor of the House into a debating chamber for a very narrow spectrum of interests.

Finally, and for me most importantly, the American farmers need help, and it is wrong for the majority to turn its back on them in their hour of need.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded that they are to direct their remarks to the Chair and not to other persons.

(by unanimous consent, Mr. WOLF was allowed to speak out of order for 3 minutes.)

DO NOT LIFT EMBARGO ON GUM ARABIC IN SUDAN

Mr. WOLF. Mr. Chairman, I apologize to the Members to come, but I have been listening to the debate, and I support this bill, and I support the gentleman’s efforts, but I just found out that the administration is getting ready to lift the gum arabic restrictions that are currently on Sudan.

This is a picture of a young boy that I took in 1999 in southern Sudan, and this young boy is probably dead, but if he is not dead, he has had a terrible life because almost two million people have died in Sudan since that time.

I supported this administration’s efforts, some of their efforts in Kosovo with them going to the refugees. I voted to increase the amount of money for the refugees. But what about the Christians in Sudan? There is slavery in Sudan. This young boy’s parents may have been involved in slavery and others.

I now find out that this administration and, I understand, John Podesta at the White House and powerful lobbyists that have been hired by special interests, are now trying to get this administration to lift this embargo with regard to gum arabic in Sudan.

So I urge, whenever this administration thinks of doing it today, not to do it on behalf of this boy, who is probably dead, but may be alive. Do not lift the embargo on gum arabic, because it is fundamentally immoral if they do. If they care about Kosovo and do not care about Sudan is doubly immoral.

I apologize to the Members, but I just heard this was coming up. I do rise in support of the bill.

Mr. SISISKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not represent any universities in this bill.
what I see? Gray hair. Now, it is better
than no hair, but it is gray hair that I
see. I see very few young people.
Now, whether we knock out $300,000
from this budget for research, whether
that is going to do any harm to pea-
nuts or not, we will just lay that aside.

But let me tell my colleagues what it
does do harm to, and this is why I came
over here to get into this. It does harm
to young people and to new people that
want to farm.

I have to tell the people in the urban
areas when they ask, "Why are you so
interested in farming?" I tell them if we
do away with the family farm, the people
in the urban areas are going to know the
real price of food, the real price of food,
and that is why I worry. This is a symbol
amendment. A symbol amendment, but I
think it sends a message, and I would ask my colleagues to
please vote against this amendment.

Mr. COBURN. Mr. Chairman, will the
gentleman yield?
Mr. SISISKY. I yield to the gen-
tleman from Oklahoma.

Mr. COBURN. The gentleman does re-
alize that this does not decrease total
agricultural research by one penny. It
just says we should not spend this
money here. I thank the gentleman.

Mr. SISISKY. Reclaiming my time, I
would still say it sends the wrong mes-
 sage, and that is what I am concerned
about.

Ms. KAPTUR. Mr. Chairman, I move
to strike the requisite number of
words.

I rise in opposition to the gentle-
man's amendment and just wish to say
that the accumulation of amendments
over the last 2 days, and I agree with
my good friend, the gentleman from
Virginia (Mr. SISISKY), ultimately re-
 sults in a negative message to agricul-
tural America and questioning whether
or not we have made the right deci-
sions.

Any Member has a right to question
what any committee has done inside
this Congress. However, one after an-
other, after another, it is like, drip,
drip, drip, in a situation today where
rural America is in depression. The
gentleman from Virginia made a good
point. People are not getting 95 cents
on a dollar. Farmers raising hogs in
America today, it costs them 40 cents
from this budget for research, whether
that is going to do any harm to pea-
nuts or not, we will just lay that aside.

But let me tell my colleagues what it
does do harm to, and this is why I came
over here to get into this. It does harm
to young people and to new people that
want to farm.

I have to tell the people in the urban
areas when they ask, "Why are you so
interested in farming?" I tell them if we
do away with the family farm, the people
in the urban areas are going to know the
real price of food, the real price of food,
and that is why I worry. This is a symbol
amendment. A symbol amendment, but I
think it sends a message, and I would ask my colleagues to
please vote against this amendment.

Mr. COBURN. Mr. Chairman, will the
gentleman yield?
Mr. SISISKY. I yield to the gen-
tleman from Oklahoma.

Mr. COBURN. The gentleman does re-
alize that this does not decrease total
agricultural research by one penny. It
just says we should not spend this
money here. I thank the gentleman.

Mr. SISISKY. Reclaiming my time, I
would still say it sends the wrong mes-
 sage, and that is what I am concerned
about.

Ms. KAPTUR. Mr. Chairman, I move
to strike the requisite number of
words.

I rise in opposition to the gentle-
man's amendment and just wish to say
that the accumulation of amendments
over the last 2 days, and I agree with
my good friend, the gentleman from
Virginia (Mr. SISISKY), ultimately re-
 sults in a negative message to agricul-
tural America and questioning whether
or not we have made the right deci-
sions.

Any Member has a right to question
what any committee has done inside
this Congress. However, one after an-
other, after another, it is like, drip,
drip, drip, in a situation today where
rural America is in depression. The
gentleman from Virginia made a good
point. People are not getting 95 cents
on a dollar. Farmers raising hogs in
America today, it costs them 40 cents
from this budget for research, whether
that is going to do any harm to pea-
nuts or not, we will just lay that aside.

But let me tell my colleagues what it
does do harm to, and this is why I came
over here to get into this. It does harm
to young people and to new people that
want to farm.

I have to tell the people in the urban
areas when they ask, "Why are you so
interested in farming?" I tell them if we
do away with the family farm, the people
in the urban areas are going to know the
real price of food, the real price of food,
and that is why I worry. This is a symbol
amendment. A symbol amendment, but I
think it sends a message, and I would ask my colleagues to
please vote against this amendment.

Mr. COBURN. Mr. Chairman, will the
gentleman yield?
Mr. SISISKY. I yield to the gen-
tleman from Oklahoma.

Mr. COBURN. The gentleman does re-
alize that this does not decrease total
agricultural research by one penny. It
just says we should not spend this
money here. I thank the gentleman.

Mr. SISISKY. Reclaiming my time, I
would still say it sends the wrong mes-
 sage, and that is what I am concerned
about.

Ms. KAPTUR. Mr. Chairman, I move
to strike the requisite number of
words.

I rise in opposition to the gentle-
man's amendment and just wish to say
that the accumulation of amendments
over the last 2 days, and I agree with
my good friend, the gentleman from
Virginia (Mr. SISISKY), ultimately re-
 sults in a negative message to agricul-
tural America and questioning whether
or not we have made the right deci-
sions.

Any Member has a right to question
what any committee has done inside
this Congress. However, one after an-
other, after another, it is like, drip,
drip, drip, in a situation today where
rural America is in depression. The
gentleman from Virginia made a good
point. People are not getting 95 cents
on a dollar. Farmers raising hogs in
America today, it costs them 40 cents
from this budget for research, whether
that is going to do any harm to pea-
nuts or not, we will just lay that aside.

But let me tell my colleagues what it
does do harm to, and this is why I came
over here to get into this. It does harm
to young people and to new people that
want to farm.

I have to tell the people in the urban
areas when they ask, "Why are you so
interested in farming?" I tell them if we
do away with the family farm, the people
in the urban areas are going to know the
real price of food, the real price of food,
and that is why I worry. This is a symbol
amendment. A symbol amendment, but I
think it sends a message, and I would ask my colleagues to
please vote against this amendment.

Mr. COBURN. Mr. Chairman, will the
gentleman yield?
Mr. SISISKY. I yield to the gen-
tleman from Oklahoma.

Mr. COBURN. The gentleman does re-
alize that this does not decrease total
agricultural research by one penny. It
just says we should not spend this
money here. I thank the gentleman.

Mr. SISISKY. Reclaiming my time, I
would still say it sends the wrong mes-
 sage, and that is what I am concerned
about.

Ms. KAPTUR. Mr. Chairman, I move
to strike the requisite number of
words.

I rise in opposition to the gentle-
man's amendment and just wish to say
that the accumulation of amendments
over the last 2 days, and I agree with
my good friend, the gentleman from
Virginia (Mr. SISISKY), ultimately re-
 sults in a negative message to agricul-
tural America and questioning whether
or not we have made the right deci-
sions.

Any Member has a right to question
what any committee has done inside
this Congress. However, one after an-
other, after another, it is like, drip,
drip, drip, in a situation today where
rural America is in depression. The
gentleman from Virginia made a good
point. People are not getting 95 cents
on a dollar. Farmers raising hogs in
America today, it costs them 40 cents
from this budget for research, whether
that is going to do any harm to pea-
nuts or not, we will just lay that aside.

But let me tell my colleagues what it
does do harm to, and this is why I came
over here to get into this. It does harm
to young people and to new people that
want to farm.

I have to tell the people in the urban
areas when they ask, "Why are you so
interested in farming?" I tell them if we
do away with the family farm, the people
in the urban areas are going to know the
real price of food, the real price of food,
and that is why I worry. This is a symbol
amendment. A symbol amendment, but I
think it sends a message, and I would ask my colleagues to
please vote against this amendment.

Mr. COBURN. Mr. Chairman, will the
gentleman yield?
Mr. SISISKY. I yield to the gen-
tleman from Oklahoma.

Mr. COBURN. The gentleman does re-
alize that this does not decrease total
agricultural research by one penny. It
just says we should not spend this
money here. I thank the gentleman.

Mr. SISISKY. Reclaiming my time, I
would still say it sends the wrong mes-
 sage, and that is what I am concerned
about.
we do here, how we do it and where we spend our money.
So I want to just say I thank the gentle-
man for yielding me some time. This is about process and whether or not we are going
to keep our word to the American people. We are going to keep our word to the American farmer. We are going to have to provide the
millions of dollars in relief that the lady from Ohio, the gentleman from Oklahoma, and I agree with the
gentlewoman from Ohio, we did not off-
set anything except in ag, and that is inap-
propriate. And when that bill came back to us, I voted against it be-
cause of that.
So we are going to do what we need to
do by our farmers, but we are also going
to do what we need to do for our seniors and for our children.
Mr. GUTKNECHT. Reclaiming my
time, Mr. Chairman, and I am sure the
gentleman from Oklahoma knows that
sunshine is the best antiseptic, and al-
lowing a little sunshine to shine on the
appropriations process here in the Con-
grass is not a bad thing. If it takes an
extra day or two, so be it. In the end,
I think we will all have a product that
we can be more proud of, that we can
defend when we go home to our con-
stituents, and ultimately will keep that
promise all of us have made to our
kids, and that is every penny of Social Security taxes should go only
for Social Security.
The CHAIRMAN. The question is on
the amendment offered by the gentle-
man from Oklahoma (Mr. COBURN).
The question was taken; and the
Chairman announced that the noes ap-
peared to have it.
Mr. COBURN. Mr. Chairman, I de-
mand a recorded vote.
The CHAIRMAN. Pursuant to House
Resolution 185, further proceedings on
the amendment offered by the gentle-
man from Oklahoma (Mr. COBURN)
will be postponed.
RECORDED VOTE
THE CHAIRMAN. A recorded vote has been
demanded. A recorded vote was ordered.
The vote was taken by electronic de-
vice, and there were—aye 35, noes 390,
not voting 8, as follows:

<table>
<thead>
<tr>
<th>AYES—35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barr</td>
</tr>
<tr>
<td>Biggers</td>
</tr>
<tr>
<td>Bilbray</td>
</tr>
<tr>
<td>Cannon</td>
</tr>
<tr>
<td>Chabot</td>
</tr>
<tr>
<td>Collins</td>
</tr>
<tr>
<td>Cox</td>
</tr>
<tr>
<td>Delahun</td>
</tr>
<tr>
<td>Doggett</td>
</tr>
<tr>
<td>Duncan</td>
</tr>
<tr>
<td>Roehrbosch</td>
</tr>
<tr>
<td>--------</td>
</tr>
</tbody>
</table>
| Bena}

NOES—390

Aberconbie
Aderhold
Adolph
Adkins
Aiken
Allen
Altmeyer
Anderson
Armey
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashcroft
Ashкро

---

Messrs. KINGTON, WELDON of Florida,
LARGENT, BERMAR, SCAR-
BOROUGH, and FOSSELLA
changed their votes from "aye" to "no".
Mr. GARY MILLER of California and
Mr. SUNUNU changed their vote from
"no" to "aye."
So the amendment was rejected.
The result of the vote was announced
as above recorded.
The Clerk designated the amendment.  

The Clerk designated the amendment.  

RECORDED VOTE  

The Clerk designated the amendment.  

The Clerk designated the amendment.  

RECORDED VOTE  

The Clerk designated the amendment.  

The Clerk designated the amendment.  

A recorded vote was ordered.  

The Clerk designated the amendment.  

The Clerk designated the amendment.
11140
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery

Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6
Brown (CA)
Gejdenson

Kasich
McCollum

Oxley
Young (AK)

b 1449
So the amendment was rejected.
The result of the vote was announced
as above recorded.
AMENDMENT OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote
on the amendment offered by the gentleman from Oklahoma (Mr. COBURN)
on which further proceedings were
postponed and on which the noes prevailed by voice vote.

VerDate Aug 04 2004

May 26, 1999

CONGRESSIONAL RECORD—HOUSE
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
MillenderMcDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush

14:26 Oct 02, 2004

Jkt 069102

The Clerk will designate the amendment.
The Clerk designated the amendment.
RECORDED VOTE

The CHAIRMAN. A recorded vote has
been demanded.
A recorded vote was ordered.
The vote was taken by electronic device, and there were—ayes 119, noes 308,
not voting 6, as follows:
[Roll No. 161]
AYES—119
Baird
Ballenger
Barrett (WI)
Bartlett
Barton
Bass
Berkley
Biggert
Bilbray
Brown (OH)
Burton
Buyer
Campbell
Cannon
Castle
Chabot
Coble
Coburn
Collins
Cox
Crane
Crowley
Davis (VA)
DeFazio
Delahunt
DeMint
Doggett
Doolittle
Duncan
Ehrlich
English
Eshoo
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gillmor
Gordon
Graham

Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Inslee
Johnson (CT)
Johnson, Sam
Kelly
Kind (WI)
Kleczka
Largent
Lazio
Lee
LoBiondo
Lofgren
Luther
Maloney (CT)
Manzullo
McGovern
McHugh
McInnis
McIntosh
Meehan
Miller (FL)
Miller, Gary
Miller, George
Myrick
Nadler
Neal
Obey
Olver
Paul
Petri

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)

Brown (FL)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
DeLauro
DeLay
Deutsch

Porter
Portman
Ramstad
Reynolds
Roemer
Rogan
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sawyer
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Spence
Stark
Sununu
Sweeney
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tierney
Toomey
Upton
Wamp
Weldon (FL)
Weldon (PA)

NOES—308

PO 00000

Frm 00040

Fmt 0688

Sfmt 0634

Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte

Goodling
Goss
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey

Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
MillenderMcDonald
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Sabo

Sanchez
Sanders
Sandlin
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (TX)
Snyder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6
Archer
Brown (CA)

Kasich
McCollum

Oxley
Young (AK)

b 1457
So the amendment was rejected.
The result of the vote was announced
as above recorded.
b 1500
Ms. KAPTUR. Mr. Chairman, I move
to strike the last word.
Mr. Chairman, I wanted to engage in
a colloquy with the chairman of the
full Committee on Appropriations, the
gentleman from Florida (Mr. YOUNG)
regarding the anticipated schedule on
the agriculture appropriations bill. We
understand that on our side there are
few amendments that remain to be offered, but it is unclear to us what the
desire of the majority is in moving this

E:\BR99\H26MY9.001

H26MY9


Mr. ARMY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Florida.

Mr. ARMY. Mr. Chairman, the plan that we would rise at this point on further consideration of the agricultural appropriations bill and go to the lockbox issue. We would anticipate that the lockbox issue, considering the time for the rule, two hours of general debate, there will be no amendments under the rule, so I would anticipate a vote on final passage and/or possibly a vote on a motion to recommit, should that be the case.

After that, the majority leader will reassess where we are, what time of day it is, and then announce the date that at that time as to what the further activity would be on this bill or any other bill that would come before the House this evening.

Ms. KAPTUR. Mr. Chairman, re-clarifying, my time. I thank the chairman for that clarification. I notice that the majority leader is on the floor and able to engage in this colloquy. I wonder if he would do me the great honor of giving those of us on our side his view of what the schedule for the remaining part of the day will be like and how the agricultural appropriations bill will fit into the schedule later today.

Mr. ARMY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. ARMY. Mr. Chairman, obviously we are, as often has been the case over the years, the week before a district, to assure everything on the agriculture bill later on in the day, perhaps earlier. As soon as I have a clear picture of things, I will contact the gentlewoman and let her know.

Ms. KAPTUR. Mr. Chairman, the gentleman will let us know perhaps by 5:30 whether or not the agricultural appropriations bill will be coming to the floor later this evening so our Members could be ready?

Mr. ARMY. Mr. Chairman, as soon as I can know something that would be helpful and reliable, yes; 5:30, 4:30, as soon as possible. But I understand the gentlewoman’s point about the time line and I will try to respect that.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman.

I would just advise our membership that if we do have Members listening or on the floor who have amendments, call our office no later than 6 o’clock and we will try to let our Members know whether there will be additional votes being taken or not on the agricultural appropriations bill.

I would just ask the forbearance of the leadership of the majority to please treat our Members with respect, and I am sure they will, but to allow us the time necessary to prepare our Members for the floor. If we are not going to bring the bill up tonight, if we do not hear by 6 o’clock, I will assume it will not be coming up.

Mr. ARMY. Mr. Chairman, if the gentlewoman will yield, as an old economist let me just say we should be careful what we assume, but I will try to keep the gentlewoman as informed as possible.

Ms. KAPTUR. Mr. Chairman, I thank the leader.

Mr. PACKARD. Mr. Chairman, today I would like to express my support for H.R. 1906, The Agriculture Appropriations Act of 2000. Our nation’s farmers are by far the most productive in the world and we should continue to support their efforts.

Our nation’s farmers often experience accomplishments reached through the struggles and achievements of past agriculturists. H.R. 1906 will ensure the necessary funds to help increase agriculture research which in turn will help our farmers achieve the level of commodities needed to feed a hungry world.

I would like to specifically acknowledge the provision which allocates funds for pesticide and plant disease research. This will directly benefit Southern California floriculture and nursery crop producers. With over 20 percent of the total agriculture share, California farmers rank first in the nation in overall production of nursery products. This research can positively impact rural and suburban economies, and increase international competitiveness by helping prevent the spread of pests and diseases among nursery and floriculture crops.

Mr. Chairman, I would also like to commend Chairman SKEEN for once again producing an Agriculture Appropriations bill that is beneficial for the American farmer. Farming is still one of the toughest jobs in America, and I share Mr. SKEEN’s wish to make sure that is not forgotten here in Washington.

Mr. PHELPS. Mr. Chairman, I rise today in support of the FY 2000 Agriculture Appropriations bill, but I must also take this opportunity to express my concern that many needs in the agriculture community will remain unmet under this legislation.

I know that all of my colleagues are by now aware that American agriculture is in crisis. We provided some desperately-needed assistance by passing the Emergency Supplemental bill last week, and this appropriations measure will offer still more help. But I caution my colleagues that it will only help so much, and we must not allow it to be built into thinking that agriculture’s problems are over.

I applaud the House appropriators for drafting a good bill under extremely tight budget constraints. They have the enviable task of allocating scarce funds in a reasonable manner, and at a time when the needs in the agriculture community are greater than ever. While I plan to support the legislation, it nonetheless falls short in a number of respects, and I would be remiss if I failed to point them out.

First and foremost, the bill does almost nothing to address the farm crisis. It does not provide for any continuation of the emergency assistance provided in last year’s Omnibus Appropriations bill or in the recently-passed Supplemental, and it contains no initiatives to support farm incomes or remove surpluses from markets. And although the bill funds farm credit programs and Farm Service Agency staff at the level requested months ago by the President, this package simply does not reflect the economic conditions that face farmers and the current needs that could not have been accurately anticipated at the beginning of the year.

Furthermore, nutrition programs do not fare well under this bill, particularly the Women, Infants and Children (WIC) program. WIC is one of the most successful and important federal programs ever undertaken and serves millions of pregnant women, nursing mothers, infants and young children. Unfortunately, although H.R. 1906 does include a slight increase over last year’s funding for WIC, the bill provides over $100 million less than the administration’s request for this critical program. The legislation also fails to incorporate the requested $10 million increase for elderly nutrition programs, and other programs receive no funding at all, including the school breakfast pilot program and the Nutrition, Education and Training (NET) program.

I am also disappointed by the funding levels for many conservation programs on which farmers in my district and around the country rely. Unfortunately, in trying to stay within tight budget caps, the bill’s authors have included a number of limitation provisions that produce savings from direct spending programs. For example, the bill cuts the Wetlands Reserve Program and the Environmental Quality Incentives Program below authorized levels. These are extremely popular programs which help farmers while protecting our environment, and I am disappointed that they have been sacrificed.

Having said all that, let me point out again that I understand the tough decisions the appropriators were forced to make, and although we all have different priorities, this bill does provide critical funding for a number of very valuable programs. We have to start somewhere, and I cannot emphasize enough how badly America’s farmers need our help and our continued attention. I will support the bill and urge my colleagues to do the same.

Mr. CHAMBLISS. Mr. Chairman, I hope my colleagues will join me in strongly opposing the Coburn amendment to eliminate funding for the National Center for Peanut Competitiveness.

It is no secret the peanut is a very important crop to Georgia and Southern agriculture, and this program is critical to ensuring that peanuts hold an attractive, competitive position in the global marketplace of the 21st century.
Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary recognition to Mr. Moakley, gentleman from Massachusetts (Mr. MOAKLEY), 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 186 provides for consideration of H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999, a bill that will help to protect the Social Security Trust Fund.

House Resolution 186 provides two hours of general debate divided and controlled by the chairman and ranking minority members of the Committee on Rules, the Committee on the Budget, and the Committee on Ways and Means.

The rule provides that the bill will be considered as read and provides that the amendment printed in section 2 of the resolution be considered as adopted. Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, let me start by explaining exactly what this bill will do. First, the bill will establish a parliamentary point of order against any budget resolution utilizing the Social Security surplus in its spending or revenue proposals. Second, the bill establishes a point of order against any legislation, including spending initiatives and tax cuts, that attempts to use any funds from the Social Security surplus. And third, this bill prohibits the Office of Management and Budget, the Congressional Budget Office, and any other Federal Government agency from including Social Security surpluses in Federal budget totals when publishing official documents.

Mr. Speaker, it is dishonest to talk openly about a budget surplus when our operating budget is still in deficit. The government continues to borrow money from Social Security, a fact that does not show up on the government’s balance sheet but that has dire consequences for the future. This “lockbox” takes Social Security away from budget calculations so budget decisions are made only on non-Social Security dollars, a vital first step in ensuring retirement programs will be there for this generation and generations to come.

In our response to the President’s State of the Union address, the 106th Congress committed itself to saving Social Security. This task has two important components. First, we must ensure that the current system is being managed responsibly by locking away today’s contributions and securing the retirement of current beneficiaries. Today, we deliver our first component.

In our response to the President’s State of the Union address, the 106th Congress committed itself to saving Social Security. This task has two important components. First, we must ensure that the current system is being managed responsibly by locking away today’s contributions and securing the retirement of current beneficiaries. Today, we deliver our first component.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.
American people. It is part of a common sense plan to provide security for the American people by preserving every penny of the Social Security surplus.

Mr. Speaker, I urge my colleagues to support the rule so that we may proceed with debate and consideration of this historic bill.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Georgia (Mr. LINDER) from yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, it is no secret that Social Security and Medicare are not going to last forever, especially if we do not do something about it very soon. And despite all of the fanfare about a bill and this bill, I urge my colleagues to take a hard look and make sure that social security does go broke on time.

Mr. Speaker, I urge my colleagues to do something, and we have to do it very, very soon.

This bill merely recreates the point of order that the Democrats enacted some 14 years ago. It does not protect all of the resources we need to reform Social Security and Medicare. It promises not to use the Social Security Trust Fund, which Congress promised not to touch when it was created back in the 1930s. Meanwhile, Mr. Speaker, it leaves the rest of the budget surplus open for the taking, be it for new spending programs or tax cuts for the rich.

Even the chief actuary of the Social Security Administration says that this proposal, and I quote, this proposal would not have any significant effect on the long-range solvency of the old-age, survivors and disability insurance program.

But it would not be such a problem, Mr. Speaker, if Social Security were not scheduled to fall apart in the year 2034 and Medicare to fall apart in the year 2015. Congress and the White House need to implement major Social Security and Medicare reforms and we need to do it very, very soon.

These are the most important issues we can address this year, and they just cannot be put off for another week, much less another Congress.

But, Mr. Speaker, as I understand it, this bill is the only social security bill my Republican colleagues are going to bring up this year. All it does is restate the current policy on surpluses and ensures that social security does go broke on time.

I heard that some Republican politicians said it was a bad idea to tackle social security, despite its looming demise. Yet Mr. Speaker, all we have to do something, and we have to do it very soon.

For that reason, I am disappointed my Republican colleagues did not make in order the Rangel-Moakley-Spratt amendment to prevent Congress from spending budget surplus money until we address the Social Security surplus.

Our bill says Congress cannot pass any new spending or any new tax cuts that are not completely offset until the social security is secure. Our lockbox contains both social security and on-budget surplus, and unlike the Republican proposal, it actually has a lock.

Our lock consists of the declaration by the trust fund trustees, and only the trust fund trustees, that social security and Medicare are financially sound. Only then can Congress tap into that surplus.

Furthermore, Mr. Speaker, this bill was referred to not one, not two, but three congressional committees: the Budget Committee, Ways and Means, and the Committee on Rules. But not one single one of them, not one of them, held hearings or marked up the bill. It was sent right to the floor. It has become the norm in this Congress with bills that go out committees, and that, Mr. Speaker, can get very, very dangerous.

Mr. Speaker, I urge my colleagues to oppose this rule because the problem is not what this bill does for social security. Mr. Speaker, it is what this bill does not do.

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

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am rising in strong support of this bill, the Social Security and Medicare Safe Deposit Box Act. I think we should try to put in place a mechanism to try to establish this lockbox to ensure that social security spending is not spent on other government spending.

The reason I say that is for 40 years in this institution, I have seen it spend on other government spending. There were chronic budget deficits. Just recently we have been able to bring that down and bring this budget into balance, but I think it is important that we protect and set aside $1.8 trillion in cumulative budget surpluses over the next 10 years for social security and Medicare.

Since social security was first created it has been a pay-as-you-go system, benefits to retirees are paid from interest is credited to the social security trust fund, and social security tax surpluses become part, unfortunately, in this process, of general government spending.

In reality, there is no cash in the trust fund and our trust fund IOUs. They are printed on an ink jet printer. In fact, it is important that we set up a mechanism to provide security for the American people. I urge Members to vote for the real commitment to social security and Medicare. I urge Members to vote for our motion.

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

Mr. HERGER. Mr. Speaker, I yield half of my 2 minutes to the gentleman from California (Mr. HERGER) and the gentleman from Florida (Mr. SHAW).
Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this rule, as well as strong support of this historic legislation, the Social Security and Medicare Safe Deposit Box Act of 1999.

How many of us over the last 30 years, and I have only been in the House and had the privilege of serving here for the last 4½ years, have been asked in town meetings and senior citizens centers, union halls, VFWS, and other public forums, when is Washington going to stop dipping into, when is Washington going to stop raiding the social security trust fund to spend social security on other things other than social security?

Today we are going to pass legislation that will do that, that will stop the raid on social security.

Let us review the history here. For over 30 years now Washington has been dipping into the social security fund. Regardless of the rhetoric on the other side where they say it has not, it has gone on.

Back when President Johnson and the Democrat-controlled Congress 30 years ago began raiding the social security trust fund, they have run up quite a bill. According to the social security trustees appointed by President Clinton, the social security trust fund has been raided by more than $730 billion over the last 30 years.

I have a check here written on the social security trust fund. It is a blank check. Washington for the last 30 years has used the social security trust fund as a slush fund and as a blank check to pay for programs.

This was the social security trust fund and puts a stop for those who want to raid it. We set aside those funds for social security and for Medicare. I believe that is an important first step, setting aside 60 percent of social security and locking it away before we consider any other reforms or changes to social security. Let us lock it away first. That is an important first step. We can use these funds to strengthen Medicare and social security. This legislation accomplishes this goal.

I would like to point out, of course, that not only is the social security and Medicare Safe Deposit Box a centerpiece of this year's balanced budget, but there is a big difference between the Clinton-Gore Democratic budget and the Republican budget.

The Republican budget sets aside 100 percent of social security for social security. The $137 billion social security surplus this year will go to social security. If we compare that with the Clinton-Gore Democratic budget, that only uses 62 percent of social security for social security, and the Clinton-Gore Democrat budget spends $52 billion of social security money on other things; all go programs like Education, defense, things like that. But the Clinton-Gore Democrat budget raids the social security trust fund. This lockbox will prevent the Clinton-Gore raid on social security.

I would also point out that the social security and Medicare safe deposit box sets aside $1.8 trillion. The President talks about 62 percent. Sixty-two percent is $1.3 billion. Over the next 10 years Clinton-Gore will raid the social security trust fund by $12 billion. Let us put a stop to it.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to point out, of course, that not only is the social security and Medicare safe deposit box sets aside $1.8 trillion. The President talks about 62 percent. Sixty-two percent is $1.3 billion. Over the next 10 years Clinton-Gore will raid the social security trust fund by $12 billion. Let us put a stop to it.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HERGER) for the work that he has put into this, and emphasize that this is truly a bipartisan gesture. My colleagues, the gentleman from Kansas (Mr. MOORE) has supported parallel legislation, the Blue Dog budget had parallel provisions. All of us are committed to this goal.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to support an idea that is long overdue in the Nation's capital, truth in budgeting. For decades the social security surplus has been used by politicians to fund other government spending and mask the scope of our Nation's financial problems. It is time now to put this practice behind us. It is time to build a firewall between the dollars that are used to fund other government programs and the dollars that come to government specifically for social security benefits.

There are three principles that will guide my decisionmaking on budget issues as we move forward through this year. First, 100 percent of the social security surplus must be preserved for social security. Whether it be using this money to credit the social security trust fund or to help preserve social security or Medicare, we must commit these resources to their intended purposes. This lockbox bill is an important step in fulfilling this part of our commitment.

Secondly, we must stick to the fiscal discipline we decided on when we passed the Balanced Budget Amendment of 1997. In 1997, we agreed to spending limits that we absolutely must stick to. Every Member of this House, Republican and Democrat, supported a budget resolution that maintained these caps. We cannot break our word to the American people. They expect us to keep our promises. They should be able to receive that commitment from us.

Third, we must return the nonsocial security surplus to the people in the form of tax relief. This money represents a direct overpayment for government services. Make no mistake, if it is left in the hands of the politicians, it will be spent. It is the people's money. We should give it back.
Mr. Speaker, Members can describe the budget process as a three-legged stool. Today we are putting the first leg in place.

That stool includes preserving Social Security, maintaining fiscal discipline, and returning the non-Social Security surplus to the people.

Congress’ ability to finally control spending has helped create an economy with historically low inflation and low unemployment. It has helped millions of Americans and allowed them to pursue their financial independence, to experience the security of homeownership, and to be in a position to give their children a leg up in the new economy through education.

We must not jeopardize this success by going on a spending spree that destroys fiscal discipline. We can guarantee the security of Social Security by putting 100 percent of the Social Security surplus funds into a lockbox. I urge my colleagues to support this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, when discussing the issue of expected budget surpluses, we need to ask two questions. First, will we stick to the budget caps on which the budget surpluses are based; and, second, will Congress actually use the projected surpluses to strengthen Medicare and Social Security?

Unfortunately, this bill is a sham as an answer to those two questions. The so-called lockbox is of no value beyond making sure Members of Congress have a press release to show their constituents that they are doing something this weekend.

The budget caps I did not vote for, but I am willing to stick to them if the money will be used for Social Security and Medicare. But the fact is the track record in here is that it is not going to happen.

Just a few weeks ago, this Congress passed a spending bill that grew from $5 billion to $15 billion in a matter of days, three times what the President promised to save 100 percent. Then he came back with a plan that saved 62 percent. Then he proposed a budget that was only saving 52 percent.

The fact is what the gentleman from Washington (Mr. MCDERMOTT), my Democrat colleague and good friend, is saying just is not the case. The fact is they wanted it both ways. They say they want it tougher, but then they oppose it. But now they think it is not tough enough, and they oppose it, then, too.

Let us vote out what we have today. Let us begin with what we have today which does bring about a point of order both in the House and the Senate, requires 60 votes in the Senate. Let us at least move forward with something now; and perhaps in the future, we can come up with something tougher.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL), ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I am glad that the gentleman from California (Mr. HERGER), the sponsor of the legislation, would not like to respond to the gentleman from Washington (Mr. MCDERMOTT), my Democrat friend. In his statements, he was mentioning that this legislation is not tough enough to defend Social Security. I would like to see it tougher.

The legislation we were originally writing was tougher; but, guess what? We have legislation that is tougher in the Senate, and guess who is opposing it? The President is opposing it. Guess who else is opposing it? The Democrats in the Senate are opposing it.

They say it is too tough. They say it goes too far. They said, in case of an emergency, we do not have enough elbow room, if you will.

So we have worked with the committees involved, with the Committee on Ways and Means, the Committee on Budget, both of which I serve on, the Committee on Rules, to try to come up with some legislation that we can get the support of from our friends on the other side of the aisle, the Democrats, and with the President, to try to at least get something out there which is better than nothing.

So I would like to respond to my friend, if he would like it tougher, I would love to get it tougher; but if he could, could he perhaps get some support from your Democrat colleagues in the Senate as well as our Democrat President?

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

Mr. HERGER. I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, the bill that the Senate had would have shut down the government if it had been passed. That is why there was a veto threat. It makes no sense to pass that kind of legislation.

If my colleagues do not want any Social Security checks to go out and they want to shut the government down, then pass what the gentleman is proposing. We are never going to get this issue done this way. We have a good proposal from the President to take the money and buy down the public debt, actually reducing the public debt.

Mr. HERGER. Mr. Speaker, reclaiming my time, the fact is the President promised to save 100 percent. Then he came back with a plan that saved 62 percent. Then he proposed a budget that was only saving 52 percent.

The fact is what the gentleman from Washington (Mr. MCDERMOTT), my Democrat colleague and good friend, is saying just is not the case. The fact is they wanted it both ways. They say they want it tougher, but then they oppose it. But now they think it is not tough enough, and they oppose it. Then, too.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL), ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I am glad that the gentleman from California (Mr. HERGER) explained this procedure, because I was a little baffled as to why this bill was so weak. But I understand it now.

It is weak because the gentleman is concerned about my President and he is concerned about the people in the other body. That is a new way to legislate. So I guess it is what we call majority-plus-6, because, in the old days, when we were concerned about strengthening legislation, we took it to the committee. We have hearings. We have an opportunity for people to amend it. We have debate. We have discussion.

But this new way that we have had the last half dozen years is, we bypass the committees, we bypass the Committee on Ways and Means, we bypass budget, we bypass the Committee on Rules, but we go on the other side and ask, will they toughen it.

We did something like that yesterday. We wanted to, on the other side, reduce the wages of Customs. I would think that we would be able to debate that on the floor. No. My colleagues put that on the Suspension Calendar, and they followed it with antipornography legislation or antidrug trafficking legislation.

I just do not think that is what they get it. In the House of Representatives, we legislate. We do not go over there and beg, hat in hand, with the other body for what they would like.
Another thing we do is we give ourselves an opportunity to discuss these things in our committee. I am so proud and honored to be a member of the Committee on Ways and Means. Our jurisdiction, we jealously guard it. But what good is all of it if we go straight to the Committee on Rules when anything concerns Social Security?

We all know that this so-called lockbox, that every Member of this House has a key to unlock it. We all know when my colleagues are saying that they are going to put the Social Security surplus in the box, they are doing what Democrats and Republicans should have been doing years ago, and that is putting the current payroll tax in the box.

But my colleagues cannot talk out of both sides of their mouths. My colleagues cannot give a big tax decrease, which I cannot wait for it to come out of my committee, unless they are talking that to the Committee on Rules, too.

But I understand that my colleagues are working on $300 billion, $800 billion in 10 years. How my colleagues are going to do that and put Social Security surplus in the lockbox, I do not know. But then again, we may never find out. We may find it on the Suspension Calendar, or it may just come out in the rule.

Mr. Speaker, I am just hoping that someone who understands what happened in the back room will come forward to the mike and explain how much of the Social Security surplus goes into this so-called box. It is my understanding it is only the current payroll tax, and the rest of the surplus we can use for whatever purpose that we would want without violating the spirit and the wording of this law.

Mr. LINDER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN) for his long-standing leadership on this bill.

I am a new Member of the House, and I have been working on this issue since getting here. I want to thank the gentleman from California (Mr. HERGER) for his leadership.

This debate is getting out of hand. Here is what our budget resolution does, and I am very happy to have been a part of writing the proposal in the budget resolution that said we are going to set a higher standard in this Congress, that we are not going to raid the Social Security Trust Fund, and that we are going to change the rules in Congress to make it tougher to do so.

We want to go all the way to stopping the raid on the Trust Fund. That requires the President signing a bill into law, dedicating every penny of Social Security going toward the Social Security Trust Fund, going to Social Security.

Sadly, the President is against that legislation, in part because his budget proposal continues to raid Social Security by $341 billion over the next 10 years.

What we are trying to achieve in this bill is the first step in locking away Social Security. We are going to stop the phony accounting. No more smoke and mirrors accounting, hiding the deficit with Social Security surpluses.

We are going to say, when we measure the budget, we are going to put the Social Security budget, the Social Security surplus aside. Then we are going to say, not only for budgets, but for every bill coming to Congress, if it attempts to dip into Social Security, we are going to put a higher vote threshold against it. We are going to say that in the other body, it requires three-fifths of a majority to pass a bill that attempts to raid Social Security.

Why are we doing this? Because we are trying to make it tougher for this body and the other body to stop raiding Social Security. We want to make it more difficult to pass legislation to raid the Trust Fund.

I am the author of the other lockbox bill, the second stage in this process, the bill that simply puts all of the Social Security dollars into Social Security, to pay down debt when we are not doing so, and to make sure that all of our Social Security dollars go to saving this program.

The problem is that the President is against that. So what can be accomplished here and now when the White House is opposed to saving all of the Social Security surplus? What we can do is stop the phony accounting. What we can do is make it tougher for people in Congress to pass legislation that raids Social Security, and that is what this legislation accomplishes.

Please join us in toughening this legislation. Please join us in making it harder to raid Social Security. This is as much as we can get, we hope, from the White House. We would be happy to entertain additional legislation that would make sure that every penny of Social Security goes to Social Security.

The problem is we cannot get it through the Senate. We cannot get it passed the White House. We want to pass that legislation. We are going as far as possible right now with this legislation.

On the last point of the gentleman from New York (Mr. RANGEI), the ranking member of the Committee on Ways and Means, every penny of the Social Security Trust Fund goes to Social Security. Every penny of the Social Security surplus, including interest, in our budget resolution goes to Social Security.

For those taxpayers who overpay their income taxes, that surplus goes back to the taxpayer. So just as a point of clarification, the budget resolution does not raid Social Security. It saves Social Security surplus for Social Security.

Mr. MOAKLEY. Mr. Speaker, may I ask how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Massachusetts (Mr. MOAKLEY) has 141/2 minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 111/2 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I will vote for the Democrat substitute and, if that fails, I will vote for the Republican bill, but this is not the strongest possible bill that we could bring forth to stabilize and ensure the future of Social Security and Medicare, for several reasons:

Number one, points of order can be waived; and, number two, Congress or a future Congress can simply change the law. The bottom line is it is just too easy to raid this trust fund. And the money coming into this trust fund from one door is already leaving and exiting the other door the next day.

There is an old simple statement from the streets that says, we can do it now or it can do us later, and that is about where we are with Social Security. Both the Democrats and the Republicans want to do the right thing. We are struggling to do the right thing. But neither party, quite frankly, is doing what they say they want to do because there are still the machinations to effect a grab at this money.

I have a little piece of legislation in. We have amended the Constitution to address issues of alcohol, to limit presidential terms, to give the women the right to vote, and these were the right things to do. And there is only one way to ensure that Social Security money cannot be touched, an amendment to the Constitution of the United States that says the money coming into that trust fund cannot be touched for anything or any reason other than Social Security or Medicare.

Now, we are going to have to tell the truth around here. We cannot come out with modest caps trying to make everybody look and say, what a nice conservative budget we have, and then go ahead and expand those caps on every appropriation bill we have. There is no money and there is no surplus except in this trust fund.

I was hoping at least to have a debate looking at that process, to see how the States felt. The American people support an amendment to the Constitution to give the women the right to vote, no President, no Congress, no reason, no cause can jeopardize their trust fund. Social Security has its own revenue measure and, by God, we should not touch it.
Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILLBRAY).

Mr. BILLBRAY. Mr. Speaker, I would like to echo the comments of my dear colleague from the other side of the aisle on the issue of the trust fund being just at that, a trust fund. In California we have had for decades a law that we cannot raid one trust fund and shift it over to other uses. I guess in Washington it seems very technical on this issue, but I guess I will try to explain it as simply as possible. Social Security is called a trust fund, not a slush fund. It is not a pool of money to be used in any manner that somebody wants to if they can get enough votes.

Maybe that is why the gentleman from Ohio (Mr. TRAFICANT) is right, a lot of people are saying there is not enough lock in the lockbox. Let us be brave enough for us to put it before the Constitution. Let us who really stands for protecting the Social Security Trust Fund in the long run.

But this proposal, Mr. Speaker, is the first step. It is the first step in reforming Social Security. If we are not willing to at least vote for a bill that says we are going to start treating it as a trust fund and not a slush fund, if we are not willing to vote for this proposal, for God's sake, how are we going to find the intestinal fortitude to be able to vote for the other ones we all know are coming down the pike?

This is the statement of credibility and a statement of commitment that we need to start with down the long road towards saving Social Security and Medicare as we know it. I ask my colleagues on both sides of the aisle not to find excuses to walk away from this bill and start this long journey with this first step of voting for this resolution.

Mr. MOORE. Mr. Speaker, I rise today to discuss H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

I want to commend the gentleman from Ohio for his leadership in sponsoring this legislation, and take a step toward protecting the Social Security Trust Fund from being raided by the Congress and to tell the truth to the American people about the Federal budget.

This legislation would tell the American people that in 1998, instead of a $70 billion surplus we actually had a $29 billion deficit. This legislation would send a signal to this body that we must continue to exercise fiscal discipline; that we must get our spending under control; that we must stop raiding the state of the Federal budget and tempt Congress to continue conducting irresponsible fiscal policy.

Clearly, we all agree that now is the time to keep faith with our constituents, to present Federal budget information in a manner that demonstrates the state of Federal surpluses or deficits without reference to Social Security trust funds. I believed then and I believe now that the honest approach, the Congress' approach is to permanently sequester the Social Security Trust Fund today, tomorrow and for all time. A trust should be just that, it should not be violated.

While H.R. 1259 is a step in the right direction, it does not get the job done. It permits any spending or tax bill, bills that would be paid for by Social Security Trust Funds, as long as the bill is described as one that would be intended for Social Security reform or Medicare reform. It fails to protect the Social Security Trust Fund from creative legislating. In short, Mr. Speaker, it falls short of the standard of honesty the American people deserve.

I believe that proposals to protect and strengthen Social Security and Medicare deserve careful consideration by this Congress. I oppose this rule because it limits debate. When the time comes today, I urge my colleagues to support the adoption of the Holt-Liacouras amendment that would protect the on-budget surplus as well as the Social Security surplus from being spent; I repeat, the on-budget surplus as well as the Social Security surplus from being spent. It specifies that only when the trustees' report declares Social Security to be sound for 75 years and Medicare for 30 years can the on-budget surplus be spent.

We will see you, and raise you one. Please join us.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I rise in support of the Social Security and Medicare Safe Deposit Box Act. I appreciate the work of the gentleman from California (Mr. HEGER), and the part the Committee on Rules played in this. I am very proud of.

Mr. Speaker, in 1995 when Republicans took control of Congress, it seemed that budget deficits financed by the Social Security Trust Fund would go on as far as the eye could see. But under Republican leadership, a new found fiscal discipline contained Congress' penchant for spending and turned things around. Today, we are looking forward to realizing the first Federal budget surplus in decades.

This moment in history presents us with a perfect opportunity to set a new standard by which we will define a true national agenda. A position that will ensure that no Social Security money is included in that equation.

For more than 30 years big spenders in Washington have been raiding the Social Security Trust Fund to pay for unrelated programs and pet projects. Even after the Congress claimed it had put a wall between Social Security and general spending by taking the trust fund off-budget, the big spenders continued to dip into our seniors' retirement savings.

Today, with the passage of this legislation, we will stop the big spenders by locking away 100 percent of our seniors hard earned retirement dollars for their Social Security and Medicare benefits. Over 10 years' time this legislation will protect $1.8 trillion, $1.8 trillion, from the greedy grab of those who thrive on immediate spending satisfaction and ignore the long-term consequences.

The Social Security and Medicare Safe Deposit Box Act prohibits the House and Senate from considering any legislation that spends the Social Security surplus, the one exception being legislation that improves the financial health of the Social Security or Medicare programs. This act would provide honesty in Federal budgeting, fiscal discipline and financial security for our Nation's seniors.

I urge my colleagues to vote "yes" on this rule and H.R. 1259, in support of a new era in Federal budgeting.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA of Wisconsin. Mr. Speaker, I thank the ranking member for yielding me this time.

Mr. Speaker, the previous Member of Congress who spoke indicated that the big spenders continue to dip into the
Social Security surplus. I ask her who are these big spenders? Point them out. Ask them to stand. Because I will tell my colleagues who they are. They are the Members of the majority party who last week took a bill the President introduced for $6 billion and parlayed that into a $15 billion bill. Where does my colleague think that additional $9 billion came from? It came from the Social Security surplus.

These are the same people today who are telling us, let us protect the Social Security surplus. Why did they not bring this bill up 2 weeks ago so that grab of last week would not have been possible? Because they could not satisfy their special interest friends. The bulk of that $9 billion went to the defense contractors, big contributors to the Republican Party. But now, after they have taken the dollars, they come to the floor obsessed with this “protect Social Security.”

They say for the last 40 years the Democrats have spent it. Where do my colleagues think the dollars came from for the Reagan tax cuts? There was no general revenue surplus during those years. Every dollar of that tax cut came from Social Security surplus. Where do my colleagues think the additional spending during the Bush administration came from for budget purposes? It came from the Social Security surplus.

So let us not go pointing fingers at one side or the other. The Republicans are as good at spending it as we are, as evidenced by their actions last week where they took a $6 billion administration request, parlayed it into $15 billion, $9 billion more, which came from the Social Security surplus.

Now, let us talk about this lockbox. I think the only way we are going to provide the Social Security System is by a reform bill. Lockboxes, my colleagues, are eyewash. They do not do anything to provide a 75-year window for Social Security recipients in this country.

Let me say that that measure is, I believe, a very, very important one. If we were to go back to 1937, at the very beginning of Social Security, one has got to look at what its intent was. It was to provide survivors benefits and to supplement retirement. It was never intended to be a sole source of survival for retirement, but it was to provide a supplement.

We have seen the Social Security system grow to some two programs at its high point; and we have, fortunately, made some modifications of it. But the tragedy was that in 1989, and even earlier, we saw this step made towards getting into the Social Security fund for a wide range of other very well-intentioned programs.

That was wrong. It was wrong because American workers are not given any kind of option as to whether or not they pay into Social Security. They pay half of that FICA tax and their employer has to pay the other half. Again, it is not an option.

I remember my first job when I was a teenager, and I looked at the amount of money that was being taken out in that FICA tax and I was appalled. And today I continue to be appalled at the high rate of taxation that we have. But then when one looks at the fact that those dollars that were intended to be put into Social Security surplus to supplement retirement, that they all of a sudden were expended for a wide range of other things, it was wrong. It was wrong.

That is why many of us, being led by the gentleman from California (Mr. HERGER) on this issue stepped up and said, when people are forced to pay into the Social Security Trust Fund and Medicare, they should in fact be able to count on those dollars going there.

That is exactly what we are trying to do here. We are trying to say to the American people, the Federal Government tells them that they are going to put their dollars there, and so the Federal Government is going to meet its responsibility to ensure that they have those resources. If the Republicans are counting on them at their retirement.

And so what we are doing is, we are saying that a point of order can be raised if an attempt to raid that fund is taking place. Now, the gentleman from New York (Mr. RANGEL), my friend and the ranking minority member of the Committee on Ways and Means, earlier started talking about some back room deal that we said we were getting into. That is not going to happen. Why? Because under the Herger proposal that we have, a point of order must be raised and it takes 218 votes. Every Member of this House will have the opportunity to make a determination as to whether or not we proceed or not.

Now, without getting terribly partisan, and I know we have had finger-pointing, the last speaker talked about the fact that big defense contractors support the Republican Party were responsible for that $15 billion bill. Well, the fact of the matter is, the President has only deployed 265,000 troops to 139 countries around the world. It seems to me that maybe we should try to pay for that and prepare for challenges that we have got.

So that was not what motivated us on this thing. It was an absolute emergency that needed to be addressed. But to tie that with the issue of trying to preserve Social Security and Medicare is wrong.

So we are taking what is a very measured, balanced step to do our doggonedest to make sure that the American people who put dollars aside for retirement will in fact be able to count on them.

So I congratulate again my friend, the gentleman from California (Mr. HERGER), and I thank the distinguished chairman of the subcommittee, the gentleman from California (Mr. Dreier), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.
Mr. Speaker, I rise today in support of H.R. 1927, legislation that I wrote, the gentleman from Kansas (Mr. MOORE), and which will be offered today by the gentleman from New York (Mr. RAN-GEH) as the motion to recommit.

Our legislation will safeguard two of our Nation's most important programs for the elderly: Social Security and Medicare. The Holt-Lucas-Moore Social Security and Medicare lockbox would require that every penny of the entire Federal budget surplus, not just the Social Security surplus, would be saved until legislation is enacted to strengthen and protect Social Security and Medicare first.

This we need to do. We cut into the surplus as recently as last week's spending bill, which has supposed a new definition of the word "emergency." Any new spending increases would have to be offset until solvency has been extended for Social Security by 75 years and for Medicare by 30 years.

These requirements would be enforced by creating new points of order against any budget resolution or legislation violating these conditions. Spending any projected budget surpluses before protecting and strengthening Social Security and Medicare would be wrong. We are offering this proposal now because we are concerned about the haste with which some Social Security lockbox proposals are being brought to the floor and, I might add, being brought to the floor without possibility of amendment.

The proposals to protect and strengthen Social Security and Medicare deserve thorough examination and careful consideration. Congress should not rush through these changes of these hallmark programs for America's seniors.

The Herger-Shaw lockbox bill attempts to protect Social Security surplus. Merely doing this does nothing to extend the solvency of Social Security and it does nothing at all for Medicare. The Holt-Lucas-Moore bill is superior to the Herger-Shaw lockbox because our lockbox is more secure and has more money in it. The Holt-Lucas-Moore saves the entire surplus, not just the Social Security surplus, by establishing two new points of order under the Congressional Budget Act. A point of order would lie against any budget resolution that would use any projected surplus. This is defined to mean, in effect, reduce a projected surplus or increase a projected deficit.

Further, a point of order would lie against any legislation that would use any projected surplus. In the Senate, 60 votes would be required to waive either of these points of order.


Mr. Speaker, Social Security and Medicare are the most important and successful programs of the Federal Government of the 20th century. We must not forget that they provide vitally important protections for America's seniors.

A majority of workers have no pension coverage other than Social Security, and more than three-fifths of seniors receive most of their income from Social Security. Let us put the needs of America's current and future retirees first.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I believe it was the Chinese proverb that says, "A thousand mile journey begins with a single step." This is that step.

For those who say it is not enough, I wonder where they have been for the last 30 years when they could have done more. Nothing like this has been tried before. For those who say it is not enough, I remind them that the Democrats in the Senate killed a tougher one.

We would like it to be more. But it is the first step for doing something that has been long overdue. That is to say, if we make a payment in our payroll taxes for our retirement and our health care in our retirement years, it ought to go there. That is all we are saying. And we are going to see that it does go there.

I expect this to get a very large vote. I urge my colleagues to support this resolution.

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

Mr. Speaker, I believe it was the Chinese proverb that says, "A thousand mile journey begins with a single step." This is that step.
Hinckley  McGovern  Sanders
Hinojosa  McNulty  Schakowsky
Hoeft  McKinney  Sawyer
Holden  McNulty  Schakowsky
Holt  Michaud  Scott
Hoeley  Meeks (FL)  Serrano
Boyer  Meeks (NY)  Sherman
Inouye  Menendez  Sherwood
Jackson (IL)  Millender-  Sisisky
Jackson-Lee  (TX)  Skelton
Jefferson  Mink  Smith (WA)
John  Minkley  Snyder
Johnson, E. B.  Mollohan  Steakley
Jones (OH)  Moore  Stabenow
Kanjorski  Mourn (PA)  Stark
Kaptur  Martha  Steinholt
Kennedy  Nadler  Strickland
Kildee  Napolitano  Stupak
Kilpatrick  Neal  Tanner
Kind (WI)  Oberstar  Taucher
Kleczka  Obey  Taylor (MS)
Klink  Olive  Thompson (CA)
Kucinich  Ortiz  Thompson (MS)
LaFalce  Owens  Tormey
Lampson  Pallone  Tierney
Lantos  Pascrell  Towns
Larson  Pastor  Trafalgar
Lee  Payne  Turner
Levin  Phillips  Udall (CO)
Lewis (GA)  Pignataro  Udall (NM)
Lipinski  Pomeroy  Velazquez
Loeblen  Price (NC)  Vento
Lowey  Rangel  Visclosky
Lucas (KY)  Rangel  Waters
Luther  Reynolds  Watt (NC)
Maloney (CT)  Rivers  Waxman
Markley  Rodriguez  Weiner
Martinez  Roeper  Wexler
Mast  Rohrabacher  Werking
Munden  Royal-Alallad  Wise
McCarthy (MO)  Rush  Woolsey
McCarthy (NY)  Sabo  Wu
McDermott  Sanchez  Wynn

Mr. BERRY and Mrs. MINK of Hawaii changed their 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.

Mr. CONyers. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his inquiry.

Mr. CONyers. Mr. Speaker, I understand that S. 254, the Juvenile Justice and Gun Violence bill is at the desk. How would a Member seek to get its immediate consideration?

The SPEAKER pro tempore. The answer, however, is, Senate bills may be held at the desk until such time as there is appropriate clearance within the House, which is not the case at the moment, and the Chair is constrained to decline recognition for that purpose.

SUNDARY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Landrum, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 35. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

Mr. HERGER. Mr. Speaker, pursuant to House Resolution 186, I call up the bill (H.R. 1259) to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 186, the bill is considered read for amendment, and the amendment printed in section 2 of that resolution is adopted.

The text of H.R. 1259, as amended, is as follows:

H.R. 1259

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 known as the “Social Security and Medicare Safe Deposit Box Act of 1999”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS. The Congress finds that—

(1) the Congress and the President joined together to enact the Balanced Budget Act of 1997 to end decades of deficit spending;

(2) strong economic growth and fiscal discipline have resulted in strong revenue growth into the Treasury;

(3) the combination of these factors is expected to enable the Government to balance its budget without the social security surpluses;

(4) the Congress has chosen to allocate in this Act all social security surpluses toward saving social security and Medicare;

(5) amounts so allocated are even greater than those reserved for social security and Medicare in the President’s budget, will not require an increase in the statutory debt limit, and will reduce debt held by the public until social security and Medicare reform is enacted; and

(6) this strict enforcement is needed to lock away the amounts necessary for legislation to save social security and Medicare.

(b) PURPOSE.—It is the purpose of this Act to prohibit the use of social security surpluses for any purpose other than reforming social security and Medicare.

SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

“(c) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon, amend or emend thereto, that would set forth an on-budget deficit for any fiscal year.

(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

(A) the enactment of that bill or resolution as reported;

(B) the adoption and enactment of that amendment; or

(C) the enactment of that bill or resolution in the form recommended in that conference report;

would cause or increase an on-budget deficit for any fiscal year.

(3) EXCEPTION.—The point of order set forth in paragraph (2) shall not apply to social security reform legislation or medicare reform legislation as defined by section 5(c) of the Social Security and Medicare Safe Deposit Box Act of 1999.

“(d) DEFINITION.—For purposes of this section, the term ‘on-budget deficit’, when applied to a fiscal year, includes the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.

“(e) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (8) the following new paragraph:

“(8) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors

CONGRESSIONAL RECORD—HOUSE  May 26, 1999  11150

Browne (CA)  Kasich  Whitfield
Cox  Pelosi  Young (AK)

NOT VOTING—6

1633
insurance trust fund and the federal disability insurance trust fund, combined, established by title ii of the social security act.

(b) super majority requirement.—(1) section 310(d)(2) of the congressional budget act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(2) section 304(d)(2) of the congressional budget act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

sec. 4. removing social security from budget pronouncements.

(a) in general.—any official statement issued by the office of management and budget, the congressional budget office, or any other agency or instrumentality of the federal government of surplus or deficit totals of the budget of the united states government as submitted by the president or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such offices or any other such agency or instrumentality of the federal government as submitted by the president or of the surplus or deficit to the congressional budget, the congressional budget office, or any other such agency or instrumentality of the federal government as submitted by the president or of the surplus or deficit to the congressional budget, the congressional budget office, or any other such agency or instrumentality of the federal government, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title ii of the social security act (including the federal old-age and survivors insurance trust fund and the federal disability insurance trust fund) and the related provisions of the internal revenue code of 1986.

(b) separate social security budget documents.—the excluded outlays and receipts of the old-age, survivors, and disability insurance program under title ii of the social security act shall be submitted in separate social security budget documents.

sec. 5. effective date.

(a) in general.—this act shall take effect upon the date of its enactment and the amendments made by this act shall apply only to fiscal year 2000 and subsequent fiscal years.

(b) expiration.—sections 301(a)(6) and 312(g) shall expire upon the date of its enactment and the amendments made by this act shall apply only to fiscal year 2000 and subsequent fiscal years.

(c) definitions.—

(1) social security reform legislation.—the term "social security reform legislation" means a bill or a joint resolution that is enacted into law and includes a provision stating the following: "for purposes of the social security and medicare safe deposit box act of 1999, this act constitutes social security reform legislation."

(2) the term "medicare reform legislation" means a bill or a joint resolution that is enacted into law and includes a provision stating the following: "for purposes of the social security and medicare safe deposit box act of 1999, this act constitutes medicare reform legislation."

the speaker recognizes the gentleman from california (mr. herger). general leave

mr. dreier. mr. speaker, i ask unanimous consent that all members have 5 legislative days in which to revise and extend their remarks and include extraneous material on h.r. 1299.

the speaker pro tempore. is there objection to the recognition of the gentleman from california?

there was no objection.

mr. dreier. mr. speaker, i yield myself such time as i may consume. i rise first to once again state what you just did so well, and that is that it is our intention to have the 40 minutes of debate that the committee on rules will be handling on this go ahead right now, and then we will have 40 minutes of debate that will be handled by the gentleman from california (mr. herger) representing the committee on the budget, and then 40 minutes of debate handled by the gentleman from florida (mr. shaw) representing the committee on ways and means and the ranking minority members on the opposite side, for our colleagues who would be requesting time on this.

mr. speaker, my colleague from sanibel, florida, (mr. goss) is chairman of the Subcommittee on Legislative and Budget Process of the Committee on Rules and is going to be managing the time for the Committee on Rules here, but i would like to begin by stating that i believe that this is a very important piece of legislation that we are considering. there has consistently been a high level of frustration over the fact that the social security and medicare trust funds have been raided for years for a wide range of well-intended programs, but unfortunately it has jeopardized the solvency of the social security and medicare programs. so we today are making an attempt to put into place a procedure that will help us keep from moving into those funds at all; and i think it is the right thing to do.

i believe it is the right thing to do because, as i said during the debate on the rule, the american people have been not voluntarily, they have been told that they have to pay into the trust funds through payroll tax withdrawal. the employee puts in one-half, the employer the other half, and yet we, since 1969, have seen these funds raided and used for other programs. that is wrong. the american people know that it is wrong, and we are trying to do our doggonest to make sure that it does not happen.

our very good friend from california (mr. herger) has spent a great deal of time working among the three committees of jurisdiction, talking with us, getting cosponsors on his legislation, urging members of the other body, other side of the aisle, at the white house to support this provision, and i think that he has come forward with what is a very balanced approach. my colleagues know, there are people who are saying, oh, we are going to be delving into the social security and medicare trust funds. the fact of the matter is a point of order under this herger bill can be raised, and when it is raised, what happens, mr. speaker?

what basically happens is that we have to get 218 members to cast votes to override that, waive that point of order, and so we are going to work very hard to ensure that we do not, in fact, see a raid on those very important trust funds; and it has been republican leadership that has stepped up to the plate and acknowledged the responsibility of that under the able direction of the gentleman from california (mr. herger) here.

so, mr. speaker, while i am going to be turning this over, as i said, to my good friend from sanibel, florida (mr. goss) at this point in time, as he may consume to the distinguished gentleman from the big "d" in texas (mr. armey), our majority leader.

mr. armey. mr. speaker, every time we take on a new legislative issue, bring something to the floor, bring it up in committee or discuss it in leadership, i like to stop and ask for a moment, what is this really all about? are we going to use a technical talk here, we are going to talk about lockboxes and points of order and so forth, but let me talk for a moment about what it is really all about.

mr. speaker, what we are about to do for the first time ever, ever in the history of social security, we are going to pass a resolution that commits this congress to honor our children as they honor their mothers and fathers.

what do i mean by that? let me illustrate it with a point.

my young adult daughter, cathy, in her middle 30s, working hard as a young professional woman oftentimes wears a little button on her lapel. the button says: who the devil is fica and why is he taking my money? she represents a lot of pain and difficulty that is experienced by these young people as they pay these very, very difficult payroll taxes; and the young people feel the stress in their own budgets, in their own household budgets as they try to buy their homes, they try to buy braces for their children, as they try to think forward about their own retirement, they think about their own youngsters’ college. they know the burden of that tax as well as any other tax.

but do my colleagues know what is beautiful about these children, these young 20- and 30-year-olds, who believe as they are about their own retirement security, believing more in ufos than they believe they will ever see a dime out of social security?
The reason to me is obvious: They have a common enemy. Maybe after this vote it will not be we that is the common enemy.

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

Mr. ARMLEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I understand what the gentleman is saying, so that the surplus would be there. Where would the money go?

Mr. ARMLEY. Mr. Speaker, in the interim period the money goes to buying down the national debt, thereby making that burden of debt lower on our children in the future. We, of course, anticipate on our side that the President might make good on his promise to advance a serious legislative proposal to fix Social Security. We have waited two years for the President to take that presidential leadership. He has not gotten around to doing that yet, but in the meantime that money will, in fact, be committed, as $75 billion is in this fiscal year, to buying down the debt and making it less burdensome for those children.

Mr. HOYER. So essentially, other than the amount of money, the gentleman would adopt the proposal that the President made in his State of the Union?

Mr. ARMLEY. Mr. Speaker, essentially what we would do is do what the President has been talking about for two years.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

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

Mr. Speaker, the question before the Congress today is do we want to fix Social Security or not? Do we want to take the first step toward shoring up one of our most important social programs, or do we just want to pretend to do something?

Mr. Speaker, make no mistake about it. Social Security will collapse in the year 2034. Today’s workers are paying into a program that is going to collapse just 35 years from now, and it is our job to fix it right now.

But instead of making the tough decision to do something substantial, my Republican colleagues are taking a pass. Instead of acting, they are offering this country this point of order which the Democrats already enacted some 14 years ago and which merely restates congressional policy. In fact, Mr. Speaker, it is weaker than the existing law.

In contrast, Mr. Speaker, the gentleman from New Jersey (Mr. HOLT), along with the gentleman from Oklahoma (Mr. LUCAS) and the gentleman from Kansas (Mr. MOORE), take the first step toward fixing Social Security. The gentleman from New York (Mr. RANGEL), the ranking minority member of the Committee on Ways and Means, will be offering a motion to recommit based on the language of the gentleman from New Jersey (Mr. HOLT) to protect all of the resources we need to fix Social Security and Medicare.

The gentleman from New Jersey (Mr. HOLT) says no new tax cuts for the rich and no new spending programs for anyone that are not paid for until Social Security and Medicare are safe.

Unlike the Republican point of order, our motion locks up not only the Social Security surplus but also the budget surplus. Because, Mr. Speaker, until we set about fixing Social Security and Medicare, there is no telling what tools we will need to get the job done. And we cannot sidestep a point of order by simply calling a proposal Social Security or Medicare reform. Unless the Social Security trustees and the Medicare trustees declare their programs financially sound, no money should be spent that is not offset by simultaneous deficit reductions. If our motion to recommit passes, none will.

Mr. Speaker, this is by far the most important issue facing this Congress, and we owe it to the American people to address it. There was a time not too long ago when the elderly constituted a large part of our poor population in this country. Millions of senior citizens did not have enough to eat. They could not pay for rent, they could not afford doctors’ visits. But since the advent of Social Security and Medicare, those times have changed.

On August 14, 1935, President Franklin Delano Roosevelt signed the Social Security Act into law. The first Social Security monthly check was made out and sent to Ida May Fuller of Vermont for all of $22.54. Back then there were 7,620 people in the program. This March there were 44,247,000 people on Social Security, which averages over $781 apiece for the retirees.

Since the Social Security program began, 390 million Social Security numbers have been assigned and, Mr. Speaker, each one of them carries a promise to American workers that once they reach that specific age, they can count on Social Security to take care of their bills and they can count on Medicare to take care of their health problems.

Today, Mr. Speaker, the majority of American seniors get most of their income from Social Security, and nearly every single one of them has health insurance, thanks to Medicare. This program is a very essential part of our country’s promise to take care of its citizens, and we need to get serious about ensuring that financial health long into the future.

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

Mr. GOSS. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from
May 26, 1999

CONGRESSIONAL RECORD—HOUSE 11153

Florida (Mr. Goss) has 14½ minutes remaining; and the gentleman from Massachusetts (Mr. Moakley) has 16 minutes remaining.

Mr. GOSS. Mr. Speaker, I would be very happy to let the gentleman from the Commonwealth of Massachusetts continue.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. Neal), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me this time.

I think on occasions like this it is important to ask ourselves, individually and collectively, how did we get to this moment? As we close the pages on this century, I think it is important to reflect upon two very important votes that were cast in this decade in this House.

In 1991, the majority of Members of the Democratic Party voted for George Bush’s budget. In retrospect, I think it is kind of sad that not only did we not have a majority of Republicans, we would have had only a small number who would have supported George Bush’s budget. In 1993 we voted for President Clinton’s budget, and we ask ourselves tonight, where did we arrive after those two critical votes?

We went from running $300 billion plus deficits in the early part of this decade to projected surpluses in the area, and I emphasize the word “projected”, of $4.4 trillion. That is what has allowed us to take up this debate.

Now, while I am pleased that the Republican Party has taken this step, I think it is also important to ask, why not tie up or call off the entire surplus until we fix Social Security and Medicare? That would have been a very, very strong statement.

Mr. Speaker, we sometimes speak in distant terms to our constituents, but we should remind ourselves today that Social Security is not an esoteric issue. It is a life line for millions and millions and millions of Americans. And even as I speak and Members sit here today, the ghost of Mr. Roosevelt hovers around this room, because we can take satisfaction from the fact that there has been no greater domestic achievement in this century than Social Security and Medicare, the American people, and reminding ourselves as well that Medicare is but an amendment to the Social Security Act.

Mr. Speaker, I want to say as forcefully as I can that we are headed down the road eventually to another debate over this issue. On the Democratic side, I think our position is fairly clear: Wall off the surplus, do not do anything until we permanently fix Social Security and Medicare.

But I want to predict this evening with certainty that we are going to be back here in the near future voting on a huge tax cut, because that is really where the majority wants to go on this issue. They want to have a massive tax cut for wealthy Americans who, by the way, to their everlasting credit are not currently facing a tax cut at this time, and that is where the American people are going to have to watch as to who defends Social Security.

The history of Social Security has been one of initiative by the Democratic Party, and in addition, we have been its chief and sometimes exclusive defenders in this institution, and indeed in this city. We know what Social Security means for millions of widows in this Nation. We know what Social Security means for retirees. It is the difference for many of survival, to have that check from the Federal Government but once a month.

Social Security has worked beyond the expectations of Mr. Roosevelt and the Joint Committee on Social Security and Medicare, beyond the wildest expectations of those who at the time opposed it.

So keep your eyes on what we are going to do about Social Security in this Congress. Follow this debate with great care. Because I am telling my colleagues, we are coming back to a debate in the near future about a massive tax cut that clearly could undo precisely what we are talking about today.

Mr. Speaker, there are many of us here in my age group who have already drawn social security benefits, survivor benefits. We know what social security is about. We know how it kept families intact. We know how it allowed millions of Americans to finish high school and to go to college. Social security is a critical issue. It is not something that we counting security reserves. That current practice in my view and in the view of many others creates the temptation for overlap between the general fund and social security. I must say, that appears to be a temptation that the Democrat majority of the past 40 years could not resist.

This legislation is designed to remove that temptation once and for all. No more raiding social security. Mr. Speaker, to me this is as much about accountability and coming clean with the American people as it is about locking away social security.

For too long the Federal bureaucracy has been able to have its cake and eat it, too; to talk about social security off-budget, but still using the trust fund as a soft landing pillow for the overspending free fall.

Mr. Speaker, the Committee on Rules is the keeper of the gate when it comes to our budget process. We manage the points of order that are designed to constrain our budget process. H.R. 1259 adds an additional restriction and forces Congress and the President to be accountable for locking away the social security trust fund.
When we passed our budget resolution this spring, we pledged that we were going to implement a real lockbox for social security. Now we are here. We are delivering on our promise. That is very good news for our seniors, and frankly, it is about time. This is bipartisan and I think it deserves our support.

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

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me say at the outset that I have nothing but respect for the authors of this legislation, but I do have some problems with it. I am going to vote for it at the end if the Democratic substitute is not adopted, but this bill really should have been done, because I think there are a number of things that could have been corrected.

Let me go through just a few points. First of all, this bill, as I said, is part problemmatic and part semantical as well.

There is one thing we should remember. This bill does not create new obligations to social security. Social security, the social security surplus, is protected in U.S. Treasury bonds backed by the full faith and credit of the government. We have never, the U.S. government has never defaulted on our Treasury bonds since Alexander Hamilton became the first Secretary of the Treasury. God help us in the day that we do default.

I think that is one thing we have to get across. Second of all, Mr. Ryun, I am afraid that this bill sets us up, perhaps inadvertently, for the stage of breaking the pay-go rules and the caps that got us into the better fiscal condition that we are today.

Finally, I am afraid that this bill is not constructed in the way that even the balanced budget amendment that many of the proponents had endorsed would deal with economic downturns.

I know a lot of us think that the economy is so good now that we are not going to see another economic downturn, or that the Clinton recovery is going to continue on for many, many years. But I think at some point in the future we may get to the end of the business cycle and we will see unemployment go up.

But this bill would put us back to where the Congress was in the early 1990s when we were in a deep recession, and the Bush administration was opposing extending the unemployment compensation. This bill would put that opposition in the hands of 41 Members of the other body. I do not think that is something that we really want to do.

Mr. Speaker, let me talk a little bit about the pay-go situation. This bill inadvertently, I believe, while walling off the off-budget, the social security and Medicare surpluses, would I think put the on budget surplus, to the extent it exists, out there for the taking. We have passed a budget out of this Congress that would impose an $800 billion tax cut on a 10-year projection at great risk to the future stability of the economy, and in fact not pay down nearly as much debt as the Democrats proposed in their budget, which would probably be the best thing we could do for the economy and for social security right now.

So I think this is the first step to getting us back down the road to the failure of Gramm-Rudman-Hollings and more debt and deficit spending. Finally, this budget, this plan, really does not do anything for social security or Medicare.

As I pointed out, the obligation to the trust funds is real. It is backed by the full faith and credit of the government; again, a credit that we have never defaulted on. This does nothing to extend social security. It does nothing to extend Medicare. It creates no legal obligation to the extension of those programs.

What it does do is it creates a huge trap door in the future, because it contains a sentence that says that you can get out of this lockbox. "For purposes of the Social Security and Medicare Safe Deposit Act of 1999, this Act constitutes social security reform legislation."

That is a fairly broad term with no definition, so whoever the majority will be in the future if this were to become law could make anything that they wanted to be so-called social security reform legislation and get into it. I presume Members could take a bill that the Republican minority in both the House and Senate, like the supplemental that started out at about $6 billion when it came from the White House and ended up at about $15 billion, and say it included something to do with social security reform, and pass it and eat into the social security trust fund.

This is well-intentioned, it is probably good for press releases, but it does not do a whole lot.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise in support of the Social Security and Medicare Safe Deposit Box Act of 1999; I like to call it the "Put the Social Security Money Where Your Mouth Is Act."

As I travel through the Second District of Kansas, there is a lot of skepticism that we in Washington will not be able to actually keep our fingers out of the social security cookie jar. They are asking for proof, not just political rhetoric.

That is why I support this bill. It requires us to talk about bank numbers and surpluses without using social security money to balance the ledger. It also goes beyond mere truth in budgeting. The bill puts enforcement mechanisms into place to prevent future Congresses from raiding social security without any accountability.

Mr. Speaker, the debate on this issue cannot be more timely, considering the current debate surrounding the appropriations process.

In April, we passed a budget resolution, and the Bush administration was opposing extending the unemployment compensation. This bill would put that opposition in the hands of 41 Members of the other body. I do not think that is something that we really want to do.

Mr. Speaker, let me talk a little bit about the pay-go situation. This bill inadvertently, I believe, while walling off the off-budget, the social security and Medicare surpluses, would I think put the on budget surplus, to the extent it exists, out there for the taking. We have passed a budget out of this Congress that would impose an $800 billion tax cut on a 10-year projection at great risk to the future stability of the economy, and in fact not pay down nearly as much debt as the Democrats proposed in their budget, which would probably be the best thing we could do for the economy and for social security right now.

So I think this is the first step to getting us back down the road to the failure of Gramm-Rudman-Hollings and more debt and deficit spending. Finally, this budget, this plan, really does not do anything for social security or Medicare.

As I pointed out, the obligation to the trust funds is real. It is backed by the full faith and credit of the government; again, a credit that we have never defaulted on. This does nothing to extend social security. It does nothing to extend Medicare. It creates no legal obligation to the extension of those programs.

What it does do is it creates a huge trap door in the future, because it contains a sentence that says that you can get out of this lockbox. "For purposes of the Social Security and Medicare Safe Deposit Act of 1999, this Act constitutes social security reform legislation."

That is a fairly broad term with no definition, so whoever the majority will be in the future if this were to become law could make anything that they wanted to be so-called social security reform legislation and get into it. I presume Members could take a bill that the Republican minority in both the House and Senate, like the supplemental that started out at about $6 billion when it came from the White House and ended up at about $15 billion, and say it included something to do with social security reform, and pass it and eat into the social security trust fund.

This is well-intentioned, it is probably good for press releases, but it does not do a whole lot.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I rise today in support of this commonsense legislation. It is that. This is the effort to protect social security. We have made a promise to every American that social security is going to be there for them. It is a promise that many of them do not think we will ever keep. My own children are in that group. They say to me every day, "Dad, give me a break. It is not going to be there for me. I have to take care of myself."

I understand why they think that way, because Congress has continued just over all the years to raise social security to pay for pork barrel projects and even transportation projects, just because it has been an easy pot of money to go to whenever we needed a little extra.

It is time to stop the foolishness. We are supposed to be responsible and dependable, and we are supposed to be here to protect the future of our seniors and our kids. This is a real important step in making sure that that happens. It is time that social security taxes are used for social security.

We have not been truthful. We are not being truthful if we say we are balancing the Federal budget, and it is not balanced because we continue to borrow from social security. Let us not pretend that it is. It is time for us to exercise true fiscal discipline. We need to pass this bill and to guarantee that this Congress keeps its promises to save social security.

I strongly support the bill offered by the gentleman from California (Mr. HERGER), and urge my colleagues to do the same.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise in support of the Social Security and Medicare Safe Deposit Box Act of 1999; I like to call it the "Put the Social Security Money Where Your Mouth is Act."

As I travel through the Second District of Kansas, there is a lot of skepticism that we in Washington will not be able to actually keep our fingers out of the social security cookie jar. They are asking for proof, not just political rhetoric.

That is why I support this bill. It requires us to talk about bank numbers and surpluses without using social security money to balance the ledger. It also goes beyond mere truth in budgeting. The bill puts enforcement mechanisms into place to prevent future Congresses from raiding social security without any accountability.

Mr. Speaker, the debate on this issue cannot be more timely, considering the current debate surrounding the appropriations process.

In April, we passed a budget resolution. We stood in the well of this House, in the very place that I am standing now, and we gave our word to the American people that beginning with next year's appropriations, we would no longer spend social security money.

We must keep our word to the people we represent. There are some very real structural reforms that we can make that will help support and bring about the changes for social security and Medicare. This Congress must exercise the fiscal discipline to set aside this money for requirement security only. We cannot, and I repeat, we cannot commit these scarce dollars to new
spending or we will never be able to make the reforms that are necessary.

I believe that both sides of the aisle will agree to move forward with the debate on these critical reform issues in the very near future. Mr. Speaker, I encourage each of my colleagues to support the Safe Deposit Box Act, and it is my hope that the other body and the President will do the same.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this very important legislation. We are well beyond the time to think about the future of social security. We are well beyond the time to determine if we will do this or that. It determines whether we are in fact serious about the future of social security.

We hear about having a plan in place. We hear about the importance of knowing what we are going to do in 2024 or 2035, or whenever it might be.

The thing we need to be able to do right now is make a commitment to stop spending the Social Security funds that come to the Federal Government. That is pretty easy for us to say, but it is awfully hard for us to do. In fact, it is so hard for us to do, we have not saved a single penny of Social Security until last year for the last 2 years.

If we cannot put the money aside, if we cannot hold on to those resources, it does not matter what kind of reform plan we come up with.

Our first challenge is this challenge. Our first challenge is to stop spending the money today, to stop and calculate the Social Security funds that come to the Federal Government. That places us in a box.

An important part of this whole concept is quickly moving away from even calculating the Social Security funds coming in as income, to stop calculating them as income, to stop calculating them as funds available to be spent, to truly take them off the table.

We are not just going to lock them in a box that does not pay interest. We are not going to lock them away and not use them in the way that we should use those funds for the future of Social Security. We are going to lock them away from the spenders in Washington, D.C. who have enjoyed the ability since 1969 to spend this money, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to make the deficit appear that much smaller, who have enjoyed the ability to make the deficit appear that much smaller.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, let us get to the reality here. The majority party has passed a budget resolution that places this Congress in a box, and they do not know how to get out of it.

So what is the tactic today? It is to bring the so-called lockbox here. As to Social Security funds, that is easy to get out of. All anybody has to do is bring a bill up here and put a label on it that it is Social Security reform, and the lockbox is unlocked.

The gentleman before me talked about, we must not spend Social Security surplus monies. What did my colleagues do within the last few weeks? The majority party here loaded onto an emergency bill provisions unrelated to emergency. Where did the money come from? From Social Security surplus funds.

So why are my colleagues so blatant 1 week and so pious the next week? The public wants some consistency. That is what it wants. That it wants reform, not a bunch of rhetoric. That it wants something palatable, not political. They will see through this.

I mean, sure, we are going to vote for this, because this is an effort to try to get us into a position of appearing to be preserving Social Security, though it really does not do it very well. I heard a previous speaker talk about Medicare and how important it was to preserve. This lockbox does not do it. When we look inside, there is no Medicare money in it, with or without a key.

So this is the challenge to the majority, to try to get out of the box that the resolution on the budget placed us in and to do something real about Social Security reform, get a bill in front of the Committee on Ways and Means that has the support of the majority leadership, not its covert effort to undermine Social Security reform, and let us get with it and let us do the same as to Medicare. Let us get with it.

People do not want devices like boxes, with or without keys. What they want is to get with it. Let us do away with the tricks, and let us get on with concrete legislation, to do what the American people want, preserve Social Security for 75 years, and reform Medicare so that my kid and my grandchildren know it will be there for them.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, I would like to address some of the misguided criticisms that we have heard from the previous speaker and from speakers prior to that one. One, they mentioned that we passed the budget resolution that places us in a box. We did pass a budget resolution that places us in a box. We did this intentionally. It placed us in a box because we said we did not want to see one penny of Social Security dollars going to other government programs.

We wanted to see every penny of Social Security going into Social Security. We passed a budget resolution that said we would do just that.

We are following up now with a lockbox bill, the first step in our long-term effort to stop the phony accounting here in Congress that hides the budget deficits by masking the size of the budget deficits, by covering it up with the Social Security surpluses.

This lockbox bill also says this: We are going to make it tougher for Congress to pass legislation that raids Social Security. Now we think we can go farther, and we in fact want to go farther with this legislation. Unfortunately, the White House and the members of the other body from the other party are against that. We cannot get it passed into law. So we are going as far as we possibly can.

Another criticism we have been hearing from the other side of the aisle is that there is a trap door in this lockbox, that there are some keys that magically unlock these funds for use for other purposes. The prior speaker also said we need to reform Social Security and Medicare. We need comprehensive language to reform Social Security. But before we do that, we have got to stop raiding the trust fund, and that is exactly what this legislation does.

So there is no trap door. What this legislation does is say, stop raiding the trust fund, put Social Security dollars aside; then we can use those Social Security dollars for a comprehensive plan to save Social Security. That is the intent of this legislation, stop raiding the trust fund, put the money aside. Then after we have stopped that raid, we can use those dollars to save Social Security. That is not a trap door. That is a lockbox.

Mr. Speaker, I rise today in support of this so-called lockbox legislation and congratulate my friend from California for his work on this issue. I am a cosponsor of this bill and am glad to be a part of this effort to protect the Social Security Trust Fund.

For years, the Federal government has been raiding Social Security to pay for other government programs and to mask the true size of the federal deficit. Bringing this to an end is one of my highest priorities in Congress.
Earlier this year, I introduced similar “Lock box” legislation that would establish a point of order against any future budget resolutions which would allow the Social Security Trust Fund to pay for non-Social Security programs. I was pleased that my language was included in the FY 2000 budget resolution.

H.R. 1259 expands this point of order to apply to any bill, considered in either House, which would dip into Social Security. In addition, it prohibits reporting federal budget totals that include Social Security surpluses.

I am committed to exploring every legislative option available to protect Social Security. I, along with the chairman of the House Budget Committee, Mr. Kaschik, have introduced additional “Lock box” legislation which would establish even more protections for the Social Security Trust Fund by implementing new enforceable limits on the amount of debt held by the public.

It is important to note that neither the bill we are considering today, nor the bills I just spoke about, will affect current Social Security benefits. These bills simply protect the money each taxpayer pays into the Social Security Trust Fund.

H.R. 1259 has the support of various outside groups including: the Alliance for Worker Retirement Security; the American Conservative Union; the U.S. Chamber of Commerce; and Citizens Against Government Waste.

It is my firm conviction that we must take the first step of protecting the Social Security Trust Fund before we can move to make wholesale improvements to the system. For those of my colleagues who oppose this legislation, I ask you, if we cannot protect the trust fund now, how can we expect to make the necessary reforms to the system for future generations? Join me in voting yes for this necessary reforms to the system for future generations.

But the other point that the gentleman raised had to do with the budget. I think our real problem with that is, on the one hand, my colleagues passed a budget that would, in effect, consume through tax cuts all of the on-budget surplus going forward for the next 10 years predicated on 10-year projections, which may well turn out to be true, and at the same time, block anything to do, if they miss on their projections.

So, my colleagues, you put yourself in a real bind at that point in time and probably drive up publicly held debt, which I do not think, again, is what either party really wants to do.

Mr. GOSS. Mr. Speaker, may I inquire how much time is remaining on both sides?

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me just say to the gentleman from Wisconsin (Mr. RYAN) that one of the points he made is, we can then use this money for Social Security. The problem is this money is already obligated to Social Security. So we are not saving Social Security with something that we already have.

As I think the gentleman knows, virtually every plan that has come out, even the plan by the distinguished chairman of the full Committee on Ways and Means, assumes not only the obligated Social Security Trust Fund, but additional funds, general revenues, for their Social Security plan.

So it is a little semantic to say we can use it later to save it, because we are already obligated to pay it. This is a little bit what we would call belts and suspenders. Sounds good. Again, I am going to vote for it, but I do not think it does a whole lot.

Mr. RYAN of Wisconsin, Mr. Speaker, if the gentleman will yield, I agree with much of what the gentleman just said.

This money is obligated to Social Security. Money coming from FICA taxes is supposed to go to Social Security. The problem is, we spend it on all of these other government programs. We have not stopped Congress and the President from spending FICA tax surpluses on other government programs.

The budget is drawn up here in the House and in the other body, and we offered a budget that did more. As the gentleman recalls, in fact, I offered an amendment in the committee that would have given all of the unified surplus, which may be out, we may not be able to say that in the future if this becomes law, but both the on-budget and off-budget surpluses to paying down debt, staying within the pay-go rules. That was defeated overwhelmingly in the committee by Members on both sides of the aisle.

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

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

Mr. Speaker, first I include for the RECORD the following letter:

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,

Hon. J. Dennis Hastert,
Speaker, House of Representatives
Washington, DC.

Mr. Speaker: I ask that the Committee on Rules be discharged from further consideration of H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999. As you know, the bill was sequentially referred to the Rules Committee on March 24, 1999.

Specifically, Section 3 (Protection of Social Security Surpluses) among other things, establishing Budget Act points of order against consideration of a budget resolution, an amendment thereto or any conference report thereon and any bill, joint resolution, amendment, motion or conference report that would cause or increase an on-budget deficit for any fiscal year. The provisions of this section fall primarily within the jurisdiction of the Rules Committee.

It is my understanding that the Leadership has scheduled the bill for floor consideration the week of May 24. To accommodate the schedule, I agree to waive the House Rules Committee’s jurisdiction over consideration of this legislation at this time. However, in order to assist the Chair in any rulings on these new points of order, I will submit an analysis of them into the Congressional Record during the floor consideration of this bill. I have included a copy of this analysis with this letter.

Although the Rules Committee has not sought to exercise its original jurisdiction prerogatives on this legislation pursuant to clause (1) and (3) of House rule X, I reserve the jurisdiction of the Rules Committee over all bills relating to the rules, joint rules and the order of business of the House, including any bills relating to the congressional budget process. Furthermore, it would be my intention to seek to have the Rules Committee represented on any conference committee on this bill.

Sincerely,

DAVID DREIER.

ANALYSIS OF THE PROVISIONS OF H.R. 1259,
THE SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999, HOUSE COMMITTEE ON RULES

For the purposes of section 3(a) relating to “Points of Order to Protect Social Security Surpluses,” the Chair should use the following information in interpreting these new points of order.
Mr. Speaker, current and future beneficiaries, after years of hard work, deserve the independence that comes from financial security, and that financial security ought to be the one thing they can count on. Every penny that is taken out of American paychecks for Social Security should be locked up so it can only be used to pay for Social Security benefits. This legislation will help ensure precisely that.

This legislation represents a continuation of our commitment to save Social Security as outlined in the budget resolutions passed by both the House and the Senate last month. This lockbox legislation that is shown here will protect the Social Security surplus from being used for Social Security deficit funds.

First, H.R. 159 protects Social Security surplus by blocking the consideration of any budget resolution or legislation that dips into Social Security.

Mr. MOAKLEY of Massachusetts (Mr. MOAKLEY) describes a parliamentary point of order that is a fact. Section 312(g)(2) of the Budget Act creates a point of order against consideration of any concurrent resolution or conference report thereof or amendment thereto that would set forth an on-budget deficit for any fiscal year. For the purposes of this section the deficit levels are those set forth in the budget resolution pursuant to section 301(a)(3) of the Budget Act.

Mr. Speaker, the Social Security and Medicare surplus is the largest single resource that this Congress will face. Social Security is facing a crisis. By the year 2014, the amount of benefits provided to our seniors will exceed the amount of payroll taxes taken in.

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

The new section 312(g)(2) of the Budget Act creates a point of order against consideration of any bill, joint resolution, amendment, motion, or conference report if the enactment of such bill or joint resolution as reported; the adoption and enactment of that amendment; or the enactment of that bill or joint resolution in the form recommended in that conference report; would cause or increase an on-budget deficit for any fiscal year. For the purposes of this section, the Chair should utilize the budget estimates received by the Committee on the Budget (pursuant to section 312(a) of the Budget Act) in determining whether a bill, joint resolution, amendment, motion or conference report would cause or increase an on-budget deficit for any fiscal year. This point of order applies to amendments to unreported bills and joint resolutions.

Mr. Speaker, I will just make a couple of opening remarks. I think that what we have heard here in this opening session of the Committee on Rules, to be followed now by the Committee on Budget and then the Committee on Ways and Means, 40-minute blocks on this bill, that we are trying to proceed in good faith to provide the reassurances that is being asked to protect Social Security and Medicare.

We have heard a lot of discussion that there may be a better way to do this, that there are other things that may come down the road. But there are a couple of facts here that are sort of poignant.

First of all, we are living up to the promise that we made to make a good-faith effort to protect Social Security and Medicare. It is a fact that what we have heard here in this opening session of the Committee on Rules, to be followed now by the Committee on Budget and then the Committee on Ways and Means, 40-minute blocks on this bill, that we are trying to proceed in good faith to provide the reassurances that is being asked to protect Social Security and Medicare.

Secondly, this is not just a procedure. This is going to be a law; it is going to have to be obeyed. It is not just something that is going to disappear when we want it to.

It is our effort; and I honestly believe that if we look over the past 40 years, the temptations were too great on spending, and Congress overspent, I think we know that. I think in the consequence of that over-spending, we saw that taxes went up, and there are some who say benefits went down.

So the concern I have as I listen to the distinguished gentleman from Massachusetts (Mr. MOAKLEY) describe a motion to recommit, which we may or may not hear later, is that sometime in the next 75 years, there is going to be reform enacted.

But until that time, in order to get along with the proposal to protect Social Security and Medicare, that is one thing they are going to have to raise taxes, or they are going to have to cut benefits.

I cannot honestly believe that anybody on either side of the aisle wants to be involved with programs such as their motion to recommit, if they offer it, will include, raising taxes and cutting benefits.

We are not involved in raising taxes on hardworking Americans, and we certainly are not involved in trying to take away benefits from our seniors. In fact, what we are trying to do is protect them.

So I would suggest that even though my colleagues may not agree this is the most perfect legislation, it is good, bipartisan legislation that protects Social Security and Medicare. It makes it law. It provides the reassurances that people want. I believe that this is a very good-faith effort on both sides of the aisle.

I congratulate again the gentleman from California (Mr. HERGER) and the gentleman from Minnesota (Mr. MINGE) for the fine work that they have done, and many others, the committee work that has gone on on this subject generally. I urge support for this legislation.

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

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

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

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

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

Mr. Speaker, I yield back the balance of my time.
Social Security and Medicare are vital for protecting the quality of life of our senior citizens. More than three-fifths or 60 percent of senior citizens depend on Social Security for a majority of their income. Social Security is not just retirement. For some families it is insurance that many of the disabled, the widows and the elderly of our community depend on just to get by.

With something this important, we simply cannot afford sleight-of-hand tricks from Washington. For too long we have promised to save Social Security and Medicare. To my colleagues I say it is time we put our money where our mouths are. It is time to support the Social Security and Medicare Lockbox Act of 1999.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, I rise in favor of H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

First, I want to thank my fellow committee member and fellow colleague, the gentleman from California (Mr. HERGER) for his tireless work to protect the Social Security Trust Fund.

One of the previous speakers said people do not want devices like boxes. I disagree. Obviously, some people would not be true using illusion. It is time to stop the campaign rhetoric. We need to make sure no one, I repeat, no one, not the President, not the Congress, not anyone steals the Social Security money in the future.

I urge all the Members of the House to join us in protecting Social Security by supporting this safe deposit box. The safe deposit box follows up on the commitment this House made with the budget resolution by waiving Social Security from the rest of the United States budget.

It prohibits future budget resolutions by allowing spending that would dip into Social Security. It prohibits that. It blocks legislation that would spend Social Security surpluses and requires the Office of Management and Budget and the Congressional Budget Office to report Social Security revenues separately, not included in the budget, as we have done in the past.

If we really want Social Security trust funds to be off budget, if we want the Social Security Trust Fund to be protected, if we want to put aside the entire $1.8 trillion for Social Security and Medicare over the next 10 years, if we want security to be there when current and future seniors need it, if we are serious about Social Security reform, then we will pass this Social Security measure, and I encourage everybody to vote for it.

Mr. Speaker, Social Security is a bedrock on which more than 40 million Americans rely. We have an opportunity in this Congress to make it more secure than ever. It is an opportunity that we had in the past because in the past we have had annual deficits, and over the last 10 years we have been able to eradicat those deficits. We have positioned ourselves now to where we can deal finally with the security of Social Security.

We had a proposal in our budget resolution which would have created a lockbox for Social Security, would have required the treasurer to do what he does today; every time he gets excess payroll taxes, to remit those funds to the Social Security administrator in the form of bonds issued by the Treasury, and then to take the proceeds and not spend them, not use them to offset tax cuts, but buy up outstanding public debt so that we buy down the public debt, and therefore make the Treasury more solvent and able in the future to meet the obligations of the Social Security System. It was rejected by the majority when we brought our budget resolution to the floor.

What the other side has brought here is weaker than existing law. It huffs and it puffs. It talks about Social Security, but in the end, the product it presents is weaker than existing law.

What does it provide for enforcement? A point of order. If we send up here something that breaches the provisions of this bill, there is a point of order. We all know in the House, although they may not know in the rest of the country, that points of order are mowed down by the Committee on Rules in this House every week; waived all the time.

Because they are so routinely waived by Rules, when we passed the unfunded mandates, when we agreed to some of these programs, and restructuring. We want to oppose this, and they, like the President, would rather be able to grab some of that Social Security money and spend it on other programs. And I would suggest if these other programs are so important, so vitally important that they are worth spending Social Security for, then I suggest that my colleagues make the case for these programs to the taxpayers and raise the taxes necessary to fund them. If that fails, I would suggest rethinking the programs and the overall level of spending. The American taxpayers deserve honest, transparent, straightforward budgeting, and this helps us to get there.

The second reason, Mr. Speaker, is that the retirement security of baby boomers, my generation, my kids and my grandchildren, absolutely depends on saving this money. Social Security, as currently structured, is simply not sustainable. The system is fundamentally flawed and it will go bankrupt if we do not make fundamental reforms and restructuring.

We need to give workers the freedom to take a portion of their payroll taxes and invest that money so that it will grow and provide a retirement benefit in the form of our motion to recommit. If Members are really serious about a lockbox, vote for the motion to recommit.

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

It is really incredibly misleading, if not completely incorrect, to say that this legislation is the same as the current legislation. That is clearly not the fact. The budget resolution that passed is only for this budget. What we are doing is putting into law the fact that we cannot spend this; that before we do, Members are going to be held accountable in their districts for knowing that they actually spent Social Security.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), a member of the Committee on Ways and Means.

Mr. TOOMEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today as a proud co-sponsor of this legislation.

Mr. Speaker, all across Pennsylvania and the Lehigh Valley I come from, I have heard one message loud and clear, and that is to stop spending our Nation's Social Security funds on other programs, and this is the measure that will enable us to do just that.

My constituents are right, and they are right for many reasons but I want to emphasize two. The first is that this is the honest thing to do in budgeting. And let us face it, Congress has been engaged in misleading and deceptive budgeting for decades. The American people are told their payroll tax goes to Social Security. In fact, it goes to many other places as well.

Now, some Members of Congress want to oppose this, and they, like the President, would rather be able to grab some of that Social Security money and spend it on other programs. And I would suggest if these other programs are so important, so vitally important that they are worth spending Social Security for, then I suggest that my colleagues make the case for these programs to the taxpayers and raise the taxes necessary to fund them. If that fails, I would suggest rethinking the programs and the overall level of spending. The American taxpayers deserve honest, transparent, straightforward budgeting, and this helps us to get there.

The second reason, Mr. Speaker, is that the retirement security of baby boomers, my generation, my kids and my grandchildren, absolutely depends on saving this money. Social Security, as currently structured, is simply not sustainable. The system is fundamentally flawed and it will go bankrupt if we do not make fundamental reforms and restructuring.
and security greater than what Social Security promises. But the fact is, Mr. Speaker, that transition to that system will cost money. The sooner we start, the less it will cost.

But whenever we start, it will cost the Social Security surplus. So we cannot squander those funds on anything other than providing the retirement benefits that we have promised and providing for a retirement future for future generations.

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, a lot of my colleagues have come to the floor and indicated that, Well, friends, last week it was okay to spend $9 billion for an emergency supplemental bill out of the Social Security trust fund. But now we have got religion today and, my Lord, what we did last week, it was wrong. We never done it.

But none of the Republicans would admit to that. I have yet to hear one of my colleagues from the majority party say, Yes, that was wrong. We should not have done it. But now we are going to amend our ways.

The difference there, my friends and colleagues, is last week’s $9 billion was for defense. Okay? And that is not spending. That is okay. But now we have to stop what is going on.

Let me back up and share with the House what the current system is. Right now, and since 1993, we are collecting more in Social Security receipts than we need for benefits. So what do we do with it? Do we give it to the Secretary of the Treasury to put under the mattress? No. Those excess dollars are invested in treasuries, interest-bearing treasuries. The interest income goes back into the trust fund.

It is just like us taking our dollars, our hard-earned dollars, and putting them in a bank. We can go back the next day and say, I want to see those dollars again that I deposited and the bank is going to say, they are not there anymore.

Did they squander them? No. They lent them out. That is what banks do. And anytime we come to withdraw those funds, the bank will have other revenues, other mortgage payments, other loan payments to give us our money back. And that is what the current system is doing.

Should we deficit spend? Clearly not. To say those treasuries that are in the Social Security trust fund are worthless, that is false. If they are worthless, every savings bond this Government has ever issued is worthless, all the public debt held by corporations and institutions and individuals is worthless. And that is not the case.

The truth of the matter is the full faith and credit is behind that debt to the Social Security trust fund, as well as all other debt.

How does the lock box work? Before I came down here, I went to the Republican side and I said, I need a lock box. Do you have one hanging around? And thank God they did. Here is a Social Security lock box. And here is what this proposal would do.

We are going to collect surplus Social Security trust fund money and we are going to put it into the box. Well, when the majority leader was talking earlier in the debate, the gentleman from Maryland (Mr. HOYER) said, Well, what are they going to do with this money. Just let it sit around? Are they going to invest it. What are they going to do with it? The majority leader indicated, we are going to take this money and pay off a part of the national debt.

Social Security is also a part of our national debt. What happens when those Social Security dollars are put towards Social Security is that Social Security is going to be there for them when they retire. And that concern is real. It is not unfounded, as American seniors have witnessed the raiding of Social Security over the last several generations.

I have got two children. One of them is in the workforce as we speak. The other one just graduated from college and is going into the workforce. I also have got the pleasure of having two beautiful grandchildren. I want to make sure that Social Security is going to be there for those children and grandchildren when they become of age.

After years of hard work, the independence that comes from financial security ought to be one thing that our Nation’s seniors and our Nation’s young people can count on. The Social Security and Medicare safe deposit box to be considered by the House today is one of many ways towards restoring that ideal.

Every penny that is taken from the paychecks of America’s hard-working men and women should be locked away and can be locked away in a safe deposit box and used only for retirement benefit. And that is what this bill does. Quite simply stated, it is the right thing to do.

Social Security and Medicare safe deposit boxes before us establishes honesty and accountability in the Federal budget process and takes the next step in securing and ensuring retirement security, not just for this generation but for generations to come.

I congratulate my colleague and friend from California, who is a member of the Committee on Ways and Means as well. I have come to this well many times to argue that we should not even talk about budget surpluses until we truly have taken Social Security off budget and balance the budget without counting the Social Security surplus. For the last several years, I have joined with my Blue Dog colleagues to offer budgets that incorporate that philosophy.

Thus, I congratulate the House leadership for seeing the wisdom of the budget measures we put forward today. Although I must say, I wish they had seen the light a little earlier and supported some of our budgets over the last 2 or 3 years, particularly the last...
budget a little earlier when we had an opportunity to pass a real budget which would have actually helped us do that which we talk about today.

I am glad, though, to see that we have reached a point where everyone agrees with the principle that we should wall off Social Security. The real test will be whether we can follow through with our rhetoric as we go through appropriations and tax cutting processes. I hope we can do so, but history is not encouraging.

The budget which we passed just a few weeks ago set up a virtual guarantee of failure because of its unrealistic numbers. Already, with this year’s first appropriations bill, the Agriculture Appropriation has been on the floor for 2 days and we have seen nothing constructive happening. The victim is to roll up our sleeves and do not only inadequate agriculture funding but also funding for other programs and ultimately Social Security. The pressure created by an unrealistic budget translates into vulnerability for Social Security.

If the House had shown the foresight to follow a path more along the lines of the Blue Dog budget, we would have invested in priority programs such as defense, agriculture, veterans, education, and health. At the same time, our budget did protect all of the Social Security surplus fund over a 5-year period while using 50 percent of the on-budget surpluses to reduce our debt and 25 percent to provide a tax cut. This plan reflected a reasonable balance, but that is not what we passed.

Last year the majority, though, passed an $80 billion tax cut that would have been funded entirely from the Social Security trust fund that we lock up today. And just last week, we voted to spend $1 trillion from the Social Security trust fund, which I said today is going to be a magic bullet and is going to save Social Security.

We should not kid ourselves and pretend that this legislation does anything to deal with the long-term problems of Social Security. Walling off Social Security surplus is a good start, but not a solution. A true solution will require a bipartisan process to honestly address financial problems facing Social Security.

Mr. HERGER. Mr. Speaker, may I inquire as to how much time is remaining?

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

Mr. Speaker, I would like to comment that while the party of my good friend from Texas was in control for some 40 years before we took over, there was not a single dime of Social Security that was saved. At least now we are taking that first step to begin saving Social Security. And it is something that I would urge all of us to begin doing.

Mr. Speaker, I yield 1 1/2 minutes to the gentleman from Kentucky (Mr. FLETCHER), my good friend, a member of the Committee on the Budget.

Mr. FLETCHER. Mr. Speaker, I rise to speak in support of this resolution. I thank the gentleman from California for the work done on the Committee on the Budget.

I stand amazed that we hear such criticism from the other side when they have had 40 years previously to do this very thing that we have done here this day. And I find a great deal of hypocrisy when my colleague stands up and talks about a box that came from a Republican that really will not hold the money when we are here to secure with a lock box the Social Security money that has been paid in FICA taxes by the people of the United States.

So finally, after 30 years of spending Social Security for more and bigger Government, we are locking away the Social Security and protecting both Social Security and Medicare. I am proud to play a role in securing and guaranteeing retirement and Medicare security for our seniors.

The Social Security and Medicare lock box that will look away $1 trillion of the budget surplus to pay down the national publicly held debt. I support this resolution because it really stops the raid on Social Security that puts the burdens of IOUs on our children’s and our grandchildren’s back. We need to stop that, and this is an important move to begin in that direction.

This lock box provision prohibits the passage of future budgets that will raid Social Security and Medicare fund. It blocks the passage of legislation including spending initiatives or tax cuts that would spend the people’s Social Security money. And it requires all budgets from the President and Congress to include the Social Security surplus from budget totals and it unlocks the funds only for the purpose of Social Security and Medicare preservation legislation.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. I thank the gentleman from Florida (Mr. DAVIS), my colleague, for yielding me the time.

I want to take a little bit of exception to the fact that some people think we are just kind of up here giving them the money and myself send up 12.4 percent into the Federal Government. It is going to be saved for me.

Quite frankly, we have not paid a Social Security check. We have expanded and extended Social Security to 2034. I mean, everything is kind of going along. It is just that we are getting into this debate over the surplus. The fact of the matter is I am going to support this. I think we ought to lock this up. I think that is what we should hold for the future.

But on the other side of this, I want to make it clear that we are doing something I think to this country and scaring people. This floor is talking about, oh, we are going to not pay our debts on Social Security. We are not going to have the money. That is not so. We are solvent until 2034.

I would say to my colleagues, though, on the other side, they have an opportunity to do something beyond just this lock box. They have an opportunity to secure not only the Social Security surplus but the non-Social Security surplus until we can make sure that the system is solvent.

Mr. CALLAHAN. Mr. Speaker, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from Alabama.

Mr. CALLAHAN. I agree with what the gentlewoman is saying. I certainly support the lockbox, but with all of you people who are working so hard to develop this, would you sometime during this process work to find a solution to the notch baby problem?

Mrs. THURMAN. I would be glad to do that. I probably have more notch baby folks in my district than you do. Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Responding to the comments of the gentlewoman from Florida, her comment was that Social Security is good until the year 2034. The fact is we begin losing money, we begin spending, paying out Social Security more than we are bringing in, in the year 2014. Not 2034, but 2014. After that, we begin pulling out the IOUs that have been written, the bonds that have been written.
How is that paid? That is not money off a tree. That comes from taxpayers. Our young people are going to have to pay for this.

So we are in a problem, and we are beginning to address it. This is only the first step. As you mentioned, we have other steps we are going to have to take after that.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, we teach our children about the story of the ant and the grasshopper, in which the ant works hard in the summer laying up supplies for the winter while the grasshopper plays the summer away. Come winter, the ant is warm and well fed, but the grasshopper has no food and starves.

While we expect our children to understand the moral of this story, the government itself cannot seem to set the example of saving for the future, which is why I strongly support the Social Security and Medicare Safe Pockets Act, legislation which locks away 100 percent of the budget surplus attributed to Social Security and Medicare to ensure the long-term solvency of these two vital programs.

Passage of this legislation represents a commitment to today's workers that tax dollars being set aside for Social Security and Medicare will be there for them when they retire. It also represents a commitment to older Americans that their golden years will be marked by peace of mind, not uncertainty, when it comes to the future of Social Security and Medicare.

The wisdom of the ant and the irreponsibility of the grasshopper teach our children an important lesson, Mr. Speaker. We hope that lesson will have the wisdom to embrace the fable's meaning and pass this legislation.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. HOLZ), who is the prime sponsor of the motion to recommit on the bill.

Mr. HOLZ. Mr. Speaker, I thank my good friend from Florida for yielding me this time. I would like to talk about the importance of the motion to recommit. We are talking about the fundamental programs of Social Security and Medicare, the two great accomplishments of the Federal Government in the 20th century that have removed the fear of destitution from old age and have made a major difference in the lives of the people of this country. We have before us now a lockbox that we cannot debate fully and that is imperfect, with a hole in the bottom.

The gentleman from Kentucky (Mr. LUCAS), the gentleman from Kansas (Mr. MOORE) and I have proposed a stronger lockbox that would preserve Social Security and Medicare. Let me point out that I have just received, addressed to the gentleman from Kentucky, the gentleman from Kansas and to me a letter from the Concord Coalition saying, and I quote: "The Concord Coalition's watchdog of budgetary sanity, "is pleased to endorse the motion to recommit on H.R. 1259 which would add to that bill the protections of your bill"—that is, our bill—"H.R. 1259. With this bill you have raised an important issue in today's Social Security lockbox debate."

They go on to say: "The Concord Coalition is very concerned that these 'on-budget' surpluses, which are now mere projections, will be squandered before they even materialize.

"Doing so would waste an important opportunity to prepare for the fiscal burdens of the baby boomers' retirement by increasing savings, that is, paying down debt. Worse, it would risk a return of economically damaging deficits if the hoped-for surpluses fail to materialize.

"The nature and extent of the surpluses to be locked in the box is thus a very necessary debate and we commend you for raising it in the form of your motion to recommit."

That, I say to my colleagues, would give us an opportunity to really accomplish what my colleagues say they want to accomplish, and that is to really preserve Social Security and, I would add, Medicare.

Mr. HERGER. Mr. Speaker, in response to the gentleman from New Jersey, who mentioned how the Concord Coalition was endorsing his legislation, I would like to mention that the Concord Coalition is also endorsing this piece of legislation as well.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. SMITH), a member of the Committee on the Budget.

Mr. SMITH of Michigan. Mr. Speaker, this is a very serious occasion. Somehow I wish we could holler a little louder and shout about the fact that this does, too. I think that is a good point.

They go on to say: "The nature and extent of the surpluses to be locked in the box is thus a very necessary debate and we commend you for raising it in the form of your motion to recommit."

That, I say to my colleagues, would give us an opportunity to really accomplish what my colleagues say they want to accomplish, and that is to really preserve Social Security and, I would add, Medicare.

Mr. Speaker, I yield 1 1⁄2 minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Thank my friend from Florida for yielding me this time.

Mr. Speaker, I am going to vote for this resolution today even though I'm not convinced it is needed. Early this morning many of us got up and had a nice early morning meeting with outgoing Secretary of the Treasury Robert Rubin. He has been showered in recent weeks with accolades, given his impending retirement, based on his management over the years of our economy and how well it has been going.

He gave us one piece of advice that he drove home so clearly today as policymakers. If we do one thing in this United States Congress to ensure long-term prosperity for this country, it is to use the projected budget surpluses to download our $5.6 trillion national debt. We do not need gimmicks and false legislation like we have here today to do that. What is required is some fiscal discipline and coming together in a bipartisan fashion to maintain fiscal discipline and download the debt, instead of dipping into the Social Security Trust Fund for new spending programs as what happened last week with the supplemental appropriation bill, or by offering fiscally irresponsible, across-the-board tax cuts.

That is the same message that Alan Greenspan, Chairman of the Federal Reserve, delivers to us every day. We
do not need legislation like this. What we need is political courage to do it. I have two sons, Mr. Speaker, Johnny and Matthew, who are probably going to be living throughout most of the 21st century. If there is anything that we can do to ensure a bright and prosperous economic future for these two little boys, it is by delivering some political courage, practicing some fiscal discipline, making the tough choices that we are capable of making to preserve Social Security, Medicare and pay down our national debt instead of offering legislative gimmicks like the one we are debating here today.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume. This is not a gimmick. I guess the question is, why have we not done something before? Is this going to solve the whole problem? No. But at least it is a beginning. It is a first step.

I also have a picture I just pulled out of my eight children. I care about those who are coming after us as well as those who are seniors today. We have to begin sometime. Why not now?

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), my good friend on the Committee on the Budget.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to wrap up this issue. We have heard from a lot of Members from both sides of the aisle, from Members on this other side of the aisle that although they have all these criticisms, they are going to end up voting for this bill.

We can work together on this. I do believe that this should be a bipartisan issue, not a partisan issue. We have heard a lot of partisan spats back and forth. We have heard a lot of criticisms. At the end of these criticisms just about every speaker has said, “But I’ll be voting for the bill.”

Let us work together on this thing. We all are saying we want to stop the raid on Social Security. We all are saying we believe FICA taxes should go to Social Security, period, end of story. So let us put this partisan talk aside and work on this.

This legislation is necessary. If we thought the discipline was there to make sure that all FICA taxes went to Social Security, we would not need this legislation. However, for over 30 years Congress and the White House, Republicans and Democrats, have been raiding Social Security. That is a fact. That is why we are addressing this issue with this lockbox legislation.

This legislation gives us the necessary tools to fight in Congress for stopping the raid on Social Security. It empowers us with the ability to, when any piece of legislation comes up which seeks to raid Social Security, it gives us the ability to stop that legislation. That is what this legislation achieves.

It also stops the smoke and mirrors accounting by stopping from masking the deficit with Social Security trust funds.

Can we go farther? Absolutely. Will we go farther? I hope so. But is this a gimmick? Absolutely not. This is real legislation that helps us stop the raid on the Social Security Trust Fund. This is a bipartisan issue. We should work on this together. We should stop these partisan spats. Because if you are going to go vote for the bill, then applaud the bill.

Mr. DAVIS of Florida, Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. I appreciate my colleague yielding me the time.

Mr. Speaker, we all support protecting Social Security. I totally support placing Social Security outside of the budget process. But the larger issue is how we are going to strengthen Social Security and Medicare for the future.

Unfortunately, this lockbox becomes a gimmick when it does not add one dime to the Social Security Trust Fund or one day to the solvency of the Social Security Trust Fund, let alone Medicare. It becomes an empty box without a commitment to have the entire surplus focused on strengthening Social Security and Medicare for the future. That is what we are talking about.

The motion to recommit really does the job. That is what we really want to have from our colleagues, is a commitment that we will join together to strengthen Social Security and Medicare for the future. Without that commitment, we do not in fact have anything but a gimmick.

Mr. HERGER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California is recognized for 2 minutes.

Mr. HERGER. Mr. Speaker, I have to work together. As the gentlewoman from Michigan said, the only way we are going to solve this problem is by both sides of the aisle working together. I would like to urge us today to allow this to be the first step in doing that, in working together on this. Could we do more? Sure. But this is a first step and the next step will be a little more.

Mr. Speaker, I debate this very simple. This House has an opportunity today to make it much more difficult to spend Social Security surplus. We have a choice before us. We can take the almost $1.8 trillion of Social Security surplus and spend it as we have been doing for the last 40 years, or we can take that same $1.8 trillion and protect it, put it in a lockbox so it can only be used to save Social Security and Medicare.

No matter what some of my colleagues from the other side of the aisle may say about this bill, they would be hard pressed to say it does not make it dramatically more difficult to spend Social Security surplus. Let us lock it away as a first step. Then we can move on to reform Social Security and Medicare.

Mr. Speaker, I urge my colleagues to support this very important first step in strengthening and preserving Social Security.

The SPEAKER pro tempore (Mr. LATOURETTE). All time allocated under the rule to the Committee on the Budget having expired, it is now in order to proceed with the time allocated to the Committee on Ways and Means. The gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSU) each will control 20 minutes.

Mr. Speaker, I urge my colleagues to stop raiding Social Security and Medicare. This legislation gives us the necessary tools to fight in Congress for stopping the raid on Social Security. It empowers us with the ability to, when any piece of legislation comes up which seeks to raid Social Security, it gives us the ability to stop that legislation.

That means our only choice is to save and invest in Social Security as provided in the Social Security Guarantee Plan the gentleman from Texas (Mr. ARCHER) and I have proposed. This plan converts Social Security surplus into personal retirement savings for every American worker to help save Social Security. At retirement, workers’ savings guarantee full Social Security benefits and are paid without cuts or payroll tax hikes. The
plan even creates new inheritable wealth for many workers who die before retirement after ensuring that full survivors' benefits are paid, and the Social Security trust funds never go broke. In fact, the Social Security Administration has said the guarantee plan eliminates Social Security's long-range deficit and permits payment of full benefits through 1973 and beyond, and that is a quote. In the long run there are budget surpluses and the first payroll tax cuts in the program's history.

Passing H.R. 1259, the Social Security Integrity and Medicare Trust Fund while we are trying to come to grips with the fact that we have been brought here to do the people's business. We probably will not even get an appropriations bill out. We will probably leave for the Memorial Day recess without getting one appropriations bill out, even though three were promised, and now we are talking about Social Security on Wednesday night after 3 hours, and we are not going to do anything. It is not going to make one senior citizen or one member of the work force feel any better. And so let us not kid ourselves. Let us pass this, but let us not tell anybody that this is really going to save Social Security. It is going to set aside money, it is not going to do anything; and we know it and you know it and everyone else knows it as well.

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

Mr. MATSUI. Mr. Speaker, this is going to actually increase any more revenues or cut expenditures on Social Security for all time. Full promised benefits limit so seniors can work without further penalties.

But most importantly the Social Security Guarantee Plan saves Social Security for all time. Full promised benefits are paid, and the Social Security trust funds never go broke. In fact, the Social Security Administration has said the guarantee plan eliminates Social Security's long-range deficit and permits payment of full benefits through 1973 and beyond, and that is a quote. In the long run there are budget surpluses and the first payroll tax cuts in the program's history.

Passing H.R. 1259, the Social Security Integrity and Medicare Trust Fund while we are trying to come to grips with the fact that we have been brought here to do the people's business. We probably will not even get an appropriations bill out. We will probably leave for the Memorial Day recess without getting one appropriations bill out, even though three were promised, and now we are talking about Social Security on Wednesday night after 3 hours, and we are not going to do anything. It is not going to make one senior citizen or one member of the work force feel any better. And so let us not kid ourselves. Let us pass this, but let us not tell anybody that this is really going to save Social Security. It is going to set aside money, it is not going to do anything; and we know it and you know it and everyone else knows it as well.

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

Mr. ARCHER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, my colleagues know, it was about January or February of this year that we had a resolution offered by the gentleman from Wisconsin (Mr. RYAN), a new Member of Congress, who speaks Wisconsin. In that resolution he basically said we should save Social Security. We all voted for that. That was about 5 months ago. And now we have this proposal, this so-called lockbox proposal.

We have been debating this now for about 4 hours. Mr. Speaker, do our colleagues not think it would be better if we just went to a markup and starting marking up a piece of legislation?

We have a real problem on our hands with respect to Social Security. Over the next 35 years benefits paid out will exceed revenues coming in by 25 percent even if the Social Security money is set aside. We have to come up with a solution. We should not be playing around with Social Security surplus and little gimmicks about setting aside money. We should go to a markup.

And I have to say, the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security, and the gentleman from Texas (Mr. ARCHER) are really trying. They have come up with a bill that maybe I might disagree with, but it is credible. Why do they not just go to a markup with this? Why do they not put it in legislation?

The problem is that their Republican leadership and Mr. LOTT on the Senate side do not support it, and as a result of that, we are now playing around. We are not going to come to any resolution of this this year because the polling data that the Republicans showed says that we should not do Social Security because it is too difficult.

But I tell my colleagues the American public wants Social Security done, and if we are going to do a lockbox, we ought to do it right because the legislation of the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) does a deal with just 62 percent of the Social Security surplus. They actually use general fund surpluses in order to make sure that the benefits in this, revenues coming in on Social Security over the next 35 years, balance out.

So what we are going to do is we are going to say, you have got to set aside Social Security surplus but, the surplus that is on budget we can spend. Well, in the Archer-Shaw bill, one has to use that to save Social Security, so there is an inconsistency in what we are doing now.

I just want everyone to know that we are going to vote for this, but we are going to vote for this on the basis that, why not, it does not do any harm, just like the gentleman from Wisconsin's resolution earlier in the year did no harm. When the 3-day is over, we are not going to extend Social Security by 1 day, or we are not going to actually increase any more revenues or cut expenditures on Social Security. We are not going to do anything.

We are really misleading the American public and pretending, and this Congress has to finally come to grips with the fact that we have been brought here to do the people's business. We probably will not even get an appropriations bill out. We will probably leave for the Memorial Day recess without getting one appropriations bill out, even though three were promised, and now we are talking about Social Security on Wednesday night after 3 hours, and we are not going to do anything. It is not going to make one senior citizen or one member of the work force feel any better.

And so let us not kid ourselves. Let us pass this, but let us not tell anybody that this is really going to save Social Security. It is going to set aside money, it is not going to do anything; and we know it and you know it and everyone else knows it as well.

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

Mr. MATSUI. Mr. Speaker, I yield myself 4 minutes.

I would answer the gentleman from California (Mr. MATSUI), who is the ranking member on the Subcommittee on Social Security, that I look forward to working with him. We do need legislation that is actually drawn up so we can actually look at it. Our conceptual model has been out there for some time, and people are looking at it, and I know the gentleman from California has just recently reviewed this, reviewed the documents that we have supplied, and is becoming knowledgeable and becoming familiar with what it is that we are trying to do.

I also understand that the President will be submitting some legislative language, and this is a positive step. So we do need to get together. This has to be a bipartisan solution, and this is what I think is so important in this whole process.

The gentleman is right. This lockbox is not the solution, but this lockbox does make it more difficult for this Congress to go ahead and continue to raid the Social Security Trust Fund surplus, and that is a fact of life, and that is what this does, and this is why I am supporting this particular bill.

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

Mr. SHAW. I yield to the gentleman from California.

Mr. MATSUI. Mr. Speaker, this is just for a question, because if he plans to do this this year, why do we need a lockbox? We can just do it. I mean, we only have 3 more months in the year. Why do we not try to get this done?

Mr. SHAW. Reclaiming my time, both processes are going forward, and this lockbox simply puts an impediment in front of the Congress to continue to raid the Social Security Trust Fund while we are trying to come together on a solution.
I may be one of the few Members of this House on Capitol Hill that really believe we are going to produce something this year, but I do think, is the President wants to cooperate, I have confidence that there are a sufficient number of Democrats and Republicans that want to get together and put together a good bill that will solve the situation, and I am confident that we will do it.

But in the meantime, as we are going through the appropriation process, as we will be going through tax cuts and what not, I think that the decision has been made to hold this money aside, this surplus vise, and I think it is a positive step.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Houghton), a member of the Committee on Ways and Means.

Mr. Houghton. Mr. Speaker, it is good to be here talking about this issue.

I really do not think it is playing around. This is an honest debate, and it is a good debate, and I applaud the basic concept of the lockbox. Since Vietnam, we have been digging into the social Security fund. It does not make any sense. It is not right. It has got to be stopped. This is one method to stop it.

I just do not happen to agree with it, and I know my associate on the other side of the aisle says, we are going to vote for it. But why not? I think there is a real distinction here, and I would like to tell my colleagues why I am going to vote against the bill.

The goal is valid, and we have got to reach it, but we have got to reach it honestly. The thing I fear is that we are so driven by a concept that we will not think through what it means, and this is a pretty exact piece of legislation. It requires that all Social Security receipts, all of them in excess of cost, paying Social Security checks, be set forth separately and immediately into the House and Senate budget resolution.

There are no exceptions for emergencies, and it requires a point of order in the House, and 60 votes of the Senate to act otherwise.

Now, there is going to be a surplus, but there is not a surplus now, and with the supplemental emergency dollars just approved for Kosovo and the military buildup and other natural disasters that we are, as we have in the past, using a part of that Social Security excess.

Now, if we do not, then we have to borrow that money because we do not have that money, and we all want to stop that practice. Now, we have borrowed enough, so all we need to do is to avoid borrowing, or if we do not want to do that, we can wean ourselves away from using Social Security funds.

These are worthy goals. We are within sight of achieving both of them, but we are not there yet, and I think we will be in three years, but we are not today.

So if we insist on passing this lockbox legislation, I predict with almost certainty that before the year is out we will be violating our promise. I cannot believe this is a sound way of approaching our budget and, therefore, I am going to vote against the measure.

Mr. Matsui. Mr. Speaker, I yield 51/2 minutes to the gentleman from Maryland (Mr. Cardin).

Mr. Cardin. Mr. Speaker, I thank my friend from California for yielding me this time. I agree with the point that the gentleman made, and that is that it would be a lot better if we were talking about something that would actually help the people on Social Security, that would extend the solvency of the program. We have been here now for many months, and it is time for us to use the regular legislative process of committee to recommit to markup to start taking up legislation.

So rather than spending so much time on this lockbox, I wish we would spend the time debating how Social Security should be strengthened and how we should deal with the long-term solvency.

I also agree with the gentleman from California (Mr. Matsui) in that this bill is one that we should vote for because it does contain some provisions that, if we adhere to them, would be good. Why am I skeptical about that? Because we have current budget rules in effect that do pretty much everything that is in this bill, but every time we waive those rules or find ways of getting around it. Just look what we did with emergency spending. We found ways to get around the budget rules. I am afraid that what is contained in this particular legislation, it will be very easy for Congress to get around it.

Mr. Speaker, let me tell my colleagues my problems, though, with the lockbox itself. We normally think of a lockbox that we put in there what we say that we are locking this money that we say that we are locking Social Security and Medicare. But it goes a second step and puts a lock on the lockbox. It puts a lock on the lockbox by defining what is Social Security reform, defining what is Medicare reform.

We do not do that in the legislation before us. We do not even allow an amendment for the legislation before us. We have a closed rule. We cannot even bring forward suggestions to improve the bill. That is not the democratic process and the bipartisan cooperation that we are looking for, when they will not even give us a chance to really debate the issue before us today.

But the motion to recommit, the Holt-Lucas-Moore proposal actually does define what we need to do in order to be able to spend the money in the lockbox: seventy-five year solvency for Social Security. We all agree on that. Let us put it in the bill. We do not do that. But we will have a chance.

Vote for the motion to recommit. It does not take the process. It brings the resolution immediately back for passage, but says that we have to deal with the 75-year solvency of Social Security, which we should do. And then on Medicare we say we have to have at least 30-year solvency in Medicare. That makes sense. Then we would really be putting this money aside and putting a real lock on the lockbox to make sure the money, in fact, is not spent until we have, in fact, dealt with the solvency of both Medicare and Social Security.

So, Mr. Speaker, we are being asked for bipartisan cooperation. We agree with that. We do not have any chance
to amend the bill. Vote for a motion to recommit so that we can have a true lockbox.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I rise in very strong support of this legislation. Its time has come. This legislation is that a seminal first step in ensuring that Social Security’s retirement safety net will be there for our seniors when they need it. By putting all of the Social Security surpluses into a lockbox, we ensure that Social Security surpluses are not diverted into new spending or new programs by Congress.

Under this legislation Congress could only use non-Social Security surpluses, real 20% Social Security surpluses, non-Social Security surpluses, and tax cuts. In effect, it ends the smoke and mirrors of the budget process by not allowing the Social Security surpluses to be invaded. This legislation commits Congress to setting aside $1.8 trillion for Social Security over the next 10 years. These resources are an essential component of any viable proposal to rescue Social Security. I urge the passage of this legislation.

Mr. MATSU1. Mr. Speaker, I yield 4 1/2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I find some difficulty in this debate in that evidently this House is planning to adjourn after this vote takes place and leave for the Memorial Day weekend and recess. It seems odd that we would be leaving, having the Senate pass the bill, the Senator from Oregon (Mr. SMITH), after a great deal of debate and quite a bit of strenuous deliberation, the Senate passed legislation that would deal with crime issues. Whether we agree with every aspect of it or not is not the point. The fact remains that is a bill on the Senate side sitting, waiting for House action, that would deal with the issue of crime and youth violence, and there it sits.

Here on the House side, we bring up legislation that talks about a so-called lockbox. Legislation that did not go through committee, because the people that are debating and sitting on the Committee on Ways and Means, including the Members that are here right now, the committee that has jurisdiction, and asked for a chance to have this bill debated to get the substance out, to really discuss what could be done on Social Security, and, in fact, if we could improve it, to add amendments to it, but rather than go through the normal legislative process where we would have a hearing in committee to discuss and debate the merits of the proposal, we are going straight to the floor of the House, never having gone through the committees of jurisdiction.

We could do that with this bill. And, as we have heard, the bill really does not do anything, because current law already requires that we do these things. But yet legislation that would deal with crime and youth violence and try to address the concerns of many Americans when it comes to the safety of their children in schools, sits right now awaiting action on the part of the House, and yet we are getting ready to adjourn without having taken any action on that crime legislation. Yet we are willing to pull something straight out of earth without ever having given it a chance to be debated and heard and the merits be discussed in committee the way we would normally do so on something as important as crime.

Why is it that on crime we have to let it sit and go through the whole committee process and wait who knows how many months before it can come to the House when the Senate has already passed it, when on Social Security when we are not doing anything that is not already in existing law, we have to rush it through? I do not understand, but let us continue with the debate.

On the merits of this legislation, one, as we have heard, we could do nothing with this bill and the law would require we do what this bill claims it does, and that is to reserve Social Security surpluses for Social Security. Secondly, if we truly intend to send a message to the American people that we want to act on Social Security, then we would do as others have said as well. We would really lock up the surpluses, because everyone knows that if we lock up just what is considered a surplus in the Social Security that will not be enough to resolve the issues of long-term solvency for 75 years.

But this bill does not do it, nor are we being given a chance to amend the legislation to allow it to do that, so we really can send a meaningful message to the American people that we really want to do something on Social Security.

If this is all we are going to do on Social Security for the year or for the next term, we are in real trouble, because at the end of the day we can tell the American people we did nothing more than already existed in current law. We could have been absent for the entire two-year session as Members of Congress, and Social Security would be in as good a shape as if this bill passed and quite honestly as bad a shape as it could be if we do not do anything over the next two years.

So here we are in a situation where we are being given a way to amend the Social Security problem. In a way, it is a feel-good proposal that maybe makes people believe that we are going to now begin to lock monies up. So in that sense, okay, let us vote for this thing. But the reality is, if we are going to deal with the long-term solvency issues of Social Security, we have to deal with what the President said.

The difficult question is to get us the last 20 or so years of 75 years worth of solvency. This does not do any of that. This does not even come close to doing what the President said would be the easy part of saving the Social Security surpluses, because at the end of the day the President committed to spending part of our surpluses for Medicare. This does not help in that regard.

We really need to get to work. If we are going to do something, let us make it meaningful, and certainly if we are going to rush it through, then let us deal with the crime bill as well, because that is just as important as this because this does not really get us anywhere.

I urge the Members to consider doing something meaningful before we move on.

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

I would say to the gentleman from California, who I do not believe was here when his party was in the majority, that it was rare that a motion to recommit was offered to the minority side when the Republicans were in the majority. So I think this is a very Democratic process. The gentleman can come forward with his bill. Many of his Members have already argued in favor of his motion to recommit, so I think the process going forward is very good.

I would also remind the gentleman that but for the grace of God and six Members, you would be in the majority today. Nothing is precluding the gentleman and Members in any side from coming forward with their own plan. As a matter of fact, I think we are also looking for one from the White House, and I think there is a certain amount of cooperation.

So I am not slamming this side for it, but I think also when the gentleman from Texas (Mr. ARCHER) and I have come forward with a plan before the Committee on Ways and Means and are working that plan and talking to the Members, briefing the Members, and the gentleman from California was at the briefing that we had the day we unveiled it. I think this is important progress. We are making progress. However, it is a slow process.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Florida (Mr. SHAW) for yielding me this time.

It is interesting to listen, and our goal is, of course, a bipartisan solution to this challenge of Medicare, and this lockbox simply sets aside the funds designated for Medicare and Social Security to that purpose. It is different, if we want to get technical,
from what was done in 1990 that dealt with direct reductions.

What we have heard throughout our districts, whether we are Republicans or Democrats, and I know there is a temptation to deride any effort made in good faith as some sort of gimmick, but what we have heard, not as Republicans or as Democrats but as Americans, is that we need to deal with this problem, devote Social Security surpluses to Social Security, keep the trust fund intact.

I listened with interest to my friend the ranking member from California, who encouraged our side to bring forth legislation, and of course my good friend from Florida, the chairman of the full committee, had brought forward a plan; others folks have, too.

Mr. Speaker, in fairness, my friend, the gentleman from California, also asked that the Treasury Secretary designate, Mr. Summers, where the administration plan was.

I think it is important that we work on this. As we know, a journey of a thousand miles begins with a single step. This is a profound step. It is not a gimmick.

The motion to recommit will be akin to double secret probation. The other side is entitled to do that, but Americans want a rational, reasonable response, and locking up of this fund. That is what it does. It is simple. It is practical. This House should do it.

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

I would just point out to the gentleman from Arizona that even though the gentleman only has a 6-vote majority, he is a majority. We cannot bring a bill to the House, we cannot bring a bill to the committee and get it marked up. Only the people in the majority can.

The gentleman’s side is in the majority. They have the obligation to mark up a piece of legislation. We are 6 months into this year without it.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me introduce myself. My name is Hillary Clinton. I say that because I see that we have a bill before us today which says that a bill may in the future declare itself to be whatever it wishes to declare itself. I thought since the majority seems to take that seriously, I would see how seriously they took me if I introduced myself as Hillary Clinton.

Let me simply say that if Members look at this bill, what it says is that no point of order will lodge against a bill if it declares itself to be social security or Medicare reform. Boy, there is really some protection, is there not?

I remember that their leader 2 years ago said that social security should be allowed to wither on the vine. I know that their existing floor leader has said that, as far as he is concerned, there should be no demand for a program like Medicare in a free society. I would simply say that letting legislation written by people like that self-declare itself to be reform legislation is a little like asking John Dillinger to pretend that he is Mother Teresa. It may be believable to some people, but it certainly would not be believable to me.

What this bill says, and man, it has muscle, what it says is this Congress will put every dollar on the books into social security unless it votes not to.

That is what this wonderful lockbox says. It is just wonderful, what the Congress can do to pass its time when it is not being serious about real legislation.

I would simply suggest to my friends on the majority side of the aisle that if they are serious about saving social security, then I would urge the Members to quit promising the American public that we can provide $1.7 trillion in tax cuts in the next 15 years and still protect social security and still protect Medicare. We all know that that is not possible, and we can get on with serious legislation as soon as everybody in this place admits it.

I have a simple suggestion. We were sent here not to adopt gimmicks, we were sent here to deal with our problems in serious legislative ways. If Members want to save social security, bring out a bill that saves social security. Do not bring out something which ought to be labeled the number one legislative fraud of the year.

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

Mr. Speaker, I would say to my friend, the gentleman from Wisconsin (Mr. OBEY), and for the opportunity to say a few words in support of this important legislation.

Mr. Speaker, let me ask this House a very basic question. My friends on the other side of the aisle have been claiming that existing rules and existing laws already protect the social security trust fund.

If that is the case, then, let me ask Members of this House, why do the social security trustees report that this Congress over the last 30 years and the President have raided the social security trust fund to the tune of $730 billion?

Obviously, the so-called protections that they claim are in place are not really there. That is why this legislation is so important as we take the steps to save social security for future generations, not just today but for the next three. The first step, the important step, is to lock away 100 percent of social security for social security, not part of social security, but all of social security.

I represent a diverse district, the South Side of Chicago, the south suburbs, in Cook County, and a lot of bedroom and rural communities. Whether I am at the union hall, the VFW, the grain elevator, the local coffee shop on Main Street, I am often asked a pretty basic question: When I look guys, what are $730 billion dollars in Washington, going to stop raiding the social security trust fund? Because they have been watching Congress and the President do that now for 30 years, to the tune of $730 billion.

This legislation is important because we set aside $1.8 trillion of social security revenues, 100 percent of these revenues, for social security and Medicare. That is a big victory, because when we compare that with the alternative, and I want to point out, this is the first step as we work to save Social Security for the long-term.

I would like to point out the alternative here. If we look at why this is the centerpiece of this year’s budget, 100 percent of this is for social security.

On this chart I have here, in this coming year $137 billion is the projected social security surplus. With the lockbox, we set aside $137 billion, the entire social security surplus, over the next year. The Clinton-Gore Democrat alternative sets aside only 62 percent, continuing the raid on social security. In fact, the Clinton-Gore budget would spend $52 billion of the social security surplus on other things.

That is why this legislation is so important. We want to wall off the social security trust fund. We need measures that work. Obviously that rules, the current laws, do not protect the social security trust fund. That is why the Medicare, social security and Medicare safe deposit box is so important.

Let us give it bipartisan support. Let us take this important first step as we work to save social security.

Mr. SHAW. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, rarely has a government program caused so much confusion and misled so many people and perhaps bedeviled so many of us here in Congress, so it is appropriate tonight that we establish this lockbox and go ahead and pass this legislation.

I might point out to my colleagues who are complaining that this did not go through a committee, I have been here 18 years. As the gentleman from California (Mr. Matsui) knows, there are often times that the Democrats brought legislation that was good without going through the subcommittee or the full committee.
May 26, 1999

So I think this has wide support. It will pass. I think it is appropriate that we bring this before the committee.

Lastly, I would say that it is a great accommodation for us to be debating and completing this tonight.

Mr. Speaker, the legislation before us would create a lockbox to ensure that Social Security surpluses be dedicated solely for the purpose the state of the Federal budget.

Today we can make history by standing up for not only what we believe to be right but what is absolutely necessary. If we are to make good on our promise to our country’s seniors that we will protect the Social Security program, this can be achieved by putting future surpluses into a lockbox that could not be used to pervert the tax and spend policies of the past. In other words, the Social Security surpluses could not be used to pay for new spending projects.

Right now the Social Security Trust Fund is running a 126,000,000,000 surplus and it is used to mask the deficit. The Social Security Trust Fund’s surplus should not be used to fund other programs. And it should not be used to mask the Nation’s true deficit.

Added to that is the irony that this very same fund is scheduled to go bankrupt soon after the baby boomers start to retire.

And so this trust fund which will soon go bankrupt is now in surplus, hiding the true state of the Federal budget.

Rarely has a Government program caused so much confusion, mislead so many people, and bedeviled so many policy makers.

We have been very zealous in cutting wasteful spending and reducing the size of our Government’s bureaucracy. We should keep up our efforts and continue to cut out unnecessary spending. Whatever surplus we may have is a result of lower taxes and less government spending.

What would happen if the economy should start to slow down? How would that affect the budget process if the surplus were to shrink? Keeping in mind that the true state of our budget surplus is dubious at best.

We can through the passage of H. R. 1259—finally stop this practice which started when President Johnson unified the budget in 1969. It was then that Social Security, and the other Federal trust fund programs, were first officially accounted for in the Federal budget.

The “Safe Deposit Box Act” establishes the submission of separate Social Security budget documents by excluding outlays and receipts of the Old-Age, Survivors, and Disability Programs under the Social Security Act thereby preventing Social Security surpluses being used for any purpose other than for retirement benefits.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means and a valued member of the Subcommittee on Social Security.

Mr. PORTMAN. Mr. Speaker, I thank the chairman of the Subcommittee on Social Security for yielding time to me.

I want to also commend the gentleman from California (Mr. WALLY HERGER) for bringing this legislation before us tonight. It is my view that the next logical step toward fiscal sanity is that of a lockbox. The first step was through a Republican majority to actually get a balanced budget in terms of a unified budget, all the receipts in, income taxes, payroll taxes, other fees, and all payments out of the Federal Government; for the first time in 30 years, we now have a unified balanced budget.

But it is time now to ensure the integrity of the social security system by taking those payroll taxes and requiring that they indeed go to the trust fund and to the social security system. That is what this does, by walling it off. It is not the last step. It is the next logical step.

The next step is actually to take those funds and put them to work for the American people so that financial security and retirement is ensured. That is why I want to compliment the chairman of the subcommittee, the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) for coming forward with a plan that does that over the requisite 75-year period.

That is the challenge of this Congress. It does not mean this step is not important, because it is the foundation upon which real social security reform must be built.

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

Mr. Speaker, I would like to commend the gentleman from Florida (Mr. SHAW), because I think he and the gentleman from Texas (Mr. ARCHER) have attempted to come up with a piece of legislation conceptually that at least deserves not only a hearing, but perhaps even a markup.

What I really would suggest we do now is go to a markup. We are now 6 months that we had a White House summit or conference last December. It appears to me now that now is the time to mark up a bill.

We have essentially 3 months left, probably 25 to 30 legislative days left this year, and if we run out of time we are going to get into the year 2000, and everyone can see we probably will not take social security up in an election year, Democrats and Republicans. It is not a partisan observation.

So we have a slight window. That means this window is probably within the next 20 or 30 days at the very most, and this issue is too critical to put off with resolutions, as we saw in January, to see this solved, which will do no harm but do no good.

As a result of that, we should begin the markup. We are going to be 25 percent short of paying out benefits over the next 35 years, 25 percent short. As a result of that, we have an obligation to deal with this problem now. We should not be fooling around with gimmicks like lockboxes and resolutions. We should take this issue seriously.

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

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to say, I compliment the gentleman from California (Mr. MATSUI), the ranking member of the Subcommittee on Social Security of the Committee on Ways and Means, and I take what he says as reaching out to Republicans and wanting to work together to solve this terrible problem that we have.

Mr. Speaker, we talk about the year 2035. The real problem is going to start in 2014, when the fund starts to run out of money. That means that the FICA taxes will not be sufficient to take care of the benefits. That means that those baby-boomers that are getting into the retirement system at that time are going to have those funds and put them to work for the American people so that financial security and retirement is ensured. That is why I want to compliment the chairman of the subcommittee, the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) for coming forward with a plan that does that over the requisite 75-year period.

That is the challenge of this Congress. It does not mean this step is not important, because it is the foundation upon which real social security reform must be built.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for bringing this legislation before us tonight. It is my view that the next logical step toward fiscal sanity is that of a lockbox. The first step was through a Republican majority to actually get a balanced budget in terms of a unified budget, all the receipts in, income taxes, payroll taxes, other fees, and all payments out of the Federal Government; for the first time in 30 years, we now have a unified balanced budget.

But it is time now to ensure the integrity of the social security system by taking those payroll taxes and requiring that they indeed go to the trust fund and to the social security system. That is what this does, by walling it off. It is not the last step. It is the next logical step.

The next step is actually to take those funds and put them to work for the American people so that financial security and retirement is ensured. That is why I want to compliment the chairman of the subcommittee, the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) for coming forward with a plan that does that over the requisite 75-year period.

That is the challenge of this Congress. It does not mean this step is not important, because it is the foundation upon which real social security reform must be built.
extended the life of both Social Security and Medicare.

I am disappointed that, for all their rhetoric, the Republican leadership cannot come up with a real Social Security reform proposal that truly protects and extends the life of our nation's retirement security program.

H.R. 1259 fits into a pattern of Republican-controlled Congresses to pass harmful legislation that makes political points instead of taking the tough steps necessary to solve our nation's problems. The bill in front of us was not even considered by the committees that have jurisdiction over Social Security. We need real action on Social Security and Medicare, not just procedural bills that do not address the heart of the matter.

The heart of the matter is that 44 million people currently receive Social Security benefits, and Social Security has kept millions of our seniors out of poverty. Without Social Security, a staggering 42% of our seniors would be in poverty. But now due to the pending retirement of the baby boom generation and the very positive fact that people are living longer today, we need to take steps to provide for the long-term health of Social Security.

Democrats are very clear about this—we want to reserve the budget surplus for the long-term health of both Social Security and Medicare. We have a basic difference of opinion with Republicans, who would like to use a significant percentage of the budget surplus for tax cuts which would benefit the richest Americans at a time when the economy is performing superbly.

So while the bill today does no harm, neither does it do anything. Let's take the politics out of this debate about Social Security, roll up our sleeves, and get down to work on realistic and lasting reforms that will extend the life of Social Security and Medicare for generations to come.

Mr. STARK. Mr. Speaker, I rise today in support of the Democratic option to reform H.R. 1259 by going through the normal legislative process and we can actually save the budget surplus for Social Security and Medicare.

This bill appears to protect Medicare and Social Security from the cavalier spending of Congress, but it merely creates shelter for Congress when our constituents ask us why Social Security and Medicare are facing financial failure. Let's be honest with the American people. We must devise an honest approach to financing and strengthening the two systems.

This bill did not go through the normal legislative process so it does not have the enforceable provisions it could have had if the Ways and Means Committee was allowed to debate and amend it. Furthermore, we must stop blaming the President and take responsibility for enacting—or avoiding—responsible legislation. Not one dollar of taxpayer funds can be spent by the President unless Congress approves it. Finally, we must take this opportunity as a first step in real debate to strengthen Social Security and Medicare.

I. LET'S TAKE A LOOK AT PROCESS SO FAR WITH H.R. 1259

H.R. 1249 did not go through the regular Committee process. It was pulled from the Committees with jurisdiction and brought directly to the House floor without any normal deliberation.

The Republicans avoided sending H.R. 1259 through Ways & Means so the Committee was not able to debate or amend the bill prior to coming to the floor.

Had we used the normal legislative process, today's bill might have the enforcement measures needed to address Social Security's insolvency problems. The Speaker promised to meet us half way when he took office. He also promised to play by the rules. Neither promise has been honored in this case. Clearly, we will move back to regular order only when it is convenient to do so.

Had the Ways and Means Committee considered the bill, I would have offered an amendment to more clearly define what would qualify as “Medicare reform.” H.R. 1259 makes the “lockbox” provisions of the bill effective until Medicare and Social Security are saved. However, it does not define “saved.” This allows Congress to raise the age of eligibility, to force people into HMOs, and to reduce benefits as the means of “extending” the financial life of the program. Medicare is a vital program for our nation's seniors and disabled populations. The reform cannot include reductions in benefits like some would like to achieve. Some Members may believe that this is an adequate definition of “saved” but I don't. We cannot sacrifice the health and well-being of the American workers for the sake of balancing the books.

This allows Congress to raise the age of eligibility, to force people into HMOs, and to reduce benefits as the means of “extending” the financial life of the program. Medicare is a vital program for our nation's seniors and disabled populations. The reform cannot include reductions in benefits like some would like to achieve. Some Members may believe that this is an adequate definition of “saved” but I don't. We cannot sacrifice the health and well-being of the American workers for the sake of balancing the books.

II. CONGRESS NOT THE PRESIDENT—RAIDS THE TRUST FUNDS

I might point out that Social Security has already been taken “off-budget” by three separate public laws: by the Social Security Amendments of 1983; by the Balanced Budget and Emergency Deficit Control Act of 1985; and once more by the Budget Enforcement Act of 1990. If Congress has been able to circumvent the spirit of the law for this long, what makes us believe that anything will change this time?

The GOP has been blaming the President for raiding the Social Security trust funds. This is simply not the case. This body is responsible for passing all spending bills. Just last week, we spent $12 billion for Kosovo in the Emergency Supplemental bill. Congress spent twice as much as the President requested for a war that the GOP refused to authorize.

This is a clear case of hypocrisy. On the one hand, Congress doesn't want to authorize the war, but on the other hand they'll spend $12 billion on war for the mission. On the one hand, Congress claims they want to save the budget surplus for Medicare and Social Security but right after, they spend it on a war they don't support.

Let's be honest. Congress controls the spending and we have always been able to control whether it goes for needed programs like Social Security and Medicare or programs like the National Missile Defense system.

III. STRENGTHEN SOCIAL SECURITY AND MEDICARE

I agree that there should be a lockbox for Social Security and Medicare. But I want all surplus money to benefit the programs. First and foremost we must strengthen Social Security and Medicare and ensure their solvency. Before any tax bills are brought to the floor of the House, we must guarantee the American people that their Old Age, Survivors and Disability Insurance is as strong as they need it to be for a happy and healthy retirement. We must guarantee them that their health care needs will be met with quality in their golden years.

We must lock up all of the budget surpluses until these two systems are strengthened through bipartisan legislation. The big tax cut for the wealthy must be postponed until the American worker is assured that his or her health and retirement insurance is safe for years to come.

The only way to do this is by giving this bill some teeth. We must send this bill back to committee and give it the enforcement provisions it needs. Let's really lock up the surplus until Medicare and Social Security are solvent for the long-term.

Mr. FORBES. Mr. Speaker, the best way to stop the politicians from spending the taxpayers' money is to tax it away and rein it before they can waste it. Today we have the chance to take Social Security and Medicare's money away from the politicians.

The Congressional Budget Office has projected a surplus of $1.55 trillion over the next ten years. Of that amount, $1.52 trillion—98 percent—is Social Security reserves, which consist of the payroll tax payments made by employees and employers during the next decade and interest earned on the Social Security Trust Fund during that period. Clearly, the surplus is not extra money which Congress can spend on any worthy cause. Every one of those dollars will be needed to honor our commitment to future retirees. Social Security is sound today, but we in Congress have a responsibility to worry about tomorrow.

We must ensure that Social Security and Medicare will continue to provide the benefits promised to those who have paid into the system. No one should have to worry that one day Social Security will not be there for them. Our children and our grandchildren deserve to know that Social Security and Medicare will be there when they need it. We can give them that guarantee by voting for H.R. 1259, the "Social Security and Medicare Safe Deposit Box Act."

This bill:

- Removes Social Security surpluses from all budget totals used by Congress or the President, so they can no longer be used to mask deficits or inflate overall budget surpluses.
- Blocks budgets that spend excess Social Security money by requiring a supermajority (60) in the Senate for passage and allows for a point of order against any legislation in the House—including all spending initiatives or tax cuts.
- Creates a safe deposit box shielding Social Security surpluses that can only be opened for Social Security and Medicare reform.
- Using Social Security dollars to pay for anything other than retirement benefits would be an act of political larceny. The victims would be those hard-working men and women who are counting on Social Security to protect their hard-earned retirement years.
- Save Social Security and Medicare for future generations, vote for this bill.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to express my deep concerns about
May 26, 1999

CONGRESSIONAL RECORD—HOUSE

The SPEAKER pro tempore. The Clerk will report the motion to recommence debate.

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill H.R. 1259 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

Redesignate sections 4 and 5 as sections 5 and 6, respectively, and insert after section 3 the following new section:

SEC. 4. SURPLUSES RESERVED UNTIL SOCIAL SECURITY AND MEDICARE SOLVENCY LEGISLATION IS ENACTED.

(a) IN GENERAL.—Until there is both a social security solvency certification and a Medicare solvency certification, it shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would use any portion of the baseline budget surpluses, or any bill, joint resolution, amendment, motion, or conference report if—

(i) the enactment of that bill or resolution as reported,

(ii) the adoption and enactment of that amendment, or

(iii) the enactment of that bill or resolution in the form recommended in that conference report, would use any portion of the baseline budget surpluses.

(2) BASELINE BUDGET SURPLUSES.—

(A) IN GENERAL.—For purposes of this subsection, the term ‘baseline budget surpluses’ means the sum of the on- and off-budget surpluses contained in the most recent baseline budget projections made by the Congress, or their Budget Officers, and does not mean the sum of the annual budget cycle and no later than the month of March.

(B) BASELINE BUDGET PROJECTION.—For purposes of subparagraph (A), the ‘baseline budget projection’ means the projection described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 of current year levels of outlays, receipts, and the surplus or deficit into the budget year and future years; except that if outlays for programs subject to statutory appropriations are subject to statutory spending limits then these outlays shall be projected at the level of any applicable statutory discretionary spending limits. For purposes of this subsection, the baseline budget projection shall include both on-budget and off-budget outlays and receipts.

(3) USE OF PORTION OF THE BASELINE BUDGET SURPLUSES.—For purposes of this subsection, a portion of the baseline budget surpluses is used if, relative to the baseline budget projection—

(A) in the case of legislation affecting revenues, any net reduction in revenues in the current year or the budget year, or over the 5 or 10-year estimating periods beginning in the budget year, is not offset by reductions in direct spending.

(B) in the case of legislation affecting direct spending, any net increase in direct spending in the current year or the budget year, or over such 5 or 10-year periods, is not offset by increases in revenues.

The motion to recommence debate is now in order.
in the case of an appropriations bill, there is an discretionary outlay in the current year or the budget year when the discretionary outlays from such bill are added to the discretionary outlays from all previously enacted appropriations bills.

(4) Social Security solvency certification.—For purposes of this subsection, the term ‘social security solvency certification’ means a certification by the Board of Trustees of the Social Security Trust Funds that the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are, taken together, in actuarial balance for the 30-year period utilized in the most recent annual report of such Board of Trustees pursuant to section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(5) Medicare solvency certification.—For purposes of this subsection, the term ‘Medicare solvency certification’ means a certification by the Board of Trustees of the Federal Hospital Insurance Trust Fund that such Trust Fund is in actuarial balance for the 30-year period utilized in the most recent annual report of such Board of Trustees pursuant to section 1817(b) of the Social Security Act.

(b) Super majority requirement.—(1) Section 904(d)(1) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting “312(h),” after “310(g),”.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting “312(h),” after “310(g),”.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the Chair recognizing the gentleman from New York (Mr. RANGEL) for 5 minutes in support of his motion.

Mr. RANGEL. Mr. Speaker, this is merely a parliamentary maneuver. It does not mean too much as it relates to whether or not this Congress or this House deals with Social Security. It takes the so-called Social Security surplus, puts it into a lockbox, and gives the key to that lockbox to the majority.

I suppose that this is supposed to send a positive message to America that we do recognize the serious nature of the crisis that will face the next generation as they look forward to receiving the benefits that they rightly deserve.

We on this side say that the President has tried to put pressure on the Congress by saying, let us do Social Security first. Let us do Medicare first.

In order to put additional pressure on us, it is suggested, not only by the President, but by this stronger lockbox provision, which is identical to H.R. 1927 introduced by the gentleman from New Jersey (Mr. HOLT), the gentleman from Kentucky (Mr. LUCAS), and the gentleman from Kansas (Mr. MOORE), that says we are just going to lock up the Social Security surplus. Why not take the on-budget surplus? Why not take the monies that we will have, and as some people say, while the sun is shining, that is the time to fix the roof?

Why not say that we are going to attempt to work in a bipartisan way, not to see who can outscore each other on points? Because when this motion is analyzed by those who study the work of the Committee on Ways and Means, it is going to be clear to everybody that we have not locked anything in. As long as there is a majority in this House, that box can be unlocked. There is no lock on it.

But if we say that we were going to work together, not as Democrats and Republicans, but as committed Members of this House, it would seem to me that we would start now in trying to cooperate with each other and lay motions out on the floor without having full debate in the Subcommittee on Social Security and the Committee on Ways and Means.

No one has worked harder to achieve a bipartisan approach to this than the gentleman from Florida (Mr. SHAW). I think that our chairman and my President would like to be able to say that on their watch, they have been able to tackle this very serious problem. But this problem is not going to be resolved by Republicans, and it is not going to be resolved by Democrats. It is not going to be resolved by demagoguery. It is not going to be resolved by rhetorical motions and amendments.

It is only done when the leadership of this House decides that it is going to talk with the leadership on the other side, and they agree that we are going to work together, not to make points, but to make history.

These things could have been discussed in the committee, but then again, if we do that, we have debate, and God knows we do not want any of that anymore.

It seems to me that now is the time for the leadership to be a little more upfront in terms of lockboxes, but in terms of leadership in saying that they have met, they have decided, and they have talked with the President, and they would like to resolve this problem. That way, we will not spend a lot of time pointing at each other for what we have not done, but we can spend more time taking care of the people’s business.

This motion to recommit, those who are voting for it are saying we make that motion to put it in a lockbox, let us lock up the leadership of the Republicans and Democrats and put them in a room and say they cannot get out of that room until they come up with a Social Security reform package. But my colleagues know and I know, if this is not done this year, it is not going to be done in this session.

So we can bring out these amendments, we can talk about it, and we can move to recommit, but so far, we have no bill.

I want to thank the gentleman from Florida (Mr. SHAW) for having the courage to put his name at least on the talking paper when his colleagues could not see fit to put their name on a bill.

Mr. HERGER. Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Speaker, it is important to understand what is going on here. If Room 205, the House chamber, has the official Social Security surplus, $1.8 trillion over the next 10 years or $100 billion more than the President proposed in his budget for saving Social Security and Medicare. Under our safe deposit box, none of that money can be spent on anything else until we actually save Social Security and Medicare. For those who say that is not enough, Mr. Speaker, not enough, the gentleman from Texas (Chairman ARCHER) and the gentleman from Florida (Chairman SHAW) have already offered a proposal to save Social Security for 75 years and beyond, that costs far less than the $1.8 trillion over the next decade, leaving hundreds of billions of dollars for Medicare reform.

But in their zeal to prevent any tax relief for American people, the Democrat proposal would also freeze budget surpluses that have nothing to do with Social Security and Medicare. Apparently what we are saying, if you have a fiscal policy of the House Democrat leadership is that hard-working Americans who have paid too much in income taxes cannot get any of their money back. It all has to stay trapped in Washington until the government agrees on how to save Social Security and Medicare. The longer that takes, the less money there is to return to the taxpayers.

This proposal does not just prevent excess taxes from being returned in the form of income tax cuts. It also locks the money from being spent on building a stronger military, improving public schools, or protecting the environment.

The President said in his State of the Union address, we need to use the surplus wisely, including for such purposes. Is the Democrat leadership now telling the country those important goals do not matter? Or are the Democrats saying that, to the degree that issues other than Social Security and Medicare matter, we have to raise taxes to pay for them? Or are they suggesting we cut current government spending to pay for any new spending?
I seriously doubt it.

Finally, the Democrats’ motion states any legislation open to the President's veto should protect Social Security for at least 75 years. I welcome their use of this standard which the Social Security Administration says the Archer-Shaw plan achieves. Since the President’s plan the Democrats are drafting falls short of this 75-year standard, saving Social Security for only about 55 years, I look forward to hearing how the Democrats would fill in those final 20 years.

Until then, we should defeat the Democrat motion and get on with saving the Social Security surplus, to strengthen Social Security and Medicare without tying the rest of the government in knots.

In closing, our H.R. 1259 saves $100 billion over the President’s budget for Social Security and Medicare. My colleagues from the other side of the aisle were in power here in the House for 40 years, and guess how much money was set aside for Social Security? Zero. Nada. Not a single penny.

Mr. Speaker, this lockbox in H.R. 1259 is good legislation. It is good for Social Security. That is why H.R. 1259 is supported by the United Seniors Association, the Seniors Coalition, the 60 Plus Association, the Concord Coalition, and the U.S. Chamber of Commerce.

Mr. Speaker, last month the House and Senate passed the fiscal year 2000 budget resolution which committed to locking up 100 percent of Social Security. Now it is time to put that commitment into law.

I urge my colleagues to vote no on this motion to recommit and vote yes on H.R. 1259 and lock up Social Security for the future generations.

Mr. MOORE. Mr. Speaker, I rise in support of the motion to recommit with instructions.

The language contained in the instructions, which was introduced yesterday by my colleagues, Mr. HOLT, Mr. LUCAS, and me, offers our support of the Democratic motion to recommit, and I thank Mr. Rangel for offering it on our behalf.

The CONCORD COALITION APPLAUDS SOCIAL SECURITY LOCK-BOX PROPOSALS BUT WARNS THEY ARE NOT TAMPER PROOF

WASHINGTON.—The Concord Coalition today commended Social Security lock box proposals, specifically bills H.R. 1259 and H.R. 1227, for their efforts to lock away the Social Security surplus.

“Both bills will make it more difficult for Congress to pay for new spending or tax cuts by dipping into the Social Security surplus. While structured somewhat differently, either bill would provide an extra measure of protection for the Social Security surplus. I applaud the sponsors of both bills for their commitment to this issue and give extra credit to Congressmen Rush Holt, Ken Lucas, and Dennis Moore for their proposal to protect the entire budget surplus, over and above the Social Security surplus, until real entitlement reform is enacted,” said Concord Coalition Policy Director Robert Bixby.

While encouraged by the lock box proposals, the Coalition cautioned that their enforcement measure—a budget point of order—is not tamper proof. “Both lock box proposals make attacking the Social Security surplus subject to a budget point of order requiring additional votes. However, we only have to look at the number of yes votes for last week’s emergency supplement to Social Security as evidence that the enforcement mechanism is not tamper proof,” Bixby said.

For example, the Senate requires a super-majority of 60 votes to override a budget point of order. Last week’s emergency spending legislation received 64 votes, more than enough votes to waive a budget point of order.

“The Social Security lock box proposals have raised the important question of how we can best protect Social Security from any budget point of order. The Social Security surplus provides extra credit to Congress when our constituents ask us why Social Security and Medicare are facing financial failure. Let’s be honest with the American people. We must devise an honest approach to financing and strengthening the two systems.

The bill did not go through the normal legislative process so it does not have the enforcement provisions it could have had if the Ways & Means Committee was allowed to debate and amend it. Furthermore, we must stop blaming the President and take responsibility for enacting—or avoiding—responsible legislation. Not one dollar of taxpayer funds can be spent by the President unless Congress approves it. Finally, we must take this opportunity as a first step in real debate to strengthen Social Security and Medicare.

L. LET’S TAKE A LOOK AT PROCESS SO FAR WITH H.R. 1259

H.R. 1259 did not go through the regular Committee process. It was pulled from the Committees with jurisdiction and brought directly to the House floor without any normal deliberation.

The Republicans avoided sending H.R. 1259 through Ways & Means so the Committee was not able to debate or amend the bill prior to coming to the floor.

Had we used the normal Committee process, today’s bill might have the enforcement measures needed to address Medicare and Social Security’s insolvency problems. The Speaker promised to meet us halfway when he took office. He also promised to play by the rules. Neither promise has been honored in this case. Clearly, we will move back to regular order only when it is convenient to do so.

Had the Ways and Means Committee considered the bill, I would have offered an amendment to more clearly define what would qualify as “Medicare reform”. H.R. 1259 makes the “lockbox” provisions of the bill effective until Medicare and Social Security are saved. However, it does not define “saved.” This allows Congress to raise the age of eligibility, to force people into HMOs, and to reduce benefits as the money extends the financial life of the program.

Medicare is a vital program for our nation’s seniors and disabled populations. In my mind, reform cannot include reductions in benefits like some would like to achieve. Some Members may believe that this is an adequate definition of “saved” but I don’t. We cannot sacrifice the health and well-being of the American workers for the sake of balancing the books.

II. CONGRESS—NOT THE PRESIDENT—RAIDS THE TRUST FUNDS

I might point out that Social Security has already been taken “off-budget” by three separate public laws: by the Social Security Amendments of 1983; by the Balanced Budget and Emergency Deficit Control Act of 1985; and once more by the Budget Enforcement Act of 1990. If Congress has been able to circumvent the spirit of the law for this long, what makes us believe that anything will change this time around?

The GOP has been blaming the President for raiding the Social Security trust funds. This is simply not the case. This body is responsible for passing all spending bills. Just last week, we spent $12 billion for Kosovo in the Emergency Supplemental bill. Congress spent twice as much as the President requested for a war that the GOP refused to authorize.

May 26, 1999

CONGRESSIONAL RECORD—HOUSE
This is a clear case of hypocrisy. On the one hand, Congress doesn’t want to authorize the war, but on the other hand they spend an exorbitant amount on pork for the mission. On the one hand, Congress claims they want to save the budget surplus for Medicare and Social Security but right after they spend it on a war they don’t support.

Let’s be honest, Congress controls the spending and they have always been able to control whether it goes for needed programs like Social Security and Medicare or programs like the National Missile Defense system.

III. STRENGTHEN SOCIAL SECURITY AND MEDICARE

I agree that there should be a lockbox for Social Security and Medicare. But I want all surpluses to be used for these programs. First and foremost we must strengthen Social Security and Medicare and ensure their solvency. Before any tax bills are brought to the floor of the House, we must guarantee the American people that their Old Age, Survivors and Disability Insurance is as strong as they need it to be for a happy and healthy retirement. We must guarantee them that their health care needs will be met with quality in their golden years.

We must lock up all of the budget surpluses until these two systems are strengthened through bipartisan legislation. The big tax cut for the wealthy must be postponed until the American worker is assured that his or her health and retirement insurance is safe for years to come.

The only way to do this is by giving this bill some teeth. We must send this bill back to the Senate for the long-term.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

The motion to recommit was rejected.}

Mr. RANGEL. 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. 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.

Mr. RANGEL. 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. 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.

Mr. RANGEL. 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. 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.

Mr. RANGEL. 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 (Mr. LATORRETTA). The resolution is not debatable.

**CONCURRENT RESOLUTION—HOUSE**

May 26, 1999

The SPEAKER pro tempore. The question is whether the House shall reassemble pursuant to section 2 of this concurrent resolution by its Majority Leader or his designee, as above recorded.

The SPEAKER pro tempore. For the purpose of voting on the above resolution, does the House adjourn?
CONGRESSIONAL RECORD—HOUSE

May 26, 1999

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 902

Mr. PHELPS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to H.R. 902.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON.

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13074 of May 26, 1997.

WILLIAM J. CLINTON.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13074 of May 20, 1997.

WILLIAM J. CLINTON.

Communication from the Clerk of the House

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:
January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHY I AM A REPUBLICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, many times when my colleague, the gentlewoman from Wyoming (Mrs. CUBIN), and I are back in our districts, we have constituents who ask us, “Why are you a Republican?” Tonight the gentlewoman from Wyoming and I are going to address that question.

For me as a Hispanic woman who is a refugee from Communist Cuba, I know that our Republican party is the party which is most likely to stand up for individual liberty both abroad and here at home. But the fact is that our party’s message of smaller government, of less bureaucratic regulation and lower taxes has got to get through to the individuals that it will help the most, small business owners, women and minorities.

This vision, which is shared by the vast majority of Republicans, is simply one of practical, commonsense, limited government which has made our country the beacon of liberty to the world.

It is based on simple principles, simple principles that say that government cannot solve all of our problems, that individuals need to be held accountable for their actions and for their choices in life, that Washington does not always know best, principles that say that the free market is the greatest engine of prosperity in the history of the world, that no nation in history can be successful without strong families and strong values, a principle which says that peace is best preserved by a strong national defense, that America must stand up against Communist tyranny and resist the same sad, sad evil regimes which extinguished the freedom and the hope of their people.

Mr. Speaker, a great number of my constituents know about having their freedom extinguished, about having their hopes destroyed and their lives held in bondage based on their personal experiences with totalitarian regimes from Castro’s Cuba, to Cedras’ Haiti, to Hitler’s Europe. The thousands of people, for example, who have fled Fidel Castro’s Communist regime are in little doubt about the nature of his lies. Where I come from there is not much confusion about the false promise of socialism, the reality of a one-party State or the empty slogans mouthed by leaders who use words to hide their true agenda. We are under few illusions, and we have little tolerance for those who are apologists for corrupt and dictatorial Communist regimes.

So for me the choice to become a Republican was easy. The Republican party values liberty in its realistic world view, a world view that is not given to pie in the sky schemes to manipulate human nature, to make everyone fit a cookie cutter mold or to blame others for our failures. No, our vision is simply one given to us in the Constitution and in our Bill of Rights.

Taking the Constitution as our framework and trusting experience over the social experiments dreamed up by Washington bureaucrats, I stand today for the same principles that I have been standing for my entire adult life. I think that average Americans are overtaxed, that the middle class, hard-working Americans are not getting their tax dollar’s worth. I think that small businesses are the backbone of America and that entrepreneurs should be encouraged, not penalized, and certainly not demonized for the so-called crime of creating jobs and for producing prosperity.

The facts show that small business have always provided the best way for women, for minorities and for immigrants to achieve the American dream. I think that our public educational system is nearly broken, but I do not think that what all schools today can be fixed is Washington, D.C. If it could, I think that we would have done it long ago and many billions of dollars and thousands of bureaucrats ago. I think that Social Security and Medicare are vital programs for millions of seniors who depend on them but that we will be shortchanging our current and future seniors if serious reforms are not enacted soon.

I would also like to add that I supported our successful effort to balance the budget so that long-term solvency of these programs will be insured and that we will have a retirement system that will protect seniors into the next century.

I think that Ronald Reagan was right, that military strength, not fine words or unwise arms control agreements with evil regimes is the key to preserving the peace, and I think that we should not take our freedoms for granted, a freedom that is all too rare in the world, a freedom that does not exist in Cuba or China or in North Korea and so many other lands which are untouched by the democratic spirit.

Mr. Speaker, that is what I stand for, and that is why I stand before my colleagues today as a proud Republican and a proud citizen of the greatest country on this earth, and that is why I know that the Republican party is going to grow and grow because it stands for the very principles that founded our great country.

WHY I AM A REPUBLICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wyoming (Mrs. CUBIN) is recognized for 5 minutes.

Mrs. CUBIN. Madam Speaker, as a Member of Congress and a woman, I am frequently asked why I am a Republican. After all, we all know about the gender gap. As a woman, a wife and a mother of two sons, my values and beliefs are the beliefs that are mirrored in the traditional ideals of individual freedom and personal responsibility. The Republican party best reflects my values and opinions.

I believe the strength of our Nation lies with the individual, and each person’s dignity, freedom, ability and responsibility must be honored. I believe in equal rights and equal opportunity for all; that every single child has a right to live in an environment where they can achieve their fullest potential. I believe that free enterprise and the encouragement of individual initiative have brought prosperity, opportunity and economic growth to our country. I believe that the government must practice fiscal responsibility and allow individuals to keep more of the money that they earn.

I believe that the proper role of government is to provide for people only those functions that they cannot perform for themselves, and that the best government is that which governs the least. I believe the most effective, responsible and responsive government is the best for the people and closest to the people.

I believe Americans must retain the principles that have made us strong while developing new and innovative ideas to meet the challenges of a changing world. I do believe that Americans value and should preserve our national strength and pride, while working to extend peace, freedom and...
human rights throughout the world. Finally, I believe that the Republican Party is the best vehicle for translating these ideas into positive and successful principles of government.

As America faces tragedies like the shootings that we have seen across the country in the last few months, I remain even more convinced that a return to traditional values and personal responsibility that made this country great are absolutely essential. I think President Reagan said it best when he said, We must reject the idea that every time a law is broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions.

As a wife, a woman, a mother of two sons, I believe that only a return to values and personal responsibility will end this sort of violence. That is why I am a Republican.

FULLY FUND THE E-RATE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the Rules of the House.

The SPEAKER pro tempore (Mrs. Wilson). The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the Rules of the House.

CONGRESSIONAL RECORD—HOUSE May 26, 1999

FUND THE E-RATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Fossella) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, I rise this evening to talk about the E-Rate. I strongly urge my colleagues to fund the Universal Service Fund program for schools and libraries, commonly called the E-Rate. The E-Rate has successfully helped provide equal access to opportunity and education for school children and the public at large.

In just 18 months, the E-Rate has connected over 600,000 classrooms in over 80,000 schools and libraries across this great Nation. At a recent roundtable discussion that I held in my district with educators, I asked principals and superintendents in my 7th congressional district, what is the one thing I can do right now in Congress to help education, and unanimously they said, continue the E-Rate program. Do not let the E-Rate program die, do not let it diminish. It is effective, it is working. It is connecting our schools to the future.

Most importantly, the E-Rate program enables all schools and libraries to provide Internet access to children, regardless of their means. For most schools and libraries, the cost of both telephone and Internet access is cut in half, and for some of our most poorest schools, access will be almost free, almost free.

The E-Rate is helping to close the digital divide. Children in the most isolated inner city or rural town will have access to the same expansive knowledge and technology as a child in the most affluent suburbs.

This House supported this program in 1996 and should continue to support this program today, especially because of the scope and influence of the Internet on our children's lives.

Recently, surveys have shown that the American public strongly supports the introduction of information technology into our Nation's schools and libraries. A nonpartisan poll was commissioned by EdLINC and conducted by Lake, Snell, Perry and Associates and the Tarrance Group. The results of this poll are impressive and send a clear signal that the American people support the concept of the E-Rate.

Madam Speaker, 87 percent of Americans support discounts to schools and libraries. Eighty-three percent of Americans think that access to the Internet in schools and libraries will improve educational opportunities for all Americans. Eighty-seven percent of Americans support continuing discounts for libraries and schools. Seventy-nine percent of Americans believe that PCs are an effective alternative for teaching subjects such as math and reading.

Tomorrow the FCC will vote on the funding level for the Universal Service Fund for America's schools and libraries for the year beginning July 1, 1999. I urge every member of this House to lend their support to fully funding the E-Rate program.

JOHN HART: ONE OF AMERICA'S TREASURES

Mr. CROWLEY. Madam Speaker, I just want to shift gears for a moment. We all know there is a very, very important weekend coming up and that is Memorial Day. During Memorial Day, we celebrate and commemorate all of those who fought for the saving of this country in all our war wars. In particular, I just want to mention a good friend of mine, a neighbor, a mentor of mine as I was growing up, Mr. John Hart, actually my next door neighbor. I am proud to say that this weekend John Hart will be the grand marshal of the Woodside, Queens Memorial Day Parade.

John Hart is one of America's treasures. He served our country in World War II and saw action in Europe. He came back from that war and he and his wife, Pat, raised four children in the community. John, like so many other Americans who gave of themselves that we might be free, is still alive today and is having an opportunity to walk amongst his fellow citizens in Woodside so that they can show their appreciation for him.

So when my colleagues are eating hot dogs and hamburgers and having corn on the cob this weekend, think of John Hart and think of all of those men and women who gave so much of themselves so that we today are free.

UNITED STATES' NATIONAL SECURITY COMPROMISED BY CHINESE ESPIONAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Fossella) is recognized for 5 minutes.

Mr. FOSSELLA. Madam Speaker, I would like to compliment my colleague and friend from New York (Mr. Crowley) and congratulate Mr. Hart as well. Memorial Day is I think often taken for granted in this country, and it is an opportunity, however, for most of us to appreciate and demonstrate our appreciation to those who were willing to give their lives for our country, too many of whom made the supreme sacrifice, physically, mentally scared for life. So I compliment those in Woodside, Queens and of course in Staten Island where I believe it is an appropriate opening to what I wanted to talk about tonight.

I will read my colleagues a little clause here. "The People's Republic of China has stolen classified design information on the United States's most advanced thermonuclear weapons. The stolen United States' nuclear secrets give the People's Republic of China design information on thermonuclear weapons on par with our own."

So begins the United States national security and military commercial concerns of the People's Republic of China from the Select Committee, commonly known now as the Cox Report that was declassified in the last couple of days.

Madam Speaker, we talk about a lot of things here in Washington, and clearly, many of them are important and affect everybody across this country. But I think to me and so many others here, there is nothing more vital than protecting our national security. Frankly, I think if any American can, they should read the Cox report. What I am going to do is just read some out-takes from this.

"The stolen information includes classified information on seven U.S. thermonuclear warheads, including every currently deployed thermonuclear warhead in the United States ballistic missile arsenal. The stolen information also includes classified design information for enhanced radiation weapons, commonly known as the neutron bomb, which neither the United States nor any other Nation has yet deployed. The People's Republic of China has obtained classified information on the following United States thermonuclear warheads, as well as a number of associated reentry vehicles, the hardened shell that protects the thermonuclear warhead during reentry."
might add, this Cox Committee was a bipartisan committee, Democrats and Republicans in the House of Representatives, and clearly demonstrates, for example:

"The People's Republic of China has stolen United States design information and other classified information for neutron bomb warheads. China has stolen classified U.S. information about the neutron bomb from a U.S. national weapons laboratory. The United States learned of the theft of this classified information on the neutron bomb in 1996," and practically nothing was done.

"The Select Committee judges that if the People's Republic of China were successful in stealing nuclear test codes, computer models and data from the United States, it could further accelerate its nuclear development. By using such stolen codes and data in conjunction with the high performance computers already acquired by the People's Republic of China, the PRC could diminish its needs for further nuclear tests to evaluate weapons and proposed design changes."

The small warheads that we talk about, multiple warheads, will make it possible for the People's Republic of China to develop and deploy missiles with multiple reentry vehicles. Multiple reentry vehicles increase the effectiveness of a ballistic missile force by multiplying the number of warheads, and a single missile can carry as many as tenfold.

Multiple reentry vehicles also can help to counter missile defenses. For example, multiple reentry vehicles make it easier for the People's Republic of China to deploy penetration aids with its ICBM warheads in order to defeat antismissile defenses.

At the beginning of the 1990s, the People's Republic of China had only one or two silo-based ICBMs capable of attacking, attacking the United States. Since then, the People's Republic of China has deployed up to two dozen additional silo-based ICBMs capable of attacking the United States. That is 24 additional silo-based ICBMs; has upgraded its silo-based missiles and has continued development of three mobile ICBM systems and associated mobile, thermonuclear warheads, something they never had.

Even though the United States discovered in 1995, in 1995, that is almost four years ago, that the People's Republic of China had stolen design information on the W-88 Trident D-5 warhead and technical information on a number of U.S. thermonuclear warheads, the White House has informed in response to specific interrogatories probed by the committee that the President was not briefed about the counterintelligence failures until 1998.

Madam Speaker, this is just a disgrace, and unless something happens, we should not be here today discussing anything else until our national security is protected.

WHY I BECAME A REPUBLICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Fowler) is recognized for her 5 minutes.

Mrs. Fowler, Madam Speaker, I became a Republican because of the party's long-held principles. The Republican Party was founded on two fundamental issues: free land and abolishing slavery. Since that day, the party embraced the role of leader and never shied away from taking the challenge of taking an unpopular and difficult stance. From striving successfully to abolishing slavery to being the vanguard in the struggle for women's right to vote, the Republican Party has constantly forced all Americans to reevaluate the role of individuals and the role of the government.

I have always believed in individuals. We have an abiding faith in the idea that individuals and local communities can accomplish more than a distant Federal Government, a government that tends to become large, bloated, and wasteful, as ours has.

As the great Republican statesman, Abraham Lincoln, said, "The legitimate object of government is to do for a community of people whatever they need to have done but cannot do at all, or cannot so well do, for themselves in their separate and individual capacities. In all that people can individually do as well for themselves, government ought not to interfere."

There is a role for the government. Imagine an individual trying to build a freeway alone. But it is a role that should be limited.

Republicans believe the most effective government is closest to the people. After all, who knows more about educating our children, us and our child's teacher, or a distant bureaucracy across the country in Washington, D.C.?

I chose the Republican party because I believe that each American citizen can know best and that they will make the best decision for themselves, and they will make the wisest choices. Whether it is how to spend their hard-earned money or how to spend their time, they should be in charge.

The Republican party's economic policies of lower taxes and less government have reduced interest rates and sent the stock market soaring, yet inflation has remained stable. Thanks to these smart policies, every one of us is enjoying the largest sustained peace-time expansion ever.

Our commonsense agenda and leadership has produced a healthy and strong economy. Job opportunities have increased significantly, unemployment is down, the budget is balanced, and because of our welfare reform, tens of thousands have moved from the welfare rolls to the payrolls.

I have to say, while I firmly believe that all issues are women's issues, and I resist the popular tendency to view women as a monolithic group in politics or anything else, I still must emphasize the Republican party's accomplishments with regard to women in politics.

I want to take Members back to 1896, when it was the Republican party who became the first major party to officially favor Women's Suffrage. That year Senator A.A. Sargent, a Republican from California, introduced a proposal in the Senate to give women the right to vote. It was defeated four times by a Democratic Senate, and it was not until the Republicans would gain control of Congress that it was finally passed in May of 1919.

The first woman to serve in Congress was a Republican, Jeannette Rankin of Montana.

In 1940, the Republican party became the first major political party to endorse an Equal Rights Amendment for women in its platform.

In 1953, Republican President Eisenhower appointed the first woman Secretary of the Department of Health, Education, and Welfare, and the first woman ambassador to a major power.

In 1964, Republicans were the first major American party to nominate a woman for president, Senator Margaret Chase Smith of Maine.

In 1981, Republican President Reagan appointed the first woman Supreme Court Justice and the first woman U.S. representative to the United Nations.

In 1983, Republican President Reagan had three women serving concurrently in his cabinet, the first time in the history of this country.

Currently, Republican women chair a record seven House subcommittees and three Senate subcommittees. I serve as a deputy majority whip, along with two other women, and as a newly elected Vice Chairman of the Republican conference, I am now the highest ranking woman in the House elected leadership. The gentlewoman from Ohio (Ms. Deborah Pryce) serves as Conference Secretary.

In the 106th Congress, Democrats have no woman in their elected leadership.

We are working hard to ensure that each American has a safe, secure, and positive future.

ASTHMA AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. Morella) is recognized for 5 minutes.

Mrs. Morella. Madam Speaker, I am a Republican woman Member of the
The other thing it has gotten us is a $1.7 trillion annual budget because of a Washington gimmick known as baseline budgeting. Each year we have increases that are built into the budget. Nobody else in America has to get the budget that way, but here in Washington, that is what we do.

The tax burden in this country is at the highest level since any time since 1945, where every American essentially works 2 hours and 51 minutes of every working day just to pay the cost of government.

Last fall we had a debate here as we got to the end of the year, and of course, as usual, we had not done our work. We had not completed the appropriations process, so everything was wrapped into this huge omnibus continuing resolution which was some $600 billion in debt. It had not even seen, let alone read, done in the middle of the night with a handful of people, and we are asked to vote on it.

This is a process which begs and cries out for reform. We are the guardians here of the public trust in Washington. This is a national tragedy. The American people ought to get engaged on this issue, because there is nothing that we could do that would more fundamentally change the way Washington operates and the way the taxpayer dollars are spent than for us to reform the budget process.

The American people need to be engaged, because it is their money we are talking about. We go about it with the process that we have in place today, and frankly could make the argument that if we had the political courage to do that would more fundamentally change the way Washington operates and the way the taxpayer dollars are spent than for us to reform the budget process.

There is a proposal on the table this year to reform the budget process. The gentleman from Iowa (Mr. Nussle), this is a bipartisan bill, and the gentleman from Maryland (Mr. Cardin) have come up with a proposal to reform the budget process. Last year I was a cosponsor of the bill of the gentleman from California (Mr. Chris Cox) that will, I believe most of us had not even seen.

There is a bias towards higher spending.

But we need safeguards that protect the American people. We need to see that we have an emergency reserve contingency fund, so we do not end up at the end of every year having to come up with an omnibus emergency disaster bill and not get the process done or the bills done in a timely and orderly way.

We need to have some enforcement in the budget process, so that when we have the revenue, that it is binding, not only upon us but upon the administration.

We need to have this debate about the budget earlier in the process, so we
Mr. PALONE. Madam Speaker, it is very important that we keep up the pressure in this House to pass HMO reform.

Despite the overwhelming support among the American people for HMO or managed care reform, the Republican leadership continues to let the issue languish. We still have no indication when or even if they will allow the Patients' Bill of Rights to come to the House floor for a vote.

The reason for this activity is the same as it was last year. The Republican leadership cannot figure out how they can pass a good managed care bill without alienating the insurance agency.

So instead of doing what is right and best for the American people, they are once again appeasing the insurance industry and hoping an answer to this problem will magically fall from out of the sky.

Unfortunately, Madam Speaker, as the leadership sits and waits and does nothing, the shortcomings of the system continue to forever change the lives of countless Americans. We need only to turn on the TV or open the newspaper to see this.

I would like to use one example here tonight, and that is the issue of emergency room care. Earlier this month, USA Today ran an editorial on this issue. It was called ‘Early Last Year’.

It mentions that a Seattle woman began suffering chest pains and numbness while driving. The pain was so severe that she pulled into a fire station seeking help only to be whisked to the nearest hospital where she was promptly admitted.

To most, that would seem a prudent course of action, but not to her health plan. It denied payment because she did not call the plan first to get preauthorized, according to an investigation by the Washington State Insurance Commissioner.

I mentioned this editorial, Madam Speaker, as an example of the problems people have with their HMOs in terms of access and paying to for emergency room care.

Let me just go on to talk about this editorial again. The editorial says that this incident is typical of the numerous bureaucratic hassles patients confront as HMOs and other managed care companies attempt to control costs.

But denial of payment for emergency care presents a particularly dangerous double-whammy. Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford.

The editorial in USA Today goes on to suggest a solution to the problem, noting that a national prudent layperson standard law covering all health plans would help fill in the gaps left by the current patchwork of State and Federal laws.

Democrats have been basically making this point about managed care for a long time. We know that people have had problems with their HMOs if they did not seek preauthorization. They are told to go to a hospital emergency room a lot further away from where they live or where the accident occurred, or, as in this case that I just mentioned, the actual payment afterwards is denied because they did not seek preauthorization, which seems nonsensical certainly in the context of emergency room care.

One only goes to an emergency room if it is an emergency. If one has to get preauthorization for it. It really is not an emergency. That is the dilemma that more and more Americans face, that their HMO plan does not cover emergency room care.

The Democrats, in response to this, have introduced a bill called the Patients' Bill of Rights. Basically what we do in the Patients' Bill of Rights is say that the prudent layperson's standard applies.

In other words, if the average person, the average, prudent person, if you will, suffered chest pains or they had a problem that necessitated going to the local emergency room, then they can go to the emergency room that is closest by, and the HMO has to pay, has to compensate for that care, has to pay for that emergency room care.

In the last Congress, we, the Democrats, tried to bring up the Patients' Bill of Rights. The Patients' Bill of Rights provides a number of patient protections in the context of emergency room care, but access to specialists.

It basically applies the principle that says, if particular care is necessary, medically necessary, and in the opinion of one's doctor is medically necessary, then it is covered; and the HMO has to cover that particular type of care.

In the last Congress, the Republican leadership did not hold a single hearing on the Patients' Bill of Rights or even on an alternative managed care bill that they had proposed.

So what we had to basically, was to seek what we call a discharge petition. We had to have a number of our colleagues come down to the well here and sign a discharge petition that said that the Patients' Bill of Rights should be allowed to come to the floor.

As we reached the magical number that was necessary in order to bring the Patients' Bill of Rights to the floor, the Republican leadership finally decided that they would bring their own managed care reform bill to the floor.

But so far, we have nothing but stalling tactics from the Republican leadership.

So what we have had to do again, and starting tomorrow, is to file a rule allowing for a discharge petition to be brought up and have as many Members of Congress come down to the well in a couple of weeks and sign this discharge petition in order to force the Republican leadership to bring the Patients' Bill of Rights to the floor.

It should not be that way. It should not be necessary that, in order to achieve HMO reform, that we have to sign a petition as Members of Congress to bring it up. It simply should be brought up in committee. There should be hearings. It should be voted on in committee to come to the floor. But so far, we have nothing but stalling tactics from the Republican leadership.

I mentioned the example of emergency room care. But there are a lot of other examples that we can mention about why we need patient protections.

In the context of the Patients’ Bill of Rights, why we need patient protections, why we need the Patients’ Bill of Rights.

Let me just give my colleagues another example, though. We have a Democratic Task Force on Health Care, which basically put together the Patients' Bill of Rights. We had some hearings on the Patients' Bill of Rights in the context of our Democratic Health Care Task Force because we could not get hearings in the regular committees of the House because of the opposition from the Republican leadership.

I just wanted to mention another example because I think it is one of the most egregious that came before us.
when we had this hearing. We invited a Dr. Charlotte Yeh, who is a practicing emergency physician at the New England Medical Center in Boston. She told our task force about a boy whose leg was seriously injured in an auto accident. At a nearby hospital in Boston, emergency room doctors told the parents he would need vascular surgery to save his leg and that a surgeon was ready at that hospital to perform the operation.

Unfortunately for this young man, his insurer insisted he be transferred to an in-network hospital for the surgery. His parents were told, if they allowed the independent external appeals process to determine whether vascular surgery was warranted, their son's HMO would pay for it. They agreed to the move. Surgery was performed 3 hours after the accident. By then, it was too late to save the boy's leg.

Dr. Yeh went on to express her very strong support to making the prudent layperson's standard the national standard for emergency room care. As I said before, basically the prudent layperson's standard says, if one does go to the emergency room to seek treatment under conditions that would prompt any reasonable person to go there, one's HMO would pay for it.

But in addition to the prudent layperson's standard, Dr. Yeh also emphasized the need to eliminate restrictive prior authorization requirements and the establishment of post-stabilization services between emergency physicians and managed care plans.

The Patients' Bill of Rights includes all of these provisions of the superintendent. If I could for a minute, Madam Speaker, just run through some of the protections that are included in the Patients' Bill of Rights, it guarantees access to needed health care specialists, very important. It provides, as I said, access to emergency room services when and where the need arise. It provides continuity of care protections to assure patient care if a patient's health care provider is dropped.

It gives access to a timely internal and independent external appeals process. Let me mention that for a minute. If one is denied care right now because a particular type of treatment is needed, well, most of the times, under current law, there is no appeal other than to the HMO itself; and they of course routinely deny the appeal because, for them, it is largely a cost issue.

What we are saying in the Patients' Bill of Rights is that that person should be able to go to an external appeal, someone outside the HMO, or a panel outside the HMO that would review the case and decide whether or not that care should be provided and paid for by the HMO.

In addition, what we say is that, if one has been damaged for some reason, God forbid, that one needed some kind of procedure or one needed to stay in the hospital a few more days and the HMO refused to allow that and, as a result, one suffered injury and damage, then one should be able to bring suit in a court of law and recover for those damages.

Most people do not realize that option does not exist today for a lot of people who are in HMO plans because the Federal Government has said that, in the case of people covered by a Federal plan or where the Federal Government has usurped or preempted the State law for those who are mostly self-insured by their employer, that there is no recourse to seek damages in a court of law. That is not right. It is not right.

Someone should be able to sue for damages and sue the HMO if they have been denied care and if they have been hurt or damaged as a result of that.

Just to mention a couple more things, we also have in the Patients' Bill of Rights, we assure that doctors and patients can openly discuss treatment options, because, oftimes, HMOs tell the doctors they cannot tell about treatment options that are not covered, the so-called gag rule.

We assure that women have direct access to an OB/GYN. As I said, we provide an enforcement mechanism that ensures recourse for patients who have been maimed or die as a result of health plan actions.

There are a lot more things that we can go into, and we will tonight; but I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), who has been outspoken on this issue and has oftentimes talked about how in her own State of Texas a lot of these protections exist. They exist in Texas. They should exist nationally.

Ms. JACKSON-LEE of Texas, Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his persistent leadership on the issue.

He is very right. Some two sessions ago, the legislative team or the legislative body and houses of the State of Texas voted a bipartisan Patients' Bill of Rights and one that has been effective in assisting the individuals of my State in better health care. We can always do better, however.

I think to follow up on the gentleman's line of reasoning about the discharge petition, I think it is important to note that what we are doing with the discharge petition is something that most Members would rather not have to procedurally utilize. It is really a cry of anguish and frustration as well as an emphasis on the national, if you will, priority that this issue deserves.

We have done it with campaign finance reform, which the American people over and over again have indicated that it is high time to get special interests out of politics. We are now doing it and have done it in the past with the Patients' Bill of Rights because we have seen the response by the American people.

In fact, I just recently saw, about 2 weeks ago, a poll done that indicated the high level of frustration with HMOs by the American people, just an enormous amount of frustration, not with the physicians who have already said get the business or the insurance companies out of my health care, if I have it correct in their phraseology, let me be a physician, a nurturer.

But the American people have now spoken. So this discharge petition is a response to the fact that we have a crisis. We have a road of no return. We have no light at the end of the tunnel.

The American people are over and over speaking about the need to be able to make personal decisions about their health care with their physicians. We already understand the value of efficiency. We already under the value of making sure that we do not wastefully spend monies that are not necessary, unnecessary procedures, or unnecessary equipment, if you will. I can think of a box of tissues that showed up on a bill more than 10 times or so. We have already gone through that.

I think the American people, the Congress has addressed the question of waste. So waste is not an issue. The issue is what kind of care are we giving our patients and those who work every day and deserve health care.

I think that there is something so pivotal to the relationship and the confidence that people would have in their HMOs and their health care; and that is to be able to go somewhere and say, "Doctor, I have a pain", to the emergency room, "I have a severe pain", and being considered legitimate in one's expression.

The Democratic Patients' Bill of Rights allows for severe pain to be established as a legitimate reason to be able to go to the emergency room.

Why is this so very important? My colleague already evidenced where there was a situation where there was something wrong where a young man's leg could have been saved if they only had not shipped him from one place to the other 3 hours later.
What about a situation where it is not possible that there is something very tragic happening? My example is that I offer to my colleagues is not the same. But a very outstanding member of our committee, someone who did not think that they were sick and went with their spouse to the emergency room. Unfortunately, they were not a familiar emergency room, not one maybe in their neighborhood, experiencing pain, and they had to sit down.

Now, this is not directly. But it shows what happens when we have delayed circumstances with hospitals because they are checking on their HMO rather than the ability to go to the nearest emergency room because of an expressed pain. And of course, they had to take time checking whether they were at the right place.

And behold, that individual had a massive cardiac arrest and did not survive. The tragedy of the family having to be delayed with paperwork, “where is your identification? do you belong here?” realizing that they had some coverage but they had to deal whether they were at the right location.

The Patients’ Bill of Rights that we, as Democrats, are offering deals with these kinds of delays because it provides them the opportunity to be at almost any emergency room if they have a severe pain and they can be covered.

I listened as there were discussions on the floor of the House earlier about the values between the Democrats and the Republicans, more particularly the Republican Party. I want to remind the gentleman from New Jersey (Mr. PALLONE) that we are always to be counted upon. I believe, when there are crises around survival.

I am reminded of Franklin Delano Roosevelt and Social Security. Social Security now is the infrastructure, is the backbone of survival for our senior citizens. I am very proud that a Democratic president saw that it was crucial to deal with this issue. And it has survived.

Lyndon Baines Johnson saw the great need in providing senior citizens with a basic kind of coverage so that they would have the ability to have good health care, Medicare. And although we are in the midst of trying to fix and extend Social Security and Medicare, these two entities have withstood the test of time.

Unfortunately, the Republican bill dealing with the Patients’ Bill of Rights does not allow people with chronic conditions to obtain standing referrals. Our Patients’ Bill of Rights does. The Republican bill purports to prohibit gag clauses but in reality does not do such things, and that is that they cannot have the ability of doctors talking about their health care and, therefore, keeping information away from both the patients and another doctor about what is transpiring with their condition.

The Republican bill does not require plans to collect data on quality. Our Patients’ Bill of Rights does. And the Republican bill does not establish an ombudsman program to help consumers navigate their way through the confusing array of health options available to them.

The other thing that is so very important to many women who I have met in my district is that it does not, whereas ours does, the Republican bill does not allow women to choose their OB-GYN as their primary care provider. That is key in the private relationship between physician and patients.

Let me say, as well, in closing to my friend from New Jersey, I would like to again thank him for consistent and persistent leadership dealing with getting this bill. It is important to let the American people know that we do not bypass procedures.

I remember 2 or 3 or 4 years ago having hearings out on the lawn about Medicare. We were so serious about the issue that we could not get hearings here in the Congress, that we as Democrats would be out on the front lawn. We may be relegated to this.

I know there have been a number of hearings dealing with this particular issue. But we have been bogged down by the allegations that we have lifted up this right to sue and medical necessity and that these are issues that are maybe holding us back. And I think people should understand that this is not an issue of attack, this right to sue. This is not to encourage frivolous litigation.

But even the physicians who two-to-one have supported and are supporting the Democrats’ Patients’ Bill of Rights have said, “We are sued. Sometimes we are blocked from giving good health care or providing a specialist because someone far away with a computer is saying ‘you cannot do it.’”

Why should they be vulnerable and the actual decision was made by an HMO, an insurance company, or someone looking at the bottom line and not looking at good health care?

I think America deserves better. And I would just simply say that all the people who have suffered, the loved ones, because of countless deaths, my fear of an injury being in the United States Congress, why should I be in fear? Because it still happens to any one of us that would be confronted with the choices of an emergency room that would say they are not eligible to come in here. This is a fear that happens more to our constituents that have no other options.

I think this is a time that we take the time out as we are moving to discuss passing gun safety laws that should be passed this week. I voted against adjourning because we have so many things to be doing. It is important that we get the Patients’ Bill of Rights here to the floor of the House we have heard debate on Philadelphia.

I am convinced that we will draw many of our colleagues on the other side of the aisle when they see the reasoning on our debate on this issue that the Patients’ Bill of Rights is only fair for all Americans. Because we deserve and they deserve and frankly this Nation deserves the best health care we can possibly give.

We have got all the talent, but we do not have the procedures to allow them to have it. I hope our colleagues will sign the discharge petition. It is not something we do lightly. But we have a problem here. American people are losing faith, and I think now is the time for us to respond to that.

Mr. PALLONE. Madam Speaker, I want to thank the gentlewoman and particularly emphasize again what she said about the extraordinary nature of the procedure of the discharge petition. And it is unfortunate.

As my colleague mentioned, there are major differences between the Democrats’ Patients’ Bill of Rights and the Republican leadership bill, which we know is really defective in terms of providing patients’ protections compared to what the Democrats have put forward.

The bottom line is that the Republican leadership refuses to bring any bill up. So it is not even a question, as my colleague pointed out, whether this is a good bill or bad bill. They just refused to bring the issue up and let us have a debate on the floor of the House of Representatives.

We had the same problem last year. We had to use this discharge petition. As my colleague knows, back a month ago, I guess in April around the time of Easter and Passover, we actually had our Republican colleagues in Philadelphia with a number of us and start this whole national petition drive on the Internet to show how many people supported bringing up the Patients’ Bill of Rights.

Since that time, a number of us on the Committee on Commerce, and I see my colleague the gentleman from Texas (Mr. GREEN) is here, also on the Committee on Commerce, have pleaded and sent letters to the Republican leadership and our committee asking that they have hearings and mark up this legislation or any legislation related to HMOs, managed care reform.

So far, we have been told we will have no hearings sometime this summer. Well, that is a long time. That brings us into the fall. And if there is no action on this because we are having hearings all summer, that is not going to solve the problem. So we have no recourse, essentially, other than to go to the discharge route. That is what we are doing. And it is extraordinary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman would yield,
I am glad he reminds me. While he was in Philadelphia, as he well knows, we agreed, if you will, to not go just upon our position as our opinion and a lot of us were in our districts.

So I do want to share with my colleagues that I was at the Purview A&M School of Nursing; and two-to-one, the nursing staff professional staff, students, joined in signing on-line for the Patients’ Bill of Rights. I understand that all over the country people joined voluntarily to say that we needed to pass this.

I think that was a very important point that my colleague made. So we are not just here speaking on our personal behalf or we are not trying to get a discharge petition because we are over anxious for personal legislation to pass. But I tell my colleagues, everywhere I go in my district, and I have talked to my colleagues, people are talking about getting some fair treatment with HMOs and needing our assistance, and I think that is important to bring to the floor’s attention.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON), who is one of the co-chairs of our Health Care Task Force.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding.

I want to thank him also for the leadership. And I like the word that the gentlewoman from Texas (Ms. JACKSON-LEE) used, his “persistent” leadership, his dogged persistent leadership, his patient leadership. It takes all of that to get an issue of this magnitude in the consciousness of us. So I want to thank him for that.

Madam Speaker, when a child suffers with a disease that can be cured, should that decision on whether to provide the needed treatment be made by a doctor or the child’s parents or by a bureaucrat who is counting dollars and dimes?

When a wife and mother undergo surgery for a mastectomy and the anesthesia has yet to wear off, should she be forced to leave the hospital that very day because of a rigid routine that puts saving money and sparing pain and suffering?

When a husband and father forced to go to the emergency room is unable to get approval from his insurance provider, the very provider he pays for insurance, should he be required to pay the medical bill himself?

When a grandparent is stricken with a life-threatening stroke, should those transporting him to the hospital emergency care be forced to pass one hospital to go to one farther away because narrow thinking people are more interested in crunching numbers and saving lives?

These are not rhetorical questions. They are not even hypothetical situations. These are real-life examples of what can happen to anyone, in fact, what is happening all too often across this country under the current Federal law.

So that is the reason we need the Patients’ Bill of Rights. The Patients’ Bill of Rights effectively provides basic and fundamental rights to patients. The Patients’ Bill of Rights provides real choices because patients are entitled to choose their health care provider and treatment decisions are made by the patient’s doctor and not the insurance company bureaucrat.

The Patients’ Bill of Rights that we are talking about provides real access. Managed care plans are required to ensure timely and necessary care. Patients would also have the right to go to the emergency room when they need to without prior authorization.

The Patients’ Bill of Rights actually provides open communication between their doctor and the patient. Physicians are free to discuss any and all aspects of their care with the patient. That is what we are trying to guarantee in the Patients’ Bill of Rights. That is why we need health care now and we need health care protected by the Patients’ Bill of Rights.

This is not an isolated issue. This is a national challenge. However, our national challenge does not stop here. We have an even deeper-rooted problem. Approximately 45 million Americans are uninsured. The numbers of Americans without health insurance has grown by nearly 10 million over the past decade.

A smaller share of Americans have health insurance today through their jobs than 10 years ago. And even more would be uninsured if it were not for the extension of eligibility under the Medicaid program.

In 1997, almost one-third of non-elderly adults were uninsured at times in a two-year period. Of these, over 40 percent were uninsured over 2 years.

Why are these persons without insurance? Because, simply, it is too expensive or their employers do not provide it. And even though the Medicaid expansion in the 1980s and the 1990s lowered the number of uninsured children, why does it remain almost one out of ten Americans are uninsured? Because job-based insurance coverage is decreasing. And, therefore, we need the protection that the Democratic Patients’ Bill of Rights would provide for them.

That is why we need health care now and we need health care protected by the Patients’ Bill of Rights. That is what we are trying to guarantee.

The Patients’ Bill of Rights is to reform the Patients’ Bill of Rights. First, to reform the Patients’ Bill of Rights and, second, we must protect the right of uninsured persons to get health insurance. Again, I want to say that when we are asked to find opportunities for the Patients’ Bill of Rights to ensure those of us who are fortunate enough to have insurance, we cannot forget the millions of individuals and families who are not insured at all.

I thank the gentleman for providing the leadership on the Patients’ Bill of Rights and just say that we are approaching tomorrow one phase of our national crisis but not the total phase of it. I am pleased that we will indeed do that. I agree with my colleagues who said that the discharge procedure indeed is a radical method that we have to undertake simply because we are denied an opportunity to discuss it in the formal legislative processes that are available to us. We are using this process because that is the only way we can get it as a full debate. I think on tomorrow the American people will understand the difference between our commitment to health care and certain other commitments to have a Patients’ Bill of Rights that protects those who are not insured.

But I want to say, I am further committed, our goal is even greater than just providing those who have insurance. Our goal must be to provide health care that is available to all who need it.

Mr. PALLONE. I want to thank the gentlewoman. I think it is very important as she did to point out that as much as we support the Patients’ Bill of Rights and we want to bring it up, that we also need to address the problems of the uninsured and the fact that the numbers are growing. Of course part of our Democratic platform is that has been pushed, also, by President Clinton is to address some of the problems of the uninsured.

Of course, a few years ago, our health care task force worked on the Kennedy-Kassebaum bill which allows people to take their insurance with them if they lose their job or they go from one job to another, and then we moved on the kids health care initiative which is now insuring a lot of the children who were uninsured, and, of course, the President and the Democrats had the proposal for the near elderly where people who are between 55 and 64 would have health care.
and 65, depending on the circumstances, can buy into Medicare.

But the gentlewoman is right. We are trying to address the larger issue of the uninsured also needs attention.

Mrs. CLAYTON. I would just say that the gentleman is absolutely correct. We try to address this large, pressing issue. I guess about 6 years ago. At that time we had 40 million who were uninsured, where it is reported now we may have 45 to 46 million who are uninsured. As we try to address this issue, the pool is getting larger and a larger number of individuals are falling through the cracks.

Now, I am very pleased the effort we indeed did make and were successful as it related to children. I am also very pleased that we were able to have portability and remove the barrier of pre-existing conditions as a means of eligibility for coverage. All of those enabled us to expand the coverage in a meaningful way. But I would be remiss if I ignore the suffering, and we are talking about the working poor, who are just not able to buy into insurance and they need it desperately.

I just want to commend the gentleman for what he is doing on the Patients’ Bill of Rights. I think it will be a great first step tomorrow and we will push to make sure that this is successful, but we also have a higher goal, to make sure that those who are unfortunate enough to have no insurance whatsoever, indeed we are speaking for the poorest of the poor as well as for those who are fortunate enough to have insurance.

Mr. PALLONE. I agree and I appreciate the gentlewoman bringing it up. We can also continue to address and find ways of providing coverage as part of our health care task force which the gentlewoman cochairs.

I yield to the gentleman from Texas (Mr. GREEN). He is the second Texan we have had tonight. I think part of the reason is because he has had a very successful type of patients’ bill of rights passed in Texas that applies statewide.

One of the things we have been pointing out tonight is that even States like Texas that have gone very far in providing these kind of patient protections that we would like to see done nationally, because of the Federal preemption that exists for those where the employer is self-insured, the Texas law in many cases does not apply. That is why we need Federal legislation.

Mr. GREEN of Texas. I would like to thank my colleague again for this special order like my other friends, and neighbors even, because to talk about managed care reform is so important, and the issue of the filing of the rule for a discharge petition, which is a major step in the legislative process.

I am proud to serve on the Committee on Commerce. It took me a couple of terms to get there. I would like for the Committee on Commerce, both Democratic and Republicans, We able be reformed with the bill. The last session we were not. The bill was actually drafted by a health care task force of the Republican majority and written in the Speaker’s office. It was placed here on the floor that we could not amend except we had one shot at it. We came to the floor, lost by six votes, it went to Senate and died which it should have because it actually was a step backward in reform.

I am glad you mentioned Texas. New Jersey and other States have passed managed care reform that affect the policies that are issued under State regulation. But in Texas, I think the percentage is about 60 percent of the insurance policies are interstate and is national in scope, so they come under ERISA.

A little history. ERISA, I understand, was never intended to cover health insurance, it was really a pension protection effort. But be that as it may, that is why we have to deal with it in Congress to learn from what our States have done and to say, “Okay, let’s see what we can do to help the States in doing it.” The State of Texas now has had the law for 2 years. I know there is some concern about the additional cost, for example, that these protections would provide, emergency, without having to drive by an emergency room, to go to the closest emergency room, outside appeals process, accountability and eliminate the gag rules. In Texas it is very cheap. In fact there was only one lawsuit filed, and that was actually by an insurance company challenging the law that was passed. Now, maybe there have been other ones recently, but it is not this pressing. Whether we could move it be employers or insurance companies or anything else. And so it has worked in a State the size of Texas, a large State, very diverse population, both ethnically and racially but also with a lot of rural areas and also some very urban areas.

In fact, my district in Houston, Houston and Harris County, is the fourth largest city in the country. So you can tell that it is a very urban area and it is providing some relief, but again only for about 40 percent of our folks. So we need to pass real managed care reform.

And we need to deal with it in the committee process, not like we did last session. And the discharge petition that I hope would be available by the middle of June, and both Democrats and Republicans hopefully will sign that petition to have us a hearing on it and to have the bill here so we can debate, so we can benefit those folks.

The reason I brought it tonight, I take advantage of the hour difference in Texas and try to return phone calls. A young lady called my office and was having trouble with her HMO. She was asking us to intervene. We have done that. We have sent letters to lots of individuals. Frankly towards the end of Congress oftentimes, but we each represent approximately 600,000 people, and how many of those folks call their Member of Congress to have that intervention? We need to structure it where people can do it. This outside the process, timely appeals, not something that will stretch out, because again health care delayed in health care denied.

If, for example, you have cancer, then you want the quickest decision by the health care provider that you can. That is why it is important. I am looking forward to being able to work on the bill, whether it be through our committee or on the floor of the House and send to the Senate real managed care reform that is national in scope, so they come under ERISA.

The reason I was late tonight, I take advantage of the hour difference in Texas and try to return phone calls. A lot of people are calling my office and was having trouble with her HMO. She was asking us to intervene. We have done that. We have sent letters to lots of individuals. Frankly towards the end of Congress oftentimes, but we each represent approximately 600,000 people, and how many of those folks call their Member of Congress to have that intervention? We need to structure it where people can do it. This outside the process, timely appeals, not something that will stretch out, because again health care delayed in health care denied.

If, for example, you have cancer, then you want the quickest decision by the health care provider that you can. That is why it is important. I am looking forward to being able to work on the bill, whether it be through our committee or on the floor of the House and send to the Senate real managed care reform that is national in scope, so they come under ERISA. And we need to deal with it in the committee process, not like we did last session. And the discharge petition that I hope would be available by the middle of June, and both Democrats and Republicans hopefully will sign that petition to have us a hearing on it and to have the bill here so we can debate, so we can benefit those folks.

Let me tell the gentleman a story. My wife and I are fortunate, our daughter just completed her first year of medical school. Last August, she had just started, and I had the opportunity to speak to the Harris County Medical Society and talk about a number of issues. During the question and answer session, the President of the Harris County Medical Society asked me a question which is, when I explained that I am a lawyer, and normally legislators and Democrats do not speak to medical societies in Texas. He congratulated me on my daughter who had been in medical school all 2 weeks.

And so I joked. I said, “She’s not ready for brain surgery yet.” The President of the medical society said, “You know, your daughter after 2 weeks of medical school has more knowledge.” You cannot call to get permission to treat my patients.” That is atrocious in this great country. That is, that it is affecting your and my constituents and all the people in our country. Sure, we want the most reasonable cost health care and I think we can get it. We are doing it in Texas, at least for the policies that come under State law. But we also want to make sure we have some criteria there so our constituents will be able to know the right time to have it.

Let me just touch lastly on accountability. At that same discussion, the physician said, they are accountable for what they do. That if they make a...
mistake, they can go to the courthouse. And in Texas we have lots of different ways. You do not necessarily go to the courthouse. You can go to an alternative means, instead of filing lawsuits, to have some type of resolution of the dispute. But accountability is so important, because if that physician calls someone who has less than a 2-week history in medical school that decision that that person makes, that doctor has to live with.

That doctor has to say, "Well, I can't do that." Or hopefully they would say that. But that accountability needs to go with the decision-making process. If that physician cannot say, "This is what I recommend for my patient who I see here, I've seen the tests, and I'm just calling you and you're saying no, we can't do that."

We do not see cases in our office, and I think all Members of Congress do, where, for example, someone under managed care may have a prescription benefit but their doctor prescribed a certain prescription, but the HMO says, "No, that's not that, we'll give you something else." I supported as a State legislator generic drugs if they are the same component, but oftentimes when we are seeing the managed care reform not agree to the latest prescription medication that has the most success rate that a lot of our National Institutes of Health dollars go into research, and they are prescribing something or saying, no, we will only pay for something that maybe is 5 or 10-year-old technology. Again, that is not what people pay for. They want the latest because again the most success rate. And it ought to be in the long run cheaper for insurance companies to be able to pay up front instead of having someone go into the hospital and have huge hospital bills because maybe the HMO does not provide the most successful prescription medication.

There are a lot of things in managed care reform, antitag rules, and I know some managed care companies are changing their processes and they are changing it because of the market system. That is great. I encourage them to do it. But city councils, State legislators and Members of Congress, we do not pass the laws for the people who do right, we do not pass the laws for the companies who treat their customers right. We have to pass the laws for the people who treat their customers wrong. That is why we have to pass this and put it in statute and say even though XYZ company may allow doctors to freely discuss with their patients potential medical services, or they may have an outside appeals process, a timely outside appeals process, but we still need to address those people who are not receiving the care.

I can tell you just from the calls and the letters we get in our own office, without doing any scientific surveys, we get a lot of calls from people, partly because I talk about it a lot not only here but in the district. But people need some type of reform.

Mr. Speaker, I hope this Congress will do it timely. When the gentleman mentioned a while ago that he and our committee may conduct hearings all summer, that is great. I mean I would like to have hearings in our committee, but we got to go to mark up what we learn from our committee.

We have to make the legislative process work, the committee process work. We will put our amendments up and see if they work, and maybe they are not good, and we can sit down with the Members of the other side.

But that is what this democracy and this legislative process about, and last session it was terminated, it was wrong, and we saw what happened. We delayed, and there was no bill passed. It did not even receive a hearing in the Senate because it actually was a step backward in changing State laws like in Texas.

So I would hope this session, maybe with the discharge rule being filed tomorrow, we will see that we are going down that road, but maybe we can actually see maybe hearings in June when we come back after celebrating Memorial Day, and with a short time we can, a lot of us have worked on this issue. So, sure, I would like to have some hearings, but maybe we could have a markup before the end of July or June or mid July, something like that, so we could set it on a time fame where we would vote maybe before the August recess on this floor of the House for a real managed care reform, and when we vote on the House floor, let us not just put in the bill and say, "Take it or leave it." As my colleagues know, let us have the legislative process work within reason and so we can come up with different ideas on how it works and the success.

So again, I thank the gentleman for taking the time tonight and my colleagues here, and particularly glad we had the first hour.

Mr. PALLONE. I want to thank the gentleman from Texas (Mr. Green). He brought up a number of really good points, if I could just, as my colleague knows, comment on them a little bit.

I mean first of all I think it is important to stress that with this discharge petition, we are not doing it out of spite or disrespect or anything like that. We just want this issue brought to the floor, and as my colleague said, as my colleagues know, having hearings all summer does not do the trick. So far we have not gotten any indication from the Republican leadership or the committee leadership that there is any date certain to mark up this bill in committee and to bring it to the floor, and that is why we need to go the discharge petition way.

The other thing the gentleman said I think is so important is he talked about how the 'Texas law, which does apply to a significant number of people in Texas, even not everyone, that both the cost issue and the issue of the fear, I guess, of frivolous lawsuits has so far proven not to be the case. In other words, the, as my colleagues know, one of the criticisms of HMO reform or Patients' Bill of Rights that the insurance companies raise unfairly is the fact that it is going to cost more, and in fact in Texas it has been found that the cost, there is practically no increased costs whatsoever. I think it was a couple of pennies or something that I read about.

And in terms of this fear that there are going to be so many lawsuits and everybody is going to be suing, actually there have been very few suits filed, and the reason the talk is because when we put in the law that people can sue the HMO, prevention starts to take place. They become a lot more careful about what they do, they take preventive measures, and the lawsuits do not become necessary because you do not have the damages that people sue for. So I think that is a very important point.

The other point the gentleman made that I think is really crucial is the suggestion that somehow because of the debate and because of the pressure that is coming from, as my colleagues know, the talk that is out there, that somehow, maybe; some HMOs I should say; are starting to provide some of these patient protections, and the gentleman's point is well taken, that even though some of them may be doing it, and there are not really that many that are, but even though some of them are doing it, that does not mean that the patients' Bill of Rights has passed as a matter of law for those, as my colleagues know, bad actors, if you will, who are not implementing these Patients' Bill of Rights.

So there needs to be a floor. These are nothing more than commonsense proposals that are sort of a floor of protections. They are not really that outrageous, they are just, as my colleagues know, the commonsense kind of protections that we need.

So I think that our time is up, but I just wanted to thank this colleague from Texas. We are going to continue to push. Tomorrow the gentleman from Michigan (Mr. Dingell) is going to file the rule for this discharge petition, and we are going to get people to sign it so we can bring up the Patient Bill of Rights.

RECESS

The SPEAKER pro tempore (Mrs. Wilson). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.
Accordingly (at 9 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 12 o'clock and 33 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK, from the Committee on Rules, submitted a privileged resolution (Rept. No. 106-160) on the resolution (H. Res. 195) providing for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001 for other purposes, which was ordered to be printed.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2nd Session, 105th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

November 10, 1998:
S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations for other purposes.
S. 1364. An act to eliminate unnecessary and wasteful Federal reports.
S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.
S. 2232. An act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.
S. 2375. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.
S. 2375. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

November 12, 1998:
S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.
S. 1332. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamosa River which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or acquisition of those lands, and for other purposes.
S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.
S. 1486. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.
S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track and participate in Federal means-tested public assistance programs, and for other purposes.
S. 2139. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.
S. J. Res. 35. Joint Resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

November 13, 1998:
S. 191. An act to throttle criminal use of guns.
S. 391. An act to provide for the disposition of certain funds appropriated to pay judgement in favor of the Mississippi Sioux Indians, and for other purposes.
S. 417. An act to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes.
S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.
S. 1628. An act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as a result of traumatic injury sustained in the line of duty.
S. 1633. An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.
S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.
S. 2352. An act to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2nd Session, 105th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

November 10, 1998:
H.R. 379. An act for the relief of Larry Engel Petersen.
H.R. 1834. An act for the relief of Mercedes Del Carmen Guzman Martinez Cruz.
H.R. 3633. An act to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.
H.R. 3732. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.
H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.
H.R. 4621. An act to extend into fiscal year 1999 the visa processing period for diversity applicants whose processing was suspended during fiscal year 1998 due to embassy bombings.

November 11, 1998:
H.R. 4116. An act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

November 12, 1998:
H.R. 1023. An act to provide for compensation payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated Factor 8, and for other purposes.
H.R. 1525. An act to amend title 42 United States Code, with respect to the enforcement of child custody and visitation orders.
H.R. 1949. An act to provide for the conduct of a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.
H.R. 2263. An act to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.
H.R. 2267. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, and for other purposes.
H.R. 4083. An act to make available to the Ukrainian Museum and Archives the USIA television program “Window on America”.
H.R. 4161. An act to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

November 13, 1998:
H.R. 633. An act to amend the Foreign Service Act of 1980 to provide that the annualities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.
H.R. 2294. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.
LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Young of Alaska (at the request of Mr. Aarmey) for today and the balance of the week on account of official business.

Mr. Scarborough (at the request of Mr. Armey) after 6:30 p.m. today and Thursday, May 27, on account of family matters.

Mr. Underwood (at the request of Mr. Gephardt) for today and Thursday, May 27, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative day, May 27, on account of official business.

Ms. Ros-Lehtinen, for 5 minutes, today.

Mr. Cubin, for 5 minutes, today.

Mrs. Chenoweth, for 5 minutes, today.

Mr. Fossella, for 5 minutes, today.

Mrs. flavorful, for 5 minutes, today.

Mr. Hult, for 5 minutes, today.

Mr. Thune, for 5 minutes, today.

Mrs. Morella, for 5 minutes, today.

The following Members (at the request of Mr. McNulty) to revise and extend their remarks and include extraneous material:

Ms. Norton, for 5 minutes, today.

Mr. Brown of Ohio, for 5 minutes, today.

Mr. Rush, for 5 minutes, today.

Ms. Millender-McDonald, for 5 minutes, today.

Mr. Holt, for 5 minutes, today.

Mr. Becerra, for 5 minutes, today.

Mr. Pallone, for 60 minutes, today.

Mr. Filner, for 60 minutes, today.

ADJOURNMENT

Mrs. Myrick. Mr. Speaker. I move that the House do now adjourn.

The motion was agreed to, accordingly at 12:06 o’clock (natural and legal time), the House adjourned until today, Thursday, May 27, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

2333. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Spinosad; Pesticide Tolerance [OPP–300086]; FRL–6081–8 (RIN: 2079–BA78) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2334. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Tebuconazole; Pesticide Tolerance for Emergency Exemption (OPP–300077–11) (RIN: 2079–BA79) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2335. A letter from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Service’s final rule—Secondary Food Additives Permitted in Food for Human Consumption [Docket No. 86–0342] received May 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2336. A letter from the Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department’s final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 91F–0399] received May 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


2340. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Environmental Protection Agency, transmitting the Agency’s final rule—Spinosad; Pesticide Tolerance [OPP–300086]; FRL–6081–8 (RIN: 2079–BA78) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


2342. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Spinosad; Pesticide Tolerance [OPP–300086]; FRL–6081–8 (RIN: 2079–BA78) received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2343. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances [FRL–6348–2] received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2344. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances [FRL–6348–2] received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2345. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances [FRL–6348–2] received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2346. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances [FRL–6348–2] received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2347. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances [FRL–6348–2] received May 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2348. A letter from the Assistant Secretary for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b)(a); to the Committee on International Relations.

2349. A communication from the President of the United States, transmitting a report as part of his efforts to keep the Congress fully informed, consistent with the War Powers Resolution; (H. Doc. No. 106–72); to the Committee on International Relations.

2350. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting notification of certain foreign policy-based export controls which are being imposed on Serbia; to the Committee on International Relations.

2351. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on “Economic and Political Transition in Indonesia”; to the Committee on International Relations.

2352. A letter from the Director, Administrative Office of the United States Courts,
transmitting the actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the year ending September 30, 1996, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.


2375. A letter from the Attorney General, transmitting the Triennial Comprehensive Report on Immigration; to the Committee on the Judiciary.

2376. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting a final response to a resolution adopted by the Committee on Public Works and Transportation on August 25, 1960; to the Committee on Transportation and Infrastructure.

2377. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Docket No. 25976; Amdt. No. 1938) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2378. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Docket No. 25971; Amdt. No. 1931) received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2379. A letter from the Administrator, General Services Administration, transmitting an information copy of the alteration proposal for 1724 F Street, NW, Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

2380. A letter from the Director, National Science Foundation, transmitting a report on Women, Minorities, and Persons with Disabilities in Science and Engineering; 1998, pursuant to 42 U.S.C. 1885(d); to the Committee on Science.


REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

H.R. 1951. A bill to suspend temporarily the duty on HIV/AIDS drugs; to the Committee on Ways and Means.

H.R. 1953. A bill to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guadalupe Band of Pomo Indians of the Guadalupe Indian Rancheria; to the Committee on Resources.

H.R. 1954. A bill to regulate motor vehicle insurance activities to protect against retroactive regulatory and legal action and to create fairness in ultimate insurer laws and vicarious liability standards; to the Committee on Commerce.

By Mr. CAMPBELL:

H.R. 1955. A bill to amend the Internal Revenue Code of 1986 to exempt certain transactions at fair market value between partners and private foundations from the tax on self-dealing and to require the Secretary of the Treasury to establish an exemption procedure for such taxes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. GILCHREST, Mr. SHAWS, Mr. SINNERRENNER, Mr. CHRISTENSEN, Mr. MCGUIR, Mr. NUNLEY, Mr. SCHAPFER, Mr. CANARY of Florida, Mr. TRAFICANT, Mr. HOLDEN, Mr. WOOLSEY, Mr. CLEMENT, Ms. MORELLA, Mr. MOORE, Mr. ENGLISH, Mr. FRANKS of New Jersey, Mr. SESSIONS, Mr. FAGE of California, Mrs. KELLY, Mr. ACKERMAN, and Mr. SHEMMAN):

H.R. 1956. A bill to prohibit the Department of State from imposing a charge or fee for providing passport information to the general public; to the Committee on International Relations.

By Mr. DAVIS of Illinois:

H.R. 1957. A bill to provide fairness in voter participation; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. WALDEN of Connecticut, Mr. SOUDER, Mr. TRAFICANT, Mr. WELLER, and Mr. HOLDEN):

H.R. 1958. A bill to establish the Fort Presidio National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Resources.

By Mr. GONZALEZ:

H.R. 1959. A bill to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center"; to the Committee on Transportation and Infrastructure.

By Mr. CLAY (for himself, Mr. KILDREN, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. ANDREWS, Mr. ROEMER, Mr. SCOTT, Ms. WOOLSEY, Mr. ROMERO-BARCIELO, Mr. FATTAH, Mr. HINOJOSA, Ms. McCARTHY of New York, Mr. TIERNEY, Mr. KIND, Ms. SANCHEZ, Mr. FORD, Mr. KUCINICH, Mr. HOLT, and Mr. WU):

H.R. 1960. A bill to amend the Elementary and Secondary Education Act to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOLDEN (for himself, Mr. WALDEN of Pennsylvania, Mr. BORSKI, Mr. GREENWOOD, Mr. HOLDREN, Mr. PETERSON of Pennsylvania, Mr. PARKER, Mr. BRADY of Pennsylvania, Mr. SHERRY, Mr. KANJORSKI, Mr. GOODLING, and Mr. THOMAS):
Mr. KLINK, Mr. PITTS, Mr. DOYLE, Mr. GORE, Mr. ROYBAL-ALLARD, Mr. DIAMOND, Mr. COYNE, and Mr. TOOMEY:

H.R. 61. A bill to designate certain lands in the Valley Forge National Historical Park as the Valley Forge National Cemetery; to the Committee on Resources, and in addition to the Committee on Veterans' Affairs, 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. HUNTER:

H.R. 1961. A bill to prohibit the export of high-performance computers to certain countries until certain applicable provisions of the National Defense Authorization Act for Fiscal Year 1999 are fulfilled; to the Committee on International Relations, and in addition to the Committee on Armed 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 Mrs. JOHNSON of Connecticut:

H.R. 1962. To suspend until December 31, 2002, the duty on triacetonamine; to the Committee on Ways and Means.

By Mr. LAZIO (for himself, Mrs. MILLER, Mr. ROYBAL-ALLARD, Mr. HORN, and Mrs. WILSON):

H.R. 1963. A bill to empower our educators; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself and Mr. BAITON of Texas):

H.R. 1965. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLENDER-McDONALD (for himself, Ms. BROWN of Florida, Mr. BROWN of California, Mr. CAPUANO, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CUMMINGS, Ms. DANOWITZ, Mr. GRIESE of Florida, Mr. HASTINGS of Florida, Mr. HILLARD, Ms. NORTON, Mr. HOOLEY of Oregon, Ms. JACKSON-Lee of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Ms. KILFELTHER, Ms. LEE, Ms. McCARTHY of Missouri, Ms. MCKINNEY, Mrs. MECK of Hawaii, Mrs. MORELLA, Mr. OWENS, Ms. PELOSI, Ms. ROYAL-ALLARD, Mr. RUSH, Ms. SANCHEZ, Mr. SERRANO, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. Jones of Ohio, Mr. WEYGAND, and Mr. WYNN):

H.R. 1966. A bill to authorize the Secretary of Health and Human Services to carry out programs regarding the prevention and management of asthma, allergies, and related respiratory problems, to establish a tax credit for pest control services for multi-family residents; to establish a tax credit for low-income communities, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 1967. A bill to designate the Galisteo Basin Agricultural Sites as National Monuments, to provide for the protection of archaeological sites in the Galisteo Basin of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. WATKINS (for himself, Mr. JOHN, and Mr. WATTS of Oklahoma):

H.R. 1971. A bill to amend the Internal Revenue Code of 1986 to encourage domestic oil and gas production, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself, Mr. L'HOTHOJO, Mr. SMITH of New Jersey, Mr. FRELINGHUYSEN, Mr. SAXTON, Mr. ROTHMAN, Mr. PAYNE, Mr. PASCRELL, Mr. FALLONE, Mr. MENENDEZ, Mr. ANDREWS, and Mrs. ROUKEMA):

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring the United States Submarine Force on its 100th anniversary; to the Committee on Government Reform.

By Ms. CARSON:

H. Res. 191. A resolution recognizing and honoring Medal of Honor recipients for their selfless acts for our Nation, and commending IPALCO Enterprises for its contributions to honor each of these American heroes; to the Committee on Armed Services.

By Ms. DEGETTE (for herself, Mr. BLAHOJEVIC, and Ms. CARSON):

H. Res. 192. A resolution providing for consideration of the bill (H.R. 1037) to ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law; to the Committee on Rules.

By Mr. MENENDEZ:

H. Res. 193. A resolution providing for consideration of the bill (H.R. 902) to regulate the sale of firearms at gun shows; to the Committee on Rules.

H. Res. 194. A resolution providing for consideration of the bill (H.R. 515) to prevent children from injuring themselves with handguns; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. CUBIN introduced a bill (H.R. 1972) for the rest of Mr. Andrus Fuller; which was referred to the Committee on the Judiciary.
DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 902: Mr. Phelps

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1401

OFFERED BY: Mr. Souder

AMENDMENT No. 7. Strike section 1006 (page 270, line 20, through page 271, line 9) and insert the following new section:

SEC. 1006. PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS IN FEDERAL REPUBLIC OF YUGOSLAVIA.

None of the funds appropriated or otherwise available to the Department of Defense for fiscal year 2000 may be used for military operations in the Federal Republic of Yugoslavia.
EXTENSIONS OF REMARKS

WORLD POPULATION AND THE ENVIRONMENT

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mrs. MORELLA. Mr. Speaker, in my capacity as Chairman of the Technology Subcommittee of the Committee on Science, I have come across many interesting facts about the relationship between science and the environment. This editorial from The Keene (New Hampshire) Sentinel at first seems humorous in discussing the idea that lawnmowers cause smog. However, as one reads further one realizes that the main point of the editorial is that the ever growing number of people on the Earth stretch the environment’s resources to the point where it is ever more difficult to provide for the needs of the world’s population. While written in a humorous vein, this editorial provides a strong reason to support international family planning programs.

[From the Keene (New Hampshire) Sentinel]
(By Sentinel Editorial)

PEOPLE SMOG

In what has to be the ultimate insult to the American way of life, scientists studying the source of dangerous chemicals in the air have determined that mowing the lawn causes air pollution.

The report, issued on April 1, seemed like a joke at first. We waited for the big hoot at the end. But apparently it is serious, and the problem isn’t just lawn mower engines. “Wound-induced and drying-induced... compounds are expected to be significant in the atmosphere,” said the team of researchers in a study that’s about to be published in a journal called Geophysical Research Letters. Among the chemicals released by “wounded” grass are methanol, hexanal, acetaldehyde, acetone and butatone. The team adds that the same chemicals are also produced in small amounts when people and animals eat raw vegetables.

Okay, even one of the researchers admits this is funny stuff. “It just doesn’t seem likely to me that the smell of newly mown grass is toxic,” said biochemist Ray Fall. But eventually, who knows, when too many freshly cut lawns are added to too many lawn mower exhaust pipes, and too many cars, and too many factory smokestacks and too many wood stoves and so on?

This apparently trivial grass-clipping story, like reports of so many environmental and social problems, should be seen in the context of a deadly serious dilemma that’s often ignored by governments and news media: the world’s burgeoning population. When we read of, hear of and occasionally experience urban blight, environmental pollution, traffic jams, waves of illegal immigrants, filled-in wetlands and other maddening challenges of modern life, we really ought to think more often of the common denominator. People. People have to work, play, build, heat their homes and businesses, travel from place to place. And as we do so, hit by hit we inevitably degrade our physical and social environments. No single activity is particularly troublesome. But the more of us there are, the more degradation there is. Where will it end, with a standing-room-only society shrouded in a poison fog?

These thoughts are prompted not so much by the lawnmowing story, but by some alarming testimony presented last month to a U.S. House committee. Werner Fornos, the indefatigable head of the nonprofit Population Institute was practically on his knees trying to persuade indifferent members of Congress to spend a mere $25 million on international family planning assistance next year.

Fornos outlined the situation in stark terms, noting that the world population grew from one billion to two billion between 1830 and 1950—in 100 years—then added a third billion by 1990 in just 30 years. Since then, it has doubled to six billion. We publish extracts from Fornos’s testimony on this page today. It makes sobering reading, as we approach another lawn-mowing season.

INTRODUCTION OF THE GILA RIVER INDIAN COMMUNITY—PHILPS DODGE CORPORATION WATER RIGHTS SETTLEMENT ACT OF 1999

HON. JOHN B. SHADEGG
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. SHADEGG. Mr. Speaker, I rise today to introduce legislation authorizing a water rights settlement which was entered into on May 4, 1998, by the Gila River Indian Community and the Phelps Dodge Corp.

As my colleagues who are involved with western water issues know, reaching a settlement to an Indian water rights dispute is an incredibly complex and contentious task. The settlement to this case should be commended for their willingness to work cooperatively to settle their differences and for their perseverance in striving to reach an agreement.

While the settlement which my legislation authorizes is an important step in the right direction, it is in many ways the vanguard for a much larger settlement currently under negotiation. These negotiations are intended to permanently and comprehensively address the water needs of central Arizona and the Phoenix metropolitan area while providing a final settlement of all water claims by the Gila River Indian Community.

The issue of long-term water supplies is of the utmost importance to Arizona. Phoenix is currently the sixth largest metropolitan area in the United States and it continues to grow rapidly. It must have permanently assured, affordable water supplies to maintain its prosperity and sustain its growth. Any settlement which is ultimately reached must be crafted to ensure that water is readily available a century and more from now.

The legislation which I introduce today provides a vehicle for advancing the process of negotiating a comprehensive settlement. I will work tirelessly to ensure that any settlement which is reached protects the water supplies of all Arizonans in perpetuity and acknowledges the priority of State water law over allocation of this precious resource.

REGARDING THE PASSING OF MS. SANDRA CHAVIS

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my heartfelt sadness on the recent passing of an individual who provided tremendous service to our country and in particular, to the Dallas/Fort Worth area.

Mr. Speaker, on Saturday, May 22, 1999, Ms. Sandra Chavis passed away after suffering a heart attack. She was 50 years young.

Mr. Speaker, I join many individuals in my district and the Washington area in mourning Ms. Chavis. Her dedication to our Nation’s fair housing laws and her commitment to public service are recognized and cherished by many.

Indeed, there are many families throughout our Nation’s cities who have equal access to home ownership because of her tireless efforts to open the doors to homes everywhere, for everyone.

Her dedication in this area is as well known as her gracious demeanor and her love for her family.

Mr. Speaker, Ms. Chavis first showed her dedication to public service in San Francisco in 1973, where she worked for the Social Security Administration. In 1978, she joined the Department of Housing and Urban Development’s Office of Fair Housing and Office of Human Resources. She joined the Department at a time when fair housing laws were still in their nascence.

At the time of her unexpected death, she was serving as Director of the Department’s Office of Equal Employment Opportunity in Washington, DC. Her cumulative work at the Department of Housing and Urban Development represented a career of fighting for fairness and equality for all Americans.

Mr. Speaker, her life and work were held in such high esteem that the Department of Housing and Urban Development led by Secretary Andrew Cuomo are opening their hearts
and doors with a memorial service at HUD headquarters. This is truly because she touched the lives of so many.

Mr. Speaker, it was once said that “nothing great in the world has been accomplished without passion.” I truly believe that Ms. Chavis had a great and intense passion to serve others and promote fairness. That great passion allowed her to accomplish so many great things that we are indebted to her now and forever.

Particularly, I want to recognize a host of family and friends she left behind: her husband, Larry; her sisters, Denise, Jamie, and Charme Chavis; her parents, William Ira and Arlanda Chavis; four brothers, William Ray, Bud, Gerald Patterson, Ira, and Linda Coley; three grandchildren, Carlton, Jamillya, and William Patrick Chavis; nine nephews, and six nieces; three close friends; Vylorina A. Evans, Evelyn Okie, and Shirley Wells. I join them in celebrating the life of a great human being, public servant, and American.

1999 SIXTH DISTRICT ESSAY CONTEST WINNERS

HON. HENRY J. HYDE OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the work of some bright young men and women in my district. Each year, my office—in cooperation with junior and senior high schools in Northern Illinois—sponsors an essay writing contest. The contest’s board, chaired by my good friend Vivian Turner, a former principal of Blackhawk Junior High School in Bensenville, IL, chooses a topic and judges the entries. Winners of the contest share in more than $1,000 in scholarship funds.

Today, I have the honor of naming for the RECORD the winners of this year’s contest.

This year, Kathryn Solar of Mary, Seat of Wisdom School, Park Ridge, IL, won the junior high division with an essay titled, “Coach—One Who Teaches or Trains an Athlete,” a text of which I include in the RECORD. Placing second was Jennifer C. Miller of St. Peter the Apostle School in Itasca. This year, we had a three-way tie for third place in the junior high division among: Omar Germino of St. Charles Borromeo School in Bensenville, Sam Francis of Glen Crest Middle School in Glen Ellyn, and Rachel Soden of Westfield School in Bloomingdale.

In the Senior High School Division, the first place award went to Paul McGovern of Driscoll Catholic High School in Addison for his essay, “Teofilo Lindio,” a text of which I include in the RECORD. Carl Hughes of Maine South High School in Park Ridge finished second, and Arlinda Addy of South Elgin High School was a close third. These three students were awarded scholarships toward their college education.

I wish to offer my congratulations to all this year’s winners.

TEOFILO LINDIO—THE SIX Pillars of CHARACTER

(By Paul McGovern, Driscoll Catholic, Addison, IL)

I consider my grandfather, Teofilo Lindio, to be an exemplary role model. My Lolo (the
quizzing us on vocabulary or testing us on our science homework. However, our grades don’t matter as much to him as long as we try our best. His guidance in decision making is always helpful. On Thursday and Friday mornings he gets up early with my sister and me and helps us get ready for school. He takes care of us when we are sick, comforts us when we are sad, and laughs with us when we are happy. Most of all, he makes each of us feel important and special in our own way.

My dad shows how caring he is through his service to the community. If anyone in the neighborhood needs help, my dad will help them with anything from taking care of a pet to vacuuming out a flooded basement. He is currently coaching four basketball teams because he feels all children should have the opportunity to play. During parish mission projects, my dad generously donates his time to assist however possible. During the shoe box drive at church, for example, he wrapped shoe boxes, bought needed supplies at the store, and cleaned up after everyone left. He has delivered furniture to a family in Rogers Park as well as packed peanut butter sandwich lunches for the needy. My father is a person who truly loves and cares for others.

My father is a person who truly loves and cares for others. He has a lot of responsibilities as a father and also has responsibilities as a father and husband. He has four children in our family and he is going to let me stay up a little later, then he lets us all stay up a little later. He also gave everyone on my basketball team equal playing time this year. He is very polite and shows good sportsmanship. Being considerate, my father tries to think about how things will affect others. He is always open and never laughs at anything unless they are meant to be funny. If there was an award for the most patient and easy going person, I am sure my dad would win it. His positive outlook on life and his gentle ways of speaking win him others’ respect. My father never yells at anyone. Instead, he talks things out and treats people with respect. He tries to bring out the best in everyone.

My father has a lot of responsibilities in his life, which he handles well. He is, first of all, a very hard working father. He works all day to provide for us. He also helps around the house doing various chores. His responsibilities as a father are endless. He also has a responsibility to love and be faithful to my mom. He is responsible for helping his parents and my mom’s parents with things around their homes as well as with financial advice. Many of his responsibilities lie outside our family. He is involved in many of the decisions regarding our school’s expansion project this year. He is on the finance committee at his old high school, as well as many committees in our parish. To fulfill his religious responsibilities, he attends church regularly, is a Eucharistic minister, makes financial contributions to the church, and tries to live out the Gospel.

My dad is a very important and irreplaceable part of my life. He has taught me much about life. He is the one that makes my life solid, providing a strong foundation. I know that my dad will always be there to guide me, comfort me, help me, and celebrate with me. Next year, I will be a senior in high school. There will be many changes in my life. I know that things won’t be as difficult because I have a great role model and coach walking with me every step of the way. My father, the best way to thank him would be to live my life as he has coached me to, to be a caring, respectful, and responsible person. With a coach like my dad and God on my side, I know I’ll be a winner in the game of life.

VFW’S 100TH ANNIVERSARY

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. SESSIONS. Mr. Speaker, in celebration of VFW’s 100th anniversary, I want to recognize the efforts of this worthwhile organization that continues to assist tens of thousands of veterans, as well as their dependents and survivors. Today, the VFW’s 2 million veterans, and its auxiliaries’ 750,000 members, provide $2.7 million annually in scholarships and awards to U.S. high school students. In addition, the VFW provides $3 million annually for cancer research and $15 million for veterans’ service programs.

In Texas alone, there are approximately 174,452 retired military who have done their part in defending our country—we need to recognize their sacrifices. Tomorrow, I will be presenting the Bronze Star Medal to Captain James Flowers who served our country during World War II. During an invasion of Normandy, Mr. Flowers lost both legs. The tragedy Mr. Flowers suffered should not go unremembered.

I am consistently awed by the great sacrifices committed by so many of behalf of this great nation. Let us not forget the goals of the VFW as noted in the 1936 congressional charter: “To assist worthy comrades; to perpetuate their memory . . .; and to assist their widows and orphans; to maintain true allegiance to the Government of the United States; to maintain and extend the institutions of freedom; and to preserve and defend the United States from all enemies, whomsoever.”

Because open markets increase competition, eliminate inefficiencies, and result in lower costs to consumers and manufacturers, trade liberalizing agreements improve our prosperity and encourage the creation of secure, higher wage jobs. Sadly, the President’s failure to support the passage of trade negotiating authority in this Congress has crippled the United States trade agenda and has brought a halt to the expansion of international markets for U.S. exports.

This legislation responds to the President’s inaction by calling on him to investigate opportunities for negotiating free trade agreements with long time U.S. allies in working to increase economic growth through trade liberalization, both in the World Trade Organization and in APEC. Countries such as Australia, New Zealand, and Singapore, because of the largely open nature of their economies and their track record of supporting United States trade negotiating objectives, are countries which would be eligible immediately under the criteria established in this bill.

Building closer ties and coordinating with countries whose interests are largely friendly to the United States will have immense payoffs as trade negotiations in APEC and the World Trade Organization proceed. Bilateral and multilateral trade agreement negotiations, such as the NAFTA, have been shown to exert constructive pressure on multilateral and regional trade negotiations. Bilateral trade talks enlarge common areas of agreement on trade rules and disciplines which can then be advanced more successfully in the context of larger negotiations among additional trading partners. This bill is all about finding opportunities wherever we can to break down barriers to United States exports and keep the trade agenda moving forward.

The real advantage of this legislation is that it will improve and expand our trade ties with countries in the Pacific Rim region and reassure countries that the United States, despite the absence of trade negotiating authority, is not turning inward and adopting a trade policy defined by narrow and inward-looking special interests. H.R. 1942 would direct the President to pursue aggressively more open, equitable, and reciprocal market access for United States goods and services. Continuing the pursuit of lower economic barriers and standardized rules and procedures governing international business will yield enormous benefits to our firms and workers. I urge my colleagues to join me in cosponsoring this important bill.

BOB COOK TURNS 80

HON. WALTER B. JONES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. JONES of North Carolina. Mr. Speaker, I rise today to honor a constituent who has rendered great service to his country and his community and who will turn 80 on June 19. His family and friends will honor him at a surprise fete on Saturday, May 29, in Duck, North Carolina.

Robert (Bob) Cook worked for the U.S. Department of Agriculture for 26 years before he
Mr. COLLINS. Mr. Speaker, today I rise on the occasion of the retirement of Ms. Brenda Bryant from the General Electric Corporation. Ms. Bryant has served in a variety of capacities with the company over the past twenty years, including her current position as Executive Assistant to the Senior Vice President, GE Capital, Incorporated, Business Center Operations in Atlanta, Georgia.

Throughout her career with the Company, Ms. Bryant has been recognized several times for superior service and outstanding achievement. She first joined the General Electric team in Nashville, Tennessee where she worked for the Major Appliance Business Group Division and was the recipient of the "Manager's Award" for superior achievement.

She rejoined the company after a move to the Washington, D.C. area where she worked in the General Electric Washington Patent Operation Office, and then later transferred to the Government Services Office where she received the "Lighting Award" for consistently high performance.

Since her move to the Atlanta GE Capital, Inc., offices, she has been the recipient on two occasions of the "GE Capital Bright Lights Award" for her outstanding performance and help to her colleagues. So, after twenty years, Ms. Bryant ends her career with the General Electric Corporation on a high note.

Mr. Speaker, Ms. Bryant's professional achievements reach beyond her service to the General Electric Corporation. She has also worked as a real estate agent, a paralegal, and office manager for a firm specializing in combating organized crime. Throughout her professional career she has also made time to serve her community through volunteer work. She is a charter member of the Committee to establish the Macon, Georgia Cherry Blossom Festival; she has organized many charitable events and fundraising drives; she have volunteered at hospitals, local schools, homeless women's shelters and the list goes on.

While her professional and volunteer activities are many, her accomplishments do not end there. Perhaps her most rewarding, and certainly most challenging successes have been in the trades she has practiced at home. As wife and mother, her jobs have included girl scout leader, cub scout den mother, carpool manager, expert chef, home work and school project director, and creative family budget accountant. As general home manager, Ms. Bryant deserves special praise because the rewards of Ms. Bryant's fast-paced career over the years has required quite a few moves. In fact, over the course of thirty years, Ms. Bryant's position with the Bureau of Alcohol Tobacco and Firearms has required the Bryant family to relocate to at least a dozen different homes and to find new schools with different dwellings and as many different schools. It has taken a special skill and complete commitment to make each of those a true home, and Ms. Bryant has met that challenge successfully each time.

We salute Ms. Brenda Bryant. Today she retires from a career that is filled with honors and achievements. But her outstanding career with the General Electric Corporation is but one part of this woman of many accomplishments. To her I say congratulations on a job, or actually many jobs, well done. And as she begins a new phase in life, we know that she already has her eye on the many challenging and rewarding jobs ahead.
IN HONOR OF HANK WILLIAMS III
HON. JO ANN EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. EMERSON. Mr. Speaker, today I rise in recognition of a young man that understands the meaning of heritage and tradition. Hank Williams III is the third generation of country music performers to come from the legendary Hank Williams family. Hank Williams III has strong ties to the great State of Missouri as he spent most of his childhood in Jane, a small town in southwestern Missouri.

On June 5, 1999, Hank Williams III will help maintain those strong Missouri ties by performing for the Maiden Chamber of Commerce’s annual country music concert. The concert originally started as a benefit show that was performed by country legend Tammy Wynette. Unfortunately, due to Ms. Wynette’s untimely death, the Chamber had to find a replacement act. What better person could the Chamber have chosen to help out but Hank Williams III?

All three generations of the Hank Williams family should be commended for their contributions to our American culture. Hank Williams, Sr. was country music’s first superstar. Hank Williams, Jr. was one of the first artists to combine southern rock music with country music, and he is credited by many for his role in broadening the popularity of country music. Hank Williams III is now carrying on an already stellar family name and working to further enhance the country music industry that rests on the foundation built by his grandfather and father.

The rich tradition of the Williams family and their positive contribution to our American culture is truly an inspiration to us all.

BEIJING’S BRINKMANSHIP IS DANGEROUS
HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. BEREUTER. Mr. Speaker, in April, during Chinese Premier Zhu Rongji’s visit to Washington, and after thirteen years of off-and-on again negotiations, China finally agreed to the kind of comprehensive trade concessions necessary to gain U.S. support for Beijing’s entry into the World Trade Organization. For what this Member believes were political reasons, President Clinton did not accept Premier Zhu’s offer despite the offer appearing to meet the commercially-viable standard we set for acceptance. That was a mistake. China’s accession to the WTO in the context of a commercially-viable agreement is in the short, medium and long-term national interest of the United States.

Since Premier Zhu returned home to Beijing, Sino-American relations have worsened, particularly following our accidental bombing of the Chinese embassy in Belgrade. China should be careful, though, and temper its growing overreaction to this unfortunate incident as overplaying its hand could jeopardize China’s WTO accession and China’s relations with the foreign investors it needs to attract for further economic growth. Such developments would certainly not be in the national interests of either China or the United States. Mr. Speaker, in this context that Mr. Bereuter recommends to his colleagues the following editorial from the May 24, 1999, edition of Business Week.

BEIJING IS PLAYING A PERILOUS GAME
China’s anti-U.S. rage over the accidental bombing of its embassy in Belgrade should be a sobering moment for the American business community. Despite decades of economic and social change, China is still governed by an authoritarian regime fully capable of wielding all the tools of a dictatorship. The markets may be more open and people may be freer to travel, but Beijing is still able to control the media and cynically manipulate the truth to whip people into a nationalistic anti-American frenzy. By treating the U.S. as an enemy, China’s leaders run the risk of turning America into just that.

This kind of brinkmanship was last seen when China lobbed missiles over Taiwan to protest its president’s visit to the U.S. A pattern of repeated quick-to-anger behavior could begin to raise the political risk factor for foreign corporations investing in China. It may already have put China’s entry into the World Trade Organization in jeopardy.

Washington’s own blunders haven’t helped. After years of boasting about smart bombs, the U.S. must now explain how it accidentally bombed China’s clearly marked embassy. This disaster follows hard on the heels of President Clinton’s humiliation of reform-minded Premier Zhu Rongji. Clinton made a huge mistake when he rejected a generous offer to U.S. business in exchange for Beijing’s entry into the WTO. Zhu went over the heads of conservatives in state companies, the bureaucracy, and the military to make the deal. But Clinton sent him home empty-handed. The organized demonstrations are part of an effort by these conservatives to roll back Zhu’s economic concessions.

They might also reflect Zhu’s own anger at Clinton.

Unfortunately, the intense wave of anti-Americanism may change China’s investment climate for years to come. U.S. and European corporations must now include in their financial calculations the possibility of Beijing lashing out against foreigners whenever international disputes arise.

This higher political risk compounds a basic business problem: Most investments in China have yet to turn a profit.

For Americans who believe that China was quickly moving toward a market-driven democracy, recent events should signal a new caution. Clearly, the seeds of a civil society run according to law have been planted in China. The country is far more open today than 20 years ago. But it took Taiwan and Korea nearly 50 years to evolve into democracies. It may take China that long as well.

Or China could become a far more threatening country. The point is, no one knows.

The long-term goal of U.S. policy should continue to be the peaceful integration of China into the economic order. If Zhu can still deliver on the WTO deal, Washington should sign it. And certainly, Washington owes China a full and detailed explanation of the bombing error. It is also incumbent upon the U.S. to clarify its position on humanitarian interventionism. Is the U.S. the defender of last resort for every minority anywhere in the world? Is it willing to sacrifice good relations with Russia and China, both of whom have restive minorities, for a foreign policy of unfettered global moralism?

China, for its part, should realize that virulent nationalism can only lead down a historic dead end of isolation and international conflict. Its willingness to go to the brink time and again with the U.S. rules out the very kind of normal relations with other nations that it claims to seek.

EXTENSIONS OF REMARKS
11195

DEA ADMINISTRATOR TOM CONSTANTINE RETIRES
HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. GILMAN. Mr. Speaker, yesterday we regrettably learned that our nation’s leading drug fighter, our distinguished DEA Administrator Thomas Constantine, has announced his retirement after five years of service in Washington. Prior to coming to Washington, Mr. Constantine had long served with distinction in New York State as a state police officer. He became the first state trooper to rise to Superintendent of the N.Y. State Police after more than 30 years as a state trooper.

Considered a “cop’s cop” by our nation’s law enforcement community and an expert on organized crime, he courageously called it as he saw it, particularly the laxness and corruption, drug trafficking and organized crime in Mexico. His candor, his integrity and honesty were always welcome, and significantly helped us to develop our drug control policy and thinking on this difficult, complex subject.

Director Constantine leaves just after opening a new DEA training academy at Quantico, Virginia that will serve as a leading international training center for fighting drugs in our hemisphere. He also led the way to opening of a second International Law Enforcement Academy (ILEA) in the world established with Thai Police in Bangkok, Thailand. That ILEA will help develop vital “cop to cop” links in Asia against the spread of illicit narcotics and transnational crime.

During Director Constantine’s tenure as Superintendent of the New York State Police, the 4,800 member department received numerous awards, including the Governor’s Excellence Award given to the best quality agency in state government. In 1994, Mr. Constantine was selected as the Governor’s Law Enforcement Executive of the Year. He was also awarded the 1997 National Executive Institute’s Pennhill Award for outstanding law enforcement leadership.

My colleagues, our nation, and especially our young people, have lost an outstanding and invaluable public servant. We all join in wishing Tom and his family good health and happiness in his retirement years.
THE ADMINISTRATION’S HARBOR SERVICES FUND ACT OF 1999

HON. BUD SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. SHUSTER. Mr. Speaker, today I am pleased to introduce by request the Administration’s Harbor Services Fund Act of 1999 which provides a source of funding for the development, operation and maintenance of our Nation’s harbors. This legislation establishes a fee that would be charged to commercial vessels for the services provided at ports within the United States. Generally, these services are those provided by the Army Corps of Engineers in their maintenance dredging program and in their construction of new navigation channels.

This bill also repeals the Harbor Maintenance Tax that has served as a source of funding for maintenance activities since 1986. It also transfers the surplus in the Harbor Maintenance Trust Fund to a new fund where it could be spent for intended services. Last year the Supreme Court ruled that this tax, as it applies to exports, is unconstitutional. The intent of the Administration’s bill is to structure a revenue mechanism to meet the constitutional test for a user fee and to prevent a large surplus from developing in the fund.

The Administration’s bill raises a number of significant questions and issues. Predictably, this controversial proposal has raised concerns among those who would pay—either directly or indirectly—the new fee. One common principle shared by both proponents and opponents of the bill, however, is the need to find a replacement to finance port infrastructure needs.

Our Nation’s ports are a vital link in our intermodal transportation network that is the foundation of our competitiveness in international trade and our economic well-being. Our deep draft ports move over 95% of US trade by weight and 75% by value. International trade accounts for $2.3 trillion, or 30% of our Gross Domestic Product. Addressing the question of how to fund the Federal cost of maintaining and improving our harbors is an important part of the Transportation and Infrastructure Committee’s business this year.

The Transportation and Infrastructure Committee intends to explore this proposal and others over the next several months. We will be working with the Administration, ports, shippers, carriers and others in order to develop a fair and dependable source of funding for this important Federal function.

EXTENSIONS OF REMARKS

For nearly three decades, the White House Fellowship Program has honored and employed the talents of outstanding citizens who have demonstrated excellence in academics, community service, leadership, and professional achievement. Each year there are between 500 and 800 applicants nationwide for 11 to 19 fellowships. White House Fellows are chosen on the merit of remarkable achievement early in their career and the evidence of growth potential. It is the country’s most prestigious fellowship for public service leadership development.

As a White House Fellow, Mr. Boelhouwer works in the Office of the Vice President. In this capacity, he focuses on domestic policy issues such as Social Security reform, domestic impact of foreign trade, creating livable communities, agriculture and transportation issues. He has also had the unique opportunity to meet and work with America’s leaders in the private, public and non-profit sectors as part of his White House Fellowship curriculum.

Mr. Boelhouwer earned a bachelor’s degree in history, Phi Beta Kappa, from Trinity College and a JD from Yale Law School. He is a management consultant with McKinsey & Co., where he has designed an innovative approach to connecting schools to homes via the Internet to improve children’s education. Prior to joining McKinsey & Co., he served as a legislative aide in the U.S. Senate, where he developed and drafted legislation creating the National Civilian Community Corps, a resident service program passed as part of President Clinton’s AmeriCorps bill. Mr. Boelhouwer’s community involvement is quite extensive. Most notably, he originated and led a pro bono project to help the President’s Summit for America’s Future design its plan to reach the nation’s communities. In addition, he created and wrote a guidebook, published by America’s Promise, to help neighborhoods and communities around the country develop their own local action plans.

Mr. Speaker, I urge my colleagues to join me today in commending Pieter Boelhouwer for his service as a White House Fellow and for his distinguished leadership in civic and community endeavors.

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. LARSON. Mr. Speaker, I rise today to pay tribute to Pieter Boelhouwer of Wethersfield, CT, a distinguished 1998–99 White House Fellow.

TRIBUTE TO PIETER BOELHOUWER

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. LARSON. Mr. Speaker, I rise today to pay tribute to Pieter Boelhouwer of Wethersfield, CT, a distinguished 1998–99 White House Fellow.

District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

Since the 6 years the SHARP PLUS program has been in existence, it has provided almost 1,500 summer research apprenticeships to rising high school juniors and seniors interested in mathematics, science, engineering, and technology. Although Rodney and Akilah were chosen based on their exceptional math and science skills, they have not had the opportunity to apply this knowledge in a research environment. The SHARP PLUS program will give them the opportunity to work with professional research scientists and engineers in university and industry settings. They will be working on research projects and presenting papers based on their findings at the end of the program.

Mr. Speaker, I commend NASA and the QEM Network for this outstanding program, and I ask you to join me in expressing my most sincere congratulations and best wishes to Rodney K. Graham and Akiolah L. Hugine from South Carolina for being selected for the 1999 NASA Summer High School Apprenticeship Research Program.

A TRIBUTE TO THE SAN MANUEL BAND OF MISSION INDIANS AND THE UNITED STATES DEPARTMENT OF COMMERCE

HON. GEORGE E. BROWN, JR.
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. BROWN of California. Mr. Speaker, it is with a great sense of pride that I rise today to pay tribute to the San Manuel Band of Mission Indians and the U.S. Department of Commerce on the occasion of the opening of the newest associate office of the U.S. and Foreign Commercial Service on June 4th, 1999. The joint venture marks the first time that the Department of Commerce has opened an office of this nature on tribal lands. The San Manuel Band of Mission Indians and the Department of Commerce are forging a new path for future expansion of these types of programs to other tribes. It is my hope that more agencies will follow this path and work with all tribal governments to open new offices on tribal lands. Future expansion of United States government agencies on these lands not only helps tribal governments, but also benefits local communities, and can help foster more interaction between a tribe and the community around it.

The purpose of the Foreign Commercial Service is to support U.S. commercial interests by increasing sales and market shares of domestic companies in overseas markets. The San Manuels, by bringing this agency to their tribal lands, have given all local businesses an advantage in increasing their sales and the local workforce, by increasing the avenues for locating new customers overseas.

By locating the offices at the San Bernardino International Trade Center, which is located at the former Norton Air Force Base, I see an even greater opportunity for new local business. Not only can entrepreneurs get help in opening new ventures by
working with the Small Business Incubator, which is already located on the grounds of the Trade Center, but now they will also have assistance from the Foreign Commercial Services office which can reach out to its 90 domestic and 160 international offices that operate in the Foreign Commercial Service system.

Mr. Speaker, I ask my colleagues to join me in congratulating both the San Manuels and the Department of Commerce for this joint effort. At home in my district in California, we are proud of the contributions both these groups are making to the community. This joint venture is representative of the emerging international economic force that will make San Bernadino an international trade leader in California.

INTRODUCTION OF INDIAN ECONOMIC DEVELOPMENT LEGISLATION

HON. JOHN B. SHADEGG
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. SHADEGG. Mr. Speaker, I rise today to introduce three bills which will assist Indian tribes in their efforts to develop their economies. The federal government has an important obligation to the Indian community; however, simply increasing federal funding for various programs will not solve the long-term economic and social needs of all Native Americans. While the federal government has spent billions of dollars to aid Native Americans, thousands still live in substandard conditions with no real opportunity to overcome the cycle of poverty. Funds earmarked for Native Americans are in many cases being wasted by the federal bureaucracy.

I believe there is a better approach. Rather than spending ever-increasing amounts of money on wasteful programs, Congress should promote real, long-term economic development for Native Americans.

Let me be clear about what I believe is real economic development. I do not believe that gambling on reservations will provide lasting economic stability for Indians. While a small number of tribes have enjoyed huge windfalls of economic prosperity, the majority of Native Americans live in areas that do not facilitate the conditions to develop their economies. The second bill is the Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999. This bill clarifies existing law so that tribal governments are treated identically to State and local units of government for unemployment tax purposes.

The third piece of legislation is the Tribal Government Tax-Exempt Bond Authority Amendments Act of 1999. This bill provides additional tax-exempt bond authority to tribal governments to fund infrastructure and capital formation. Currently, reservations are restricted to issue tax-exempt bonds only for “essential government functions” and certain, narrowly defined, tribally-owned manufacturing. By providing additional tax-exempt bond authority, new sources of capital can be attracted to reservations and may provide additional economic development. Incidentally, the bond authority would not be extended for the construction of gaming-related operations.

PRIVATE MALCOLM BARNES
SHERROD OF IRVING

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to Pvt. Malcolm Barnes Sherrod of Irving, TX, regarding his recent graduation of the Young Marine Training Course in Tarrant County sponsored by the Young Marine Corps League. His successful completion has promoted him from recruit to private.

I join with his proud family and the constituents of the 30th Congressional District of Texas in commending his achievements.

His completion of the course and subsequent promotion are testimonials to his leadership abilities, focus, and dedication to service. I trust that these abilities will continue to serve him well for what appears to be a successful career.

Mr. Speaker, Private Sherrod certainly has the motivation and the lineage to be a great marine and serve his country. His mother, Ms. Jeanie Sherrod was a woman marine, serving as a corporal. In addition, his father, Lewis Barnes is an Active Reserve lieutenant colonel officer in the Armed Forces. Private Sherrod will continue the legacy of a family serving and protecting their country.

Private Sherrod was inducted into the Marine Corps in January 1999. With the completion of his training, Private Sherrod has been selected for survival school where he will hone his skills and abilities. He will also enter leadership school from July 14 to August 14.

Mr. Speaker, all these activities that I mentioned are demanding and challenging for any young man or woman. It is an understatement to say that such an endeavor is not for everyone. Indeed, it takes a determined and motivated individual to master these challenges and demands.

Mr. Speaker, I am confident that Private Sherrod will take on the challenges at both survival and leadership school with tremendous focus and effort.

Mr. Speaker, Private Sherrod plans to serve in another capacity after the Marine Corps as a lawyer. His training and time in the Marine Corps will definitely prepare him for such an endeavor. His goal to be a lawyer is an example to his classmates to succeed in life.

Mr. Speaker, again, I join the constituents of the 30th Congressional District of Texas in congratulating the wonderful achievements of Pvt. Malcolm Barnes Sherrod.

TRIBUTE TO CHARLES W. DAVENPORT

HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Charles W. Davenport, the Most Worshipful Grand Master of the Most Worshipful Prince Hall Grand Lodge of South Carolina, for his service to his lodge and community.

A lifelong resident of Batesburg, South Carolina, Grand Master Davenport is the husband of the late Viola C. Anderson Davenport of Saluda, and they have three children and two grandchildren. He is a 1962 graduate of Twin City High School in Batesburg, and the DeVry Institute of Technology. He has also completed various courses in supervision and personnel management, and he is a graduate of insurance information services and the United States Air Force Security and Law Enforcement School.

Grand Master Davenport was elected at the 127th Grand Lodge Session in December of 1995. He is a former Master of the Twin City Lodge #316, Commander in Chief of the C.C. Johnson Consistory #136, Potentate and Imperial Deputy of the Oasis of Cairo Temple #125. He has also previously served as Chief Deputy for Golf of the Imperial Recreation Department, Grand High Priest Prince Hall Grand Chapter Holy Royal Arch Masons of South Carolina, and General Grand High Priest of the General Conference Holy Royal Arch Masons USA and Bahamas, Inc. Grand Master Davenport is also an Honorary past Grand Master of Georgia and North Carolina. He is the Imperial Outer Guard of the A.E.A.O.N.M.S.Inc., and a member of Twin City Chapter #243 Order of Eastern Star and Ethiopia Chapter Royal Arch Masons. Grand Master Davenport is also a Sovereign Grand Inspector General Active Emeritus and a Kentucky Colonel.

Grand Master Davenport is also very active in his church community. St. Mark Baptist Church of Leesville, where he is currently serving in his 9th year as Chairman of the Board of Trustees of Lexington School District Three. Grand Master Davenport is a life member of the N.A.A.C.P., a Member of the Twin City Alumni Association and the Good Sam Recreational Vehicle Club.

Mr. Speaker, I ask you and my colleagues to join me today in paying tribute to an individual who epitomizes the virtue of being a
public servant in his community. He has made his mark on the Masonic Order, his church, and the local school district—all of which are better off because of his dedicated service.

PERSONAL EXPLANATION

HON. JULIA CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent for two votes on Monday, May 24, 1999, and one quorum call on Tuesday, May 25, 1999, and as a result, missed rollcalls 145, 146, and 151. Had I been present, I would have voted "yes" on rollcall 145, "yes" on rollcall 146, and "present" on rollcall 151.

HONORING DR. ROBERT BICKFORD

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. HOYER. Mr. Speaker, I rise today to honor an extraordinary man, my good friend Dr. Robert Bickford, who is retiring after 27 years as president of Prince George's Community College.

Dr. Bickford began his service to the State of Maryland as a physical education teacher at Maryland Park High School. He then spent 13 years as a physical education teacher at Suitland High School, where he also coached basketball, baseball, lacrosse, football and golf.

In 1962, Dr. Bickford began his tenure with Prince George's Community College as a part-time physical education instructor and has never left. In 1964, Dr. Bickford assumed full-time employment status as the college's director of student activities and director. And, in 1967, he was appointed dean of the evening division, community instruction and summer sessions as the college moved to its new campus in Largo, Maryland.

On November 22, 1972, Dr. Bickford was appointed to the position he currently holds, president of Prince George's Community College.

In his tenure as president of Prince George's Community College, Dr. Bickford has been honored time and time again by the community for his commitment to education. In 1981, he received the Citizen of the Year Award from the Board of Trade of Prince George's County. In 1983, the George Washington University School of Education honored Dr. Bickford with the Outstanding Achievement Award. In 1991, the Prince George's Community College new physical education addition was aptly named the "Robert I. Bickford Natatorium."

But Dr. Bickford's greatest honors lie in the legacy he leaves at Prince George's Community College. During his tenure, the college's budget increased from $7.7 million to $50 million. Annual enrollment increased from approximately 10,000 students to over 35,000 students. He doubled the number of academic programs and greatly increased minority student attendance at the college.

Dr. Bickford has left an indelible mark of excellence on Prince George's Community College, leading it to its greatest level of achievement and success. He has made a profound impact on his students, his colleagues and his community in his many years of service to education in Maryland.

Today, on behalf of the citizens of the Fifth District of Maryland, I offer our thanks and our deepest gratitude for Dr. Bickford's lifelong work to provide a quality education for so many of our residents and I congratulate him on his retirement.

IN RECOGNITION AND HONOR OF JUDGE MARTHA GLAZE

HON. MAC COLLINS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. COLLINS. Mr. Speaker, I rise today to honor Judge Martha Glaze and her distinguished career. Judge Glaze's twenty-two year career on the bench comes to an end in June, but her contributions to juvenile justice in Clayton County will long be remembered.

At a time when juvenile justice is at the forefront of national discussion, Clayton County and Georgia can be proud of Judge Glaze's accomplishments in adopting innovative new approaches to serve children and their families. Judge Glaze's leadership has been instrumental in bringing together professionals throughout Clayton County who work with children. This unity eliminated much of the conflict that often plagues juvenile justice programs across America.

On a personal level, Judge Glaze has always been a friend and supporter to the concerns of Third District residents. I thank her for her leadership and her devotion to our children. Her presence on the Clayton County Juvenile Court will be missed, but her impact will live on in the families of Clayton County.
Mr. CALLAHAN. Mr. Speaker, I take this opportunity to make our members aware of the American cruise industry’s importance to the nation and its maritime industry.

Recently, PricewaterhouseCoopers (PwC) completed an economic study that provides considerable detail regarding the enormous positive economic contribution which the cruise industry provides throughout the United States. This study concluded the cruise industry is responsible for creating jobs in every state in the country. It is important to our national economy that billions of dollars in U.S. products are purchased by the cruise industry each year. As this industry continues to grow and prosper, more U.S. companies will benefit from expanded business.

In my district in Alabama, millions of dollars are spent every year on maintenance and repair of cruise ships at Atlantic Marine and Bender shipyards in Mobile. Hundreds of people are employed in this work and it is an important contributor to our local economy.

The PwC study showed that the total economic impact of the cruise industry in 1997 was $11.6 billion. Of this, $6.6 billion was direct spending of the cruise lines and their passengers on U.S. goods and services. An additional $5 billion was expended by cruise industry U.S.-based goods and services providers. Therefore, in 1997 the total impact of the U.S. cruise industry was $17.6 billion, and these purchases occur in every state in the country. This PwC study also revealed that the cruise industry, through its direct employment and the jobs attributable to its U.S. supplier base, totaled 176,433 jobs for Americans in 1997. The cruise industry has been growing by 6-10% every year. For Americans, that can mean thousands of new jobs each year.

The PwC study also revealed that the cruise industry in 1997 paid over $1 billion in various federal taxes and user fees and local state fees and taxes.

Many have considered the cruise industry to benefit a select few in highly localized areas, but this study reveals the industry touches virtually every segment of the American economy. It is an essential component of the American maritime infrastructure. Those industries most heavily impacted are summarized below:

- Airline transportation—$1.8 billion
- Transportation services—$1.2 billion
- Business services—$1.0 billion
- Energy—$998 million
- Financial services—$698 million
- Food & beverage—$607 million

Mr. Speaker, the cruise industry is a growth industry that is not only purchasing goods and services from around the country but is helping to grow the U.S. national economy and its maritime infrastructure.

Mr. BERRY. Mr. Speaker, I rise today to honor a great Arkansan, a man who served our country in the Korean War, and is a Medal of Honor recipient, Mr. Gilbert Collier.

Mr. Collier served as a Sergeant in U.S. Army's Company F, 223rd Infantry Regiment, 40th Infantry Division near Tutayon, Korea in 1953. Sergeant Collier was pointman and assistant leader of a combat patrol. While serving his country in Korea, he was injured after he and his commanding officer slipped and fell from a steep, 60-foot cliff and were injured. Although he suffered a badly sprained ankle and painful back injury, Sergeant Collier stayed with his leader and ordered the patrol to return to the safety of friendly lines. Before daylight, Sergeant Collier and his commanding officer managed to crawl back up and over the mountainous terrain to the same valley where they concealed themselves in the brush until nightfall, then edged toward their company positions. Shortly after they were ambushed, Sergeant Collier received painful wounds after killing two hostile soldiers. He was also separated from his leader. Sergeant Collier ran out of ammunition and was forced to attack four hostile infantrymen with his bayonet. He was mortally wounded but made a valiant attempt to reach and assist his leader in a desperate effort to save his comrade’s life without regard for his own personal safety.

This Memorial Day, all Americans will honor the men and women who fought for our country. I would like to pay a special tribute today to Sergeant Collier, who’s life has been committed to the principles of duty, honor, and country. He is a courageous and outstanding Arkansan, who’s name will live on forever as a shining example of bravery and is truly a great American hero.

Mr. STUMP. Mr. Speaker, the United States Forest Service is planning on changing or selling six unmanageable and/or excess parcels of land in the Prescott, Tonto, Kaibab, and Coconino National Forests. The Forest Service has also agreed to sell land to the city of Sedona for use as an effluent disposal system. If the Forest Service sells the parcels, they want to use the proceeds from five of these sales to fund creation or upgrade current administrative facilities at these national forests. The funds generated from the sale of the other parcels could be used to fund acquisition of sites, or construction of administrative facilities at any national forest in Arizona. Transfers of land completed under the Arizona National Forest Improvement Act will be completed in accordance with all other applicable laws, including environmental laws.

Mr. Speaker, in essence, this bill will improve customer and administrative services by allowing the Forest Service to consolidate and upgrade facilities and also facilitate the construction of a much needed wastewater treatment plant for the city of Sedona.

Mr. Speaker, in essence, this bill will improve customer and administrative services by allowing the Forest Service to consolidate and upgrade facilities and also facilitate the construction of a much needed wastewater treatment plant for the city of Sedona.

Mr. Speaker, in essence, this bill will improve customer and administrative services by allowing the Forest Service to consolidate and upgrade facilities and also facilitate the construction of a much needed wastewater treatment plant for the city of Sedona.
to support activities of the National Center for Missing and Exploited Children.

Programs under the Runaway and Homeless Youth Act have received a total appropriation of $59 million in FY 1999, while existing activities under the Missing Children's Assistance Act received a total of $17 million. The National Center for Missing and Exploited Children has received federal grants for the past 14 years, with the FY 1999 Commerce-Justice-State Appropriations Act earmarking $8 million for the center.

The measure authorizes $10 million a year for grants to the National Center, with the funds to be used to operate the national resource center and its 24-hour toll-free telephone line; provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children; coordinate public and private missing children programs; and provide technical assistance and training to law enforcement agencies and others in preventing, investigating, prosecuting and treating cases of missing and exploited children.

The measure allows the Department of Health and Human Services (HHS) to establish a single consolidated application review process for funding requests under the law, but requires that funds be separately identified in all grants and contracts. As under current law, 90% of program funds would have to be used to establish and operate basic runaway centers and transitional living programs, with transitional living programs to receive between 20% and 30% of annual appropriations. Furthermore, this bill allows basic center grants to be used for drug education programs—which are crucial to making sure that children stay off the streets.

The bill also recodifies much of the act to remove duplicative provisions and more clearly defines the types of services that may be provided under the programs. It also allows HHS, in awarding grants, to take into consideration the geographical distribution of proposed services and areas of a state that have the greatest needs, and then requires HHS to conduct on-site evaluations of grant recipients that have received funds for three consecutive years—a good oversight provision. Furthermore, this bill requires HHS to report to Congress every two years on the status and activities of grant recipients, along with HHS evaluations of those grantees.

S. 249 also authorizes such sums as necessary through FY 2003 for the Sexual Abuse Prevention Program, under which HHS is authorized to make grants to private nonprofit agencies for street-based outreach and education activities to runaway, homeless and street youth who are at risk of sexual abuse. Along these lines, the bill requires HHS to conduct a study on the relationship between sexual abuse and running away from home.

Mr. Speaker, our purpose in passing this bill is to build awareness around the issue of missing children, find those who are currently missing and to prevent future abductions. By passing this legislation we will continue our efforts in identifying ways to work effectively in our districts to address this very important issue and stem future suffering amongst our families.
May 26, 1999

being the longest serving African American female to serve in the House of Representatives.

In 1991, she wrote the law which extends Medicare Coverage for mammography screening, thereby, allowing millions of elderly and disabled women to receive this vital service. She was successful in praising legislation which expanded Medicaid coverage for pap smears in order to better provide for the early detection of cervical uterine cancers.

In 1979, Congresswoman Collins served as Chairperson for the Congressional Black Caucus and was the first African American woman to serve as a Democratic Whip at-large.

The second postal facility is named after Otis Grant Collins, who prior to his death in 1992, was recognized as one of the premier activists in apprenticeship training in this country. In addition, while serving as a State Representative in the Illinois General Assembly he was a champion of laws that protected minority communities from redlining.

The third postal facility is named after Mary Alice "Ma" Henry, who prior to her death in 1995, was recognized as one of Chicago’s most caring and compassionate community activists. She is remembered as a courageous leader for the poor, uninsured and left out of our society. In 1976, the Mary Alice "Ma" Henry Family Health Center was dedicated and now serves over 20,000 patients every year.

The fourth postal facility is named after former State Representative Robert LeFlore, Jr. who prior to his death in 1993, was recognized as a leading advocate for the disadvantaged and underprivileged. He was a tireless worker, on behalf of seniors and children and his contributions will be remembered a long time.

These individuals represent the best of Chicago and the nation. Their contributions have been significant and their legacies have been embedded in the communities they touched. Therefore, I am pleased to sponsor this bill on behalf of the greatest leaders in the African American community.

INTRODUCTION OF MEDICARE MODERNIZATION NO. 6: MEDICARE PREVENTIVE CARE IMPROVEMENT ACT OF 1999

HON. FORTNEY PETE STARK
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. STARK. Mr. Speaker, I am very pleased today to introduce the sixth bill in my Medicare modernization effort: the “Medicare Preventive Care Improvement Act of 1999.” This bill carries forward the overall theme of modernization: to improve the quality of health services for Medicare beneficiaries, and achieve potential savings for the program.

Medicare should provide state-of-the-art health services to its beneficiaries. But in order to achieve this, Medicare needs more flexibility to adapt and change with today’s ever-changing health sciences. Currently, Medicare relies on Congressional decision-making for too many of its day-to-day operations. For example, my colleagues and I have often been asked to consider whether or not to include additional services in Medicare’s benefits package. In order to do this, we have to weigh the costs and benefits of highly technical information that we know virtually nothing about. Often, our decisions are based more on political motivations than sound scientific analysis. This is no way to run a health insurance plan.

Fortunately, we have experts in the Department of Health and Human Services who are qualified to make these decisions. Now we just need to give them the authority to do so. The “Medicare Preventive Care Improvement Act of 1999” would allow the Secretary of Health and Human Services to make decisions about whether or not to cover new preventative health measures. If the Secretary determines that covering a new preventative service would be cost effective, she may implement those benefits as soon as the Act of Congress. Granting such administrative flexibility is the cornerstone of my modernization effort.

In 1997, Congress passed a series of preventative health initiatives for Medicare including: Yearly Mammography Screening; Yearly decreased coverage of Screening Papanicolaou and Pelvic Exams; Prostate Cancer Screening; Colorectal Cancer Screening; Diabetes Self Management and Training Services (and coverage of blood test strips and glucose monitors); and Bone Mass Measurement tests (osteoarthritis screening).

Recognizing the importance of preventive health care to the Medicare population, the BBA also provided for a study to analyze the potential expansion or modification of preventative and other services covered under Medicare. Unfortunately, the BBA did not take this commitment to preventive care one step further by allowing the Secretary to implement preventative services that are found to be cost effective. This bill leaves the technical, medical, cost-benefit analysis issues up to the Secretary and the expert doctors in the Department to resolve.

If we want Medicare beneficiaries to avail themselves of preventative services, we must make it simple and affordable for them to do so. This bill also makes two necessary improvements in that regard. Currently, some preventative services are subject to the $100 Part B deductible while others are specifically exempted from the application of the deductible. The Medicare Preventive Care Improvement Act would standardize the policy so that all preventative benefits are exempt from the deductible. In addition, under current Medicare rules, providers can balance bill for some preventative services, but not others. This legislation would firmly establish in law that balance billing for all preventative services is prohibited.

What type of preventative care services might be allowed under the bill I am introducing today? In recent years, I have received a number of letters and reports from kidney disease specialists saying that if Medicare were more flexible in providing care to those approaching end-stage renal disease, we could save in many cases delay the onset of ESRD and the need for dialysis by months or even years.

Each year a person is on dialysis with terminal ESRD, it costs Medicare and the tax-payer $40,000 to $60,000. ESRD patients are consistently the most expensive patients enrolled in the program. Yet experts have said that dietary consultation, occupational therapy and early placement of dialysis access, are all tools which can save money, pain, and improve the quality of life of ESRD patients. I do not know if these claims are valid. I am not a doctor. But HHS has the experts, and if the Department’s physicians and researchers find these claims are true, of course we should start to cover those preventative services. The Secretary should have the flexibility to provide these services when she finds that the evidence supports their use as cost-saving, quality-improving actions, without requiring an Act of Congress.

Another example of a qualified preventative service is independent living services for the blind. When someone is stricken with blindness, they can access several training programs that help them live independently. Without this training, blind persons risk becoming institutionalized. Until this bill, if the Secretary determines that rehabilitation such as this would prevent a blind person from having to move to a more intensive setting, she may cover such services.

Modern medicine keeps developing new miracles to delay or prevent terrible illnesses. If Medicare is to be a modern health insurance plan, it must be able to cover these preventative care services quickly. Forward looking treatments like those included in the BBA take the position that a disease prevented is a dollar saved. Logically, if we prevent diseases from occurring, Medicare will save money in the long run. In the case of Medicare, the savings can be considerable. The bill I am introducing today gives the Medicare Administrator the tools to use modern health advances to save lives and money.

The BBA of 1997 was a good first step, but did not go far enough toward improving the overall service available to Medicare beneficiaries. The “Medicare Preventive Care Improvement Act of 1999” provides for greater flexibility to adopt preventative health measures without having Members of Congress play doctor.

IN HONOR OF ST. COLUMB KILLE PARISH SCHOOL

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor S. Columb Kille Parish School, which has been named a 1999 Blue Ribbon School of Excellence by the U.S. Department of Education.

Only 266 schools in the country earned this prestigious award this year. Blue Ribbon Schools are considered to be models of both excellence and equity where educational excellence for all students is a high priority. St. Columb Kille Parish School had to demonstrate its effectiveness in meeting local, state and
national educational goals and had to sucessfully complete a rigorous application process. The Ribbon School must offer instructional programs that meet the highest academic standards, have supportive and learning-centered school environments, and demonstrate student outcome results that are significantly above average.

This is a great achievement for the students, parents, teachers and staff. The hard work of the teaching and administrative staff at St. Columbikille Parish School, combined with the outstanding involvement of parents, has created an excellent climate for learning. The entire St. Columbikille Parish School community should be very proud of this national recognition. Its academic programs and environment will serve as a model for schools across the country.

My fellow colleagues, please join me in congratulating the students, teachers and administration of St. through the Spanish Parish School for their commitment to excellence.

RECOGNIZING AND HONORING MEDAL OF HONOR RECIPIENTS AND COMMENDING IPALCO ENTERPRISES

HON. JULIA CARSON OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Ms. CARSON. Mr. Speaker, the end of May brings us to Memorial Day, a time of national remembrance and honor for those who have passed on. Once known as Decoration Day, devoted to the decoration of the graves of veterans of service in the Civil War, in the years between its focus has changed.

I rise to pay a special tribute to a man of vision and the company he leads in Indianapolis. For Mr. Hodowal, and for IPALCO Enterprises, this day is yours, as well. I am prouder of their heroism is a wondrous way to commemorate IPALCO for its generosity, I have sponsored a resolution honoring these champions. This Memorial Day weekend in Indianapolis, nearly 100 of the 157 surviving Medal of Honor recipients will be honored as special guests for the dedication of the memorials and will serve as honorary Grand Marshals of the parade.

Our remembrance this day of those who earned our nation’s highest military recognition by their heroism is a wondrous way to commemorate the service of all veterans. Mr. Hodowal’s idea, expressed in glass and sound and light and stone, transcends and transforms the traditional notion of such honors in our city. This monument, reminding and inspiring all who walk by the bank of the canal in Military Park, is an important piece, a central place, for the eternal honor these heroes are due.

For Mr. Hodowal, and for IPALCO Enterprises, this day is yours, as well. I am prouder than words can express to say that I know you. For this gift to the city and to the nation, for your civic service above and beyond the call, I salute you.

DON’T ABANDON PUBLIC SCHOOLS

HON. MAJOR R. OWENS OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. OWENS. Mr. Speaker, Washington is a key to the future of our children. In the classroom, we must meet the high standards we set. Mr. Speaker, this is the best protection for Social Security. It is an educated work force that will enable us to compete.

But urban shrinkage is still planned. Streets left uncertain. Cops mandated to act real mean. Forget all Godly rules.

Mr. Speaker, Washington is a key to the future of our children. In the classroom, we must meet the high standards we set. Mr. Speaker, this is the best protection for Social Security. It is an educated work force that will enable us to compete. H.R. 1820 commits the government to make the contribution most suitable to its role. Through direct appropriations we must make capital investments in the school infrastructures. Offer leadership in the building of schools and then leave the details of day to day operations to local and state authorities.

H.R. 1820 proposes to help all schools by authorizing a per capita (on the basis of school age children) distribution of the allocations for the purposes of modernization, security, repair, technology, and renovations as well as new school construction.

H.R. 1820 deserves national priority consideration for the following reasons:

The effective performance of our military in action utilizing hi-tech weaponry requires an educated pool of recruits.

The U.S. economy will continue to be the pace setter for the globe only if we maintain a steady flow of qualified brainpower and updated know-how at all performance levels— theoretical, scientific, technical and mechanical.

Invest in education and all other national goals become reachable.

Sincerely,

MAJOR R. OWENS, Member of Congress.
EXTENSIONS OF REMARKS

SUMMARY OF H.R. 1820

TO AMEND TITLE XII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 TO PROVIDE GRANTS TO IMPROVE THE INFRASTRUCTURE OF ELEMENTARY AND SECONDARY SCHOOLS.

SEC. 12001. FINDINGS.

(1) There are 52,700,000 students in 88,220 elementary and secondary schools across the United States. The current Federal expenditure for education infrastructure is $12,000,000. The Federal expenditure per enrolled student is 23 cents. An appropriation of $22,000,000,000 would result in a Federal expenditure for education infrastructure of $417 per student per fiscal year.

(2) The General Accounting Office in 1995 reported that the Nation’s elementary and secondary schools need approximately $122,000,000,000 to repair or upgrade facilities. Increased enrollments and continued building decay has raised this need to an estimated $200,000,000,000. Local education agencies, particularly those in central cities or those with predominantly minority students, often have not obtained adequate financial resources to complete necessary repairs or construction. These local education agencies face an annual struggle to meet their operating budgets.

(3) According to a 1995 survey conducted by the American Association of School Administrators, 74 percent of all public school buildings need to be replaced. Almost one-third of such buildings were built prior to World War II.

(4) The majority of the schools in unsatisfactory environmental conditions are concentrated in central cities and serve large populations of poor or minority students.

(5) In the large cities of America, numerous schools still have polluting coal burning furnaces. Decaying buildings threaten the health, safety, and learning opportunities of students. A growing body of research has linked student achievement and behavior to the physical building conditions and overcrowding. Asthma and other respiratory illnesses exist in above average rates in areas of coal burning pollution.

(6) According to a study conducted by the General Accounting Office in 1995, most schools are unprepared in critical areas for the 21st century. Most schools do not fully use modern technology and lack access to the information superhighway. Schools in central cities and schools with minority populations above 50 percent are more likely to fall short of adequate technology elements and have a greater number of unsatisfactory environmental conditions than other schools.

(7) School facilities such as libraries and science labs are inadequate in old buildings and have outdated equipment. Frequently, in overcrowded schools, these same facilities are utilized as classrooms for an expanding school population.

(8) Overcrowded classrooms have a dire impact on learning. Students in overcrowded schools score lower on both mathematics and reading exams than do students in schools with adequate space. In addition, overcrowding in schools negatively affect both classroom activities and instructional techniques. Overcrowding also disrupts normal operating procedures, such as lunch periods beginning as early as 10 a.m. and extending into the afternoon; teachers being unable to use a single room for an entire day; too few lockers for students, and jammed hallways and restrooms which encourage disorder and rowdy behavior.

(9) School modernization for information technology is an absolute necessity for education in a coming CyberCivilization. The General Accounting Office has reported that many schools are not using modern technology and many students do not have access to facilities that can support education into the 21st century. It is imperative that we now view computer literacy as basic as reading, writing, and arithmetic.

(10) Both the national economy and national security require an investment in school construction. Students educated in modern, safe, and well-equipped schools will contribute to the continued strength of the American economy and will ensure that our Armed Forces are the best trained and best prepared in the world. The shortage of qualified information technology workers continues to escalate and presently many foreign workers are being recruited to staff jobs in America. Military manpower shortages of personnel capable of operating high tech equipment are already acute in the Navy and increasing in other branches of the Armed Forces.

SEC. 12003. FEDERAL ASSISTANCE IN THE FORM OF GRANTS.

(a) AUTHORITY AND CONDITIONS FOR GRANTS.

(1) IN GENERAL.—To assist in the construction, reconstruction, renovation, or modernization for information technology of elementary and secondary schools, the Secretary shall make payments of grants to State educational agencies for the construction, reconstruction, or renovation, or for modernization for information technology, of such schools.

(2) FORMULA FOR ALLOCATION.—From the amount appropriated under section 12006 for any fiscal year, the Secretary shall allocate each State an amount that bears the same ratio to such appropriated amount as the number of school-age children in such State bears to the total of number of school-age children in all the States. The Secretary shall determine the school-age children on the basis of the most recent satisfactory data available to the Secretary.

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $22,000,000,000 for fiscal year 2000 and a sum no less than this amount for each of the 4 succeeding fiscal years.

ASTHMA AWARENESS, EDUCATION AND TREATMENT ACT

HON. JUANITA MILLENDER-MCDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Ms. MILLENDER-MCDONALD. Mr. Speaker, today I was honored to be joined by six-time Olympic medalist, Jackie Joyner-Kersee, for the unveiling of the Asthma Awareness, Education and Treatment Act of 1999. I am introducing tonight. I am joined by 35 of my colleagues from both sides of the aisle introducing this important legislation to help children suffering from asthma.

Over the past several weeks, the safety, health and well-being of America’s children have been in the hearts and minds of parents and others throughout the country. Today, we are addressing a critical health issue that is affecting the health of our children: asthma.

The Asthma Awareness, Education and Treatment Act establishes a grant to reach out to inner-city, minority and low income communities to fight asthma. Some of the initiatives include: asthma and allergy screenings; education programs for parents and teachers; a nationwide media campaign; tax incentives for pest control and air climate control businesses to alleviate the suffering of asthmatic children; and community outreach through nontraditional medical settings, including schools and welfare offices.

Whatever your income, we are all paying the price for the 160 percent increase in asthma among preschool children over the past decade. The total cost of asthma to Americans was close to $12 billion last year. Simply put, parents miss work, children miss school, and too many cases are treated in emergency rooms that could have been treated, or in some cases prevented, by medication and ongoing management by a physician.

Today, we are taking steps to curb this staggering growth in asthma cases, its high cost to society, and its disproportionate effect on minorities and low income families. With the Asthma Awareness, Education and Treatment Act, we will empower teachers, parents, coaches, and anyone who works with children to help those with asthma.

I represent some of the poorest areas of the country in South Central Los Angeles. I have seen the dire need for community assistance. And I know the tax incentives in this bill will jump start businesses that can make our communities better and ultimately save lives that otherwise may have been cut short by asthma.

I have been working with the Allergies and Asthmatics Network/Mothers of Asthmatics, the American Medical Women’s Association, the American Lung Association, the Children’s Environment Network, the Children’s Defense Fund, the American Academy of Pediatrics, and the National Association of Children’s Hospitals to help children and their families face and manage this critical disease.

I hope that my colleagues will join me, Jackie Joyner-Kersee and all of these groups in raising awareness of asthma and making sure that this bill is brought to the floor as soon as possible.
Mr. Speaker and fellow colleagues, it is an honor to commend Leela de Souza of Chicago, Illinois in recognition of her achievements this year as a distinguished White House Fellow.

A native of Chicago, Ms. de Souza graduated Phi Beta Kappa from the University of Chicago, earning an AB in biopsychology. She received her MBA degree from Stanford University Graduate School of Business. After college, she moved to Spain and became a volunteer teacher at the American School of Madrid. Prior to college, at the age of 18, she became a professional ballet dancer. By age 23, she was the prima ballerina for the Hubbard Street Dance Company, one of America’s prominent contemporary dance troupes. Ms. de Souza is a management consultant with McKinsey & Co. In San Francisco, where she works with clients in the packaged goods, energy and health care industries. In addition to her professional career, she has done extensive pro bono work with two national symphonies. Ms. de Souza has also been involved as a mentor and tutor in the I Have a Dream Program in East Palo Alto, California, and serves on the Business Arts Council of San Francisco.

Established in 1965, the White House Fellowship program honors outstanding citizens across the United States who demonstrate excellence in community service, leadership, academic and professional endeavors. The nearly 500 alumni of the program have gone on to become leaders in all fields of endeavors, fulfilling the fellowship’s mission to encourage active citizenship and service to the nation. It is the nation’s most prestigious fellowship for public service and leadership development.

As a White House Fellow, Ms. de Souza serves in a position with the Office of the First Lady. She works at the White House Millennium Council to help create national projects and initiatives to celebrate the promise of the new millennium. In this capacity, Ms. de Souza assists with various initiatives such as Millennium Evenings at the White House and Save America’s Treasures. She is also the acting liaison with several of the First Lady’s millennium projects, including speech writing, federal agency millennium initiatives, and with non-governmental organizations seeking to partner with the White House on national millennium projects.

Mr. Speaker and fellow colleagues, it is an honor to pay tribute to Leela de Souza for her outstanding service as a White House Fellow.
I think the big lesson of this entire experience should be that we do have to start with conflict prevention, in the whole meaning of that term, very clearly as a necessary assurance against a very probably degeneration of this kind of armed conflict. The better off we will be as a nation to assure that as part of our national interest, and part of our activities and to do so early. I am saying this with a certain ax to grind. Mr. Ambassador and my colleagues have a program called Global Action to Prevent War which is also directed at preventing future Kosovos. You can find it on the World Wide Web. 

INTRODUCTION OF THE EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999

HON. WILLIAM (BILL) CLAY
OF MISSOURI

Mr. CLAY. Mr. Speaker, today I am introducing the Educational Excellence for All Children Act of 1999. I am privileged to introduce, along with my colleagues, a proposal to reauthorize the Elementary and Secondary Education Act (ESEA). This proposal will reinvigorate our commitment to high standards and achievement in every classroom; improve teacher and principal quality to ensure high-quality instruction for all children; strengthen accountability for results; and ensure safe, healthy, orderly and drug-free school environments where all children can learn.

Established in 1965 as part of President Lyndon B. Johnson's War on Poverty, the ESEA opened a new era of Federal support for education, particularly for students who would gain the most: children in our high-poverty communities and those at-risk of educational failure. Today, the ESEA authorizes the Federal government's single largest investment in elementary and secondary education. Through this Act, the President and the Congress have reaffirmed our commitment to developing a strong public school system.

This reauthorization of ESEA comes at a critical time for our country. The restructuring of ESEA that was done during the last review in 1994, to establish challenging State-developed standards and assessments, put us on the path to greater academic achievement for all students. This legislation builds upon this critical time for our country. The restructuring in promoting academic excellence and equal educational opportunity for every American.

This reauthorization of ESEA comes at a critical time for our country. The restructuring of ESEA that was done during the last review in 1994, to establish challenging State-developed standards and assessments, put us on the path to greater academic achievement for all students. This legislation builds upon this critical time for our country. The restructuring in promoting academic excellence and equal educational opportunity for every American.

Through this Act, the Congress and the President will reaffirm and strengthen the Federal role in promoting academic excellence and equal educational opportunity for every American.

This reauthorization of ESEA comes at a critical time for our country. The restructuring of ESEA that was done during the last review in 1994, to establish challenging State-developed standards and assessments, put us on the path to greater academic achievement for all students. This legislation builds upon this critical time for our country. The restructuring in promoting academic excellence and equal educational opportunity for every American.

I think the big lesson of this entire experi-
challenging academic standards which all States have developed into the classroom. In addition, this legislation authorizes the President's high-priority $100,000 teacher class-size program enacted as a part of last year's appropriation process. We must ensure that all children in America have talented, dedicated, teachers in small classes and this bill puts on this path.

Another important priority in this legislation is the fostering of supportive learning environments that reduces the likelihood of disruptive behavior and school violence while encouraging personal growth and academic development. This legislation strengthens the Safe and Drug-Free Schools and Act by emphasizing the funding of research-based approaches to violence prevention, expands the comprehensive prevention efforts through the Safe Schools/Healthy Students initiative; and encourages reform of America's high schools through increased individualized attention and learning.

In 1994, Congress and the President worked together on standards for all children and to provide a quality education for them to achieve those standards. Five years later, there is evidence that standards-based reform has increased achievement in many states, while helping spark reforms in others. With this bill, we must build upon the accomplishments of 1994. We can no longer tolerate lower expectations and results for poor and disadvantaged students. We must take the next step by helping schools and teachers bring high standards into every classroom and help every child achieve. The legislation I am introducing today will provide us with the tools to accomplish these vital missions.

TRIBUTE TO THREE MISSOURI PHYSICIANS: DR. GREGORY GUNN, DR. RAY LYLE, AND DR. RUTH KAUFFMAN

HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to three excellent physicians who have devoted most of their lives to healing. These dedicated doctors, as a Diplomat of the American Board of Family Physicians, and as President of the Missouri Academy of Family Physicians. As well as a competent physician, Dr. Lyle has also been an active participant in community affairs, contributing to such organizations as the Boy Scouts, the Missouri School Board, Chairman of the Versailles Industrial Trust, Morgan County Coroner, Mid-Mo P.R.S.O. Chairman and charter member of the Rolling Hills Country Club. He also served his county as a Lieutenant Commander in the Medical Corps of the Naval Reserve.

Dr. Gunn also selflessly served the people of the City of Versailles and Morgan County as a family physician with the Gunn Clinic from 1949 until his retirement on August 2, 1996. In her first year of practice, she performed 65 home deliveries. She served as a member of the American Medical Association, the Missouri State Medical Association, and was both a member and fellow of the American Academy of Family Physicians. She, too, was active in the community as Methodist Civic Chairman, Morgan County Coroner, Medical Director at Good Shepherd Nursing and Family Planning doctor at the Morgan County Health Center. She was also involved with Girl Scouting and was a charter member of the Rolling Hills Country Club.

Mr. Speaker, I know the Members of the House will join me in paying tribute to these fine Missourians for their unselfish dedication to the people and community of Versailles, Missouri.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF
HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 25, 1999

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in celebrating Asian/Pacific American Heritage month from May 1 to May 31, 1999.

Mr. Speaker, the greatness of our nation rests in its diversity: the diversity of its ideas, the diversity of its experiences, and, above all, the diversity of its peoples. America's institutions are constantly being reinvigorated by the vitality of our country's component communities, with their distinct but equally wondrous values. All the cultures fuses together to form a magnificent social mosaic, one made bolder and more dynamic by the contributions of citizens of diverse national origins. We learn from each other, and we share with each other the dividends of our differences.

Throughout the month of May, we celebrate the achievements of millions of Americans by commemorating Asian/Pacific American Heritage Month. This year's theme, "Celebrating Our Legacy," calls attention to the extraordi-
ASTHMA AWARENESS MONTH
HON. CARRIE P. MEEK OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mrs. MEEK of Florida. Mr. Speaker, this is Asthma Awareness Month. I rise to commend my colleagues, the gentlelady from California, Congresswoman JUANITA MILLER-McDONALD, and the gentlelady from Maryland, Congresswoman CONSTANCE A. MORELLA, for introducing the Asthma Awareness, Education And Treatment Act, and for their leadership in protesting America’s children, minorities, women and the poor from the devastating effects of asthma.

Asthma is a chronic respiratory disease characterized by inflammation of the airways, and increased responsiveness to various stimuli commonly called triggers. Asthma episodes involve progressively worsening shortness of breath, cough, wheezing, or chest tightness, or some combination of these systems. The severity of asthma may range from mild to life-threatening.

An estimated 14.6 million persons in the United States have asthma. The Centers For Disease Control and Prevention reported a 61 percent increase in the asthma rate between 1982 and 1994. According to The American Lung Association, more than 5,600 people die of asthma in the United States annually. This represents a 45.3 percent increase in mortality between 1985 and 1995.

The death rate from asthma for African Americans is almost three times that of whites. Among chronic illnesses in children, asthma is the most common. Approximately 33 percent of asthma patients are under the age of 18.

In the United States, asthma is the number one cause of school absences attributed to chronic conditions, leading to an average 7.3 school days missed annually. One study estimated that in 1994, school days lost to asthma amounted to 2.2 million in caretaker’s time lost from work, including outside employment and housekeeping.

Low income families are struck the hardest by asthma. Seventy-nine of every 1,000 people under 45 years old earning less than $10,000 per year have asthma. Fifty-three of every 1,000 people earning less than $35,000 per year have asthma.

The American Lung Association has been fighting lung disease for more than 90 years. With the generous support of the public and the help of volunteers, they have seen many improvements made in the treatment of asthma.

As we look forward to the millennium, working together with the American Lung Association and other community-based organizations all over America, we can ease the burdens of asthma and make breathing easier for everyone.

IN HONOR OF NATIONAL FOSTER PARENT AWARENESS MONTH
HON. JULIA CARSON OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Ms. CARSON. Mr. Speaker, this month marks the 11th observance of the National Foster Parent Awareness Month. Originally conceived at the 1987 National Foster Parent Training Conference, National Foster Parent Awareness Month is the impetus for communities around the nation to host activities and events to honor foster parents for making a difference in the lives of children in foster care.

In my home state of Indiana, nearly 15,000 children are in the foster care system. Nationwide, the number is an alarming one million children. These children often have special needs. They are victims of physical abuse, sexual abuse or neglect. They may suffer emotional, behavioral or developmental problems that range from moderate to severe. Most children reside only temporarily with foster parents, until it is considered safe for them to return home. A child’s stay with foster parents can be as short as one night or as long as several years or more.

This month we honor the individuals and families who open their homes to the children in need of a safe and nurturing living environment—Foster Parents. Foster parents can be single, married or divorced. They own homes or live in apartments. Some are as young as 21 years old while others are retired. What they have in common is that they have demonstrated attentiveness, tenacity, patience and empathy along with a willingness to grow and learn from the experience of fostering and an equal capacity to love and let go. Foster parents provide a vital service to our nation’s displaced children. They are a valuable resource for families and children. Their work is extremely difficult, knowing that they are working to help reunite a child with a biological parent, or care for a child until that child is adopted.

Mr. Speaker, while I rise today to praise and applaud foster parents for the very important work they do, I want to acknowledge an amazing organization and an outstanding individual, from my District, supporting the foster care system. Because foster parents take on the awesome responsibility of providing both emotional and financial support for the neediest children at a great personal expense, it is very important that we encourage our communities to support foster parents as they support foster kids.

It is with great pride that I commend FosterCare Luggage, an Indianapolis based non-profit organization, for its invaluable contribution to the well-being of foster kids. When Marc Brown, founder of FosterCare Luggage, considered taking in a foster child in 1995, he learned that foster children often had to move from family to family with their belongings stuffed into black plastic trash bags. Brown decided to make it his personal mission to get proper luggage for foster children. FosterCare Luggage works collaboratively with other agencies and organizations in Indiana to ensure that all children in out-of-home care receive luggage according to their age-appropriate need and seeks funding to provide other items, such as clothing and hygiene products. With help from private donors and volunteers, FosterCare Luggage has provided suitcases to thousands of children.

Finally, Mr. Speaker, I wish to recognize a young lady who has demonstrated that one person can make a significant difference. Nicole Silbeck, a Senior at Zionsville High School in Indianapolis, collected 90 pieces of luggage for FosterCare Luggage’s program. With so much attention recently devoted to biological parents, I am pleased to put forth Nicole’s achievement as an example of what teenagers around the country are doing in support of our communities.

EXPOSING RACISM
HON. BENNIE G. THOMPSON OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

HOMOSEXUALS, DISABLED, ELDERLY ADDED TO HATE CRIMES LAW
(By Dennis Patterson)

RALEIGH—People who are homosexuals, the disabled or the elderly and target them for crimes could face increased sentences under a bill approved by a House committee. The measure, which now goes to the full House, expands North Carolina’s hate crimes law to include sexual orientation, disabilities, gender and age. Crimes that are proven to be motivated by hate would be increased to at least a felony.

The hate crimes law now applies to race, religion and national origin.

“This bill doesn’t protect anybody,” Rep. Martin Nesbitt, D-Buncombe, said Tuesday as the House Judiciary I Committee debated the bill. “It punishes people for perpetrating a crime because they hate a class of people.”

The bill “centers on the question of whether we will be civil in North Carolina,” said Rep. Paul Luebke, R-Butner, one of the bill’s two primary sponsors. “It is, to put it in a phrase, a statement that we will not hate.”

The bill is named after Matthew Shepard, a homosexual with North Carolina connections who was beaten to death in Wyoming. John Rustin of the North Carolina Family Policy Council called Shepard’s death a “brutal and inexcusable crime.” But the homosexual acts that would be covered by the
EXTENSIONS OF REMARKS

May 26, 1999

Congress supports award for Parks

WASHINGTON — Rosa Parks is getting the gold.

Congress voted Tuesday to give the 86-year-old civil rights heroine the Congressional Gold Medal, its highest civilian award, for an act of defiance more than 40 years ago.

Often hailed as the “first lady” or “mother” of the civil rights movement, Parks was fined $25 in 1955 for refusing to give up her seat to a white passenger on a Montgomery, Ala., bus.

Her arrest set off a lengthy bus boycott by black riders, which President Clinton is expected to sign.

“Mrs. Parks is very excited to have this honor,” said Anita Peek, executive director of the Rosa and Raymond Parks Institute for Self-Development. Parks co-founded the non-profit group in 1987 to help young people in Detroit, where she now lives.

She named the institute in honor of her parents. She moved there in 1957 after losing the seamstress’ job and her family was harassed and threatened. She joined the staff of Rep. John Conyers, D-Mich., in 1965 and worked there until retiring in 1990.

She now travels the country lecturing about civil rights.

A guest at Clinton’s State of the Union address last January, Parks has received numer-ous awards, including the Presidential Medal of Freedom, the nation’s highest civilian award, and the Spingarn Award, the NAACP’s top civil rights honor.

Lawmakers initially used the Congressional Gold Medal to honor military leaders but began using it during the 20th century to recognize excellence in a range if fields, including the arts, athletics, politics, science and entertainment.

The first such medal was approved in 1875 for George Washington’s and commemorates the “peace and spirited conduct” during the Revolutionary War.

More than 320 medals have been awarded. Recent honorees include Frank Sinatra, Mother Teresa, the Rev. Billy Graham, South African President Nelson Mandela and the “Little Rock Nine,” the group that braved threats and jeers from white mobs to integrate Central High School in Little Rock, Ark., in 1957.

[From the New York Times, April 21, 1999]

COURT ASKED TO REVIEW HOPWOOD CASE

AUSTIN, TX.—The University of Texas has asked a federal appeals court to reconsider a decision that led to the elimination of affirmative action policies at the state’s public colleges and universities.

School officials asked the 5th U.S. Circuit Court of Appeals on Tuesday to reconsider its so-called Hopwood ruling.

“This case addresses one of the most important issues of our time,” the university said in a filing. “We deserve the fullest possible hearing and a most careful decision by the federal courts.”

Larry Faulkner, president of the university, said the Hopwood ruling came in a lawsuit against the University of Texas law school’s former affirmative-action admissions policy.

The office of the university’s outpatient clinic discriminated against whites, was allowed to stand in 1999 by the U.S. Supreme Court.

[From the New York Times, April 21, 1999]
Former Attorney General Dan Morales then issued a legal opinion directing Texas colleges to adopt racial policies for admissions, financial aid, and scholarships. Legislators asked new Attorney General John Cornyn for a second opinion. His office helped university officials write the appeal submitted Tuesday.

According to University of Texas System Regent Deforest, the Holowood ruling left Texas at a competitive disadvantage with other public universities in recruiting students. The appeal argues that limited consideration of race in admissions is necessary to overcome the effects of past discrimination. It also says the school has a compelling interest in a racially and ethnically diverse student body.

A state Comptroller’s Office study released in January showed a drop in the number of minorities applying for, being admitted to, and enrolling in some of the state’s most selective public schools.

TEACHER SUSPENDED AFTER RUDICULOUS RACIAL SLUR REASSIGNED

LORAIN, OH.—A teacher suspended for repeating a student’s racial slur disproportionately was reassigned today to observe a veteran teacher in another school.

Terence Traut, 28, a seventh-grade math teacher at Lorain Middle School, was reassigned to Whittier Middle School.

“Some of our master teachers, who have been in the district for 19-20 years, have been involved in difficult student situations,” school spokesman Ed Brahnam said. “Hopefully, he can learn through observing with strong classroom management skills.”

He was assigned to his home, with pay, since April 1 and was suspended last week. It was not clear how long he would be observing another teacher.

Traut could not be reached for comment today. Messages were left at his new school and at his home.

Traut, who is white, became upset when he heard a black Hispanic student call each other “nigga,” slang popularized by some rap musicians but derived from the similar-sounding slur.

As the school’s liaison for the principal’s office, Traut repeated the word and told the class that it was stupid to use such language.

He repeated the comment disparagingly when one of the boys returned.

The 11,000-student district 25 miles west of Cleveland is about half white, 25 percent black and 25 percent Hispanic.

The city chapter of the National Association for the Advancement of Colored People wanted Traut’s dismissal and said any use of a racial slur by a teacher was inappropriate.

The school board said it might consider dismissing Traut, depending on part in his willingness to apologize.

**IREARM CHILD SAFETY LOCK ACT OF 1999**

HON. JUANITA MILLENDER-MCDONALD OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Ms. MILLENDER-MCDONALD. Mr. Speaker, it is time for Congress to act on the issue of gun related violence, and pass legislation which will adequately address this issue.

EXTRCTIONS OF REMARKS

The school shootings in Jonesboro, Edinboro, Fayetteville, Springfield, Richmond, West Pacucha, Littleton and most recently, Conyers, should be a wake up call for this body to act.

Gun related violence has plagued our nation and jeopardized the safety of our children.

The American people are demanding action by this body, and the people want a safe environment in our nation’s urban and rural areas for our children.

Each day in America, thirteen children under the age of 19 die from gunfire. In 1996, 4,643 children were killed by firearms. Firearms cause 1 of every 4 deaths of teenagers from the ages of 15 to 19. In addition to this, firearms are the fourth leading cause of accidental death among children from the ages of 5 to 14.

The rate of gun related crimes is increasing. From 1984 to 1994, the firearm homicide death rate for youth from the ages of 15 to 19 has increased 222%, while the non-firearm homicide death rate decreased 12.8%.

It is our responsibility, as parents and leaders to protect our nation’s children. These statistics illustrate the need for stronger measures from Congress. Yet, despite the statistics and recent developments, which clearly prove that there is a problem with firearms, many Members of Congress refuse to push forward substantive gun legislation.

To address this problem, I have re-introduced my bill, the Firearm Child Safety Lock Act of 1999. My bill, H.R. 1512, the Firearm Child Safety Lock Act of 1999, will prohibit any person from transferring or selling a firearm, in the United States, unless it is sold with a child safety lock.

In addition, this legislation will prohibit the transfer or sale of firearms by federally licensed dealers and manufacturers, unless a child safety lock is part of the firearm.

A Child Safety Lock, when properly attached to the trigger guard of a firearm, will prevent a firearm from unintentionally discharging. Once the safety lock is properly applied, it cannot be removed unless it is unlocked. Public support for child safety locks is strong. 75% of Americans have voiced support for mandatory trigger locks.

This legislation will protect our children and increase the safety of firearms.

However, child safety locks are not enough. We must determine why young people commit these horrible acts of violence. We must take the proper steps to educate and counsel our children, to prevent future acts of violence. We must be proactive and diligent in our efforts to help our children and stop these violent acts.

My bill, H.R. 1512, also has an education provision which provides for a portion of the firearms tax revenue to be used for education on the safe storage and use of firearms. The mental health of our children must also be adequately addressed.

We must determine what the problems are. Find solutions to those problems, and then act.

We can address this issue without violating the second amendment to the Constitution. The right of the people to keep and bear arms, shall not be infringed. The right to life without fear will be preserved by this legislation and other necessary legislation that should be passed by Congress.

We must have the courage to stand firm and take steps to avoid the continued senseless bloodshed of the lives of children around this country. This bill and our efforts can do just that, we can protect our children and protect their future. In doing so, we are protecting ourselves.

INTRODUCTION OF THE RENTAL FAIRNESS ACT

HON. ED BRYANT OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. BRYANT. Mr. Speaker, I rise to introduce the “Rental Fairness Act of 1999.” This measure addresses two important issues.

First, the impact of state vicarious liability laws on interstate commerce and motor vehicle renting and leasing consumers across the nation. Second, the question as to whether vehicle renting companies must be licensed to sell insurance products to their customers—insurance that is optional but very important to many car and truck rental customers who are under insured or have no insurance at all.

Title I of the Rental Fairness Act will, for a limited period of 3 years, adopt a federal presumption that companies that rent motor vehicles should not be licensed to sell insurance products to their customers for the term of the rental. Recently, class action lawsuits have been filed in three states accusing these rental companies of selling insurance without a license—despite the fact these companies have been offering these products to their customers for almost three decades.

For many car and truck rental customers, these supplemental insurance purchases are not just a luxury—they are a necessity. For customers who carry minimal automobile insurance, or no insurance at all, the insurance products offered by car and truck rental companies are an important and inexpensive method of buying short-term, comprehensive insurance to protect themselves against accidents or theft. If this federal presumption is not adopted, these companies may cease to offer these products altogether—leaving many customers with no means of protecting themselves from potential liability during the rental of a motor vehicle.

The car and truck rental industry already has undertaken a huge effort to clarify their need to be licensed under each state’s insurance laws on a state-by-state basis. To date, twenty-four states have clarified, either through regulation or legislation, their positions on this issue. Until the other states can act on this issue, Title I will offer this industry protection from these types of class action lawsuits.

Title I in no way undermines the primacy of the states in regulatory insurance. In fact, it specifically restates the primary role of the states in insurance regulation. Title I of the Act has the support of the trade associations represented insurance agents because these groups realize the rental companies do not compete directly with insurance agents on these types of face-to-face, rental transaction-specific insurance sales.

We can address this issue without violating the second amendment to the Constitution. The right of the people to keep and bear arms, shall not be infringed. The right to life without fear will be preserved by this legislation and other necessary legislation that should be passed by Congress.
Title II of this act will pre-empt the laws of a small number of states that impose unlimited vicarious liability on companies that rent or lease motor vehicles. Normally under our system of jurisprudence, defendants in lawsuits are held liable based upon their actions or inactions only. Unfortunately, a small number of jurisdictions—six states and the District of Columbia—ignore his general principle this minority of states subject rental and leasing companies to unlimited liability for accidents caused by their customers that involve the company’s vehicles—despite the fact that the company was not at fault for the accident in any way. This type of vicarious liability—liability without fault—holds these companies liable even when they have not been negligent in any way and the vehicle operated perfectly.

The measure I am introducing prevents states from holding companies liable for accidents involving their vehicles based solely upon their ownership of the vehicle. The bill makes clear that rental and leasing companies would still be liable if they negligently rent or lease the vehicle. The bill also would hold the companies liable if the vehicle did not operate properly. It makes clear that these companies are not, under this bill, excused from meeting state minimum insurance requirements on their motor vehicles.

Forty-four states have discarded the unfair and outdated doctrine of vicarious liability for companies that rent or lease motor vehicles. This property draws special concern only of the impact the policies of these small number of states have on interstate commerce. These vicarious liability states impose what amounts to a tax on rental and leasing customers nationwide. Rental and leasing companies must attempt to recover the roughly $100 million they annually pay on vicarious liability claims from customers nationwide—not just from citizens in vicarious liability states. Smaller rental and leasing companies and licensees of the larger systems have been driven out of business by just one vicarious liability claim.

In addition, vicarious liability discourages competition in these states. There are motor vehicle rental companies that will not do business in these states for the fear of being held vicariously liable—reducing competition in these states and impacting all customers that rent or lease in these states. Finally, vicarious liability establishes an absurd legal disconnect. If a vehicle is purchased from a bank or finance company, then there is no vicarious liability. However, if that same vehicle is leased, vicarious liability applies.

For these collective reasons, Title II of the Act and the reforms it implements are long overdue. Everyone, companies and individuals alike, should be held liable only for harm they caused or could have prevented. The only way these companies can prevent this harm would be to go out of business. This is an absurd expectation that will be remedied by this bill.

I look forward to hearings on this matter and working with my colleagues to ensure its passage.

HON. BOB CLEMENT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. CLEMENT. Mr. Speaker, on roll call votes 145 and 146, I was unavoidably detained from official business. Had I been present, I would have voted "aye" on both measures.

RONALD AND ARLENE HAUSER: MODELS FOR US ALL

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. BARCIA. Mr. Speaker, people who devote their lives to teaching young people many of life’s diverse lessons provide one of the most valuable services that anyone can. This week marks the centennial of Immanuel Lutheran Church in Bay City where I have the honor to serve. Ron and Arlene Hauser for their years of teaching and music ministry, and leadership within the school and church. This is a most deserved tribute to two people who have touched the lives of literally thousands of young people, making a difference for many young people at an impressionable age.

Ron Hauser has been a Called Lutheran school teacher for forty five years, and Arlene Hauser has been a Called Lutheran school teacher for thirty six years. They have provided instruction to children and adults in reading, writing, arithmetic, music, and most importantly, God’s love in Christ.

In 1954, Ron Hauser taught grades 1-4, as director of Music, and assisted the Sunday School, Bible Class, and Youth programs of Trinity Lutheran Church in West Seneca, New York. He went on to Peace Lutheran Church in Chicago in 1958, where he served as Principal. He went on to St. John’s Lutheran Church in LaGrange, Illinois in 1968, before coming to Immanuel Lutheran Church in Bay City in 1988. Here he has been a teacher and Coordinator of Music, the Bible class teacher, organist, director of the Senior Choir, Men’s Choir and Cantate Choir, as well as the school Advanced Band. He has also served in a number of professional and synodal positions with distinction.

Arlene Maier first taught at St. James Lutheran School in Grand Rapids in 1955. She and Ron Hauser married on June 23, 1956, and had three daughters—Lynn Little, Beth Peterson, and Ellen Nyahwilhiri. From 1964 through 1968 she was a preschool teacher and organist at Hope Lutheran School in Chicago, and then taught at St. John’s Lutheran School in LaGrange, Illinois from 1968 through 1988. She also came to Immanuel in Bay City in 1988, where she taught 2nd grade, and directed the handbell choirs, the Women’s Choir, Cherub Choir, and other special music activities.

Blessed with three daughters and nine grandchildren, Ronald and Arlene Hauser extended their own blessings to every person with whom they interacted throughout their careers of caring and devotion. Mr. Speaker, as they are honored at their retirement, I urge you and all of our colleagues to join me in thanking Ron and Arlene Hauser for their years of dedication and accomplishment, and in wishing them the greatest happiness possible as they move on to new activities.

HON. JOSEPH M. HOEFFEL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. HOEFFEL. Mr. Speaker, earlier today I introduced the Valley Forge National Cemetery Act. This bill would establish a new national cemetery for our nation’s veterans on land within the boundaries of Valley Forge National Historical Park. I am pleased to be joined in this effort by the entire Pennsylvania delegation.

The National Cemetery Administration is running out of space for the burial of deceased veterans of military service in the United States. New cemeteries must be established for our veterans. The Philadelphia National Cemetery in Pennsylvania and the Beverly National Cemetery and Finn’s Point National Cemetery, both in New Jersey, are no longer open for in-ground, full casket burials, other than those who already have existing plots. There is also no national cemetery in the State of Delaware. Thus, the need for an additional national cemetery in our area is immediate.

Current population figures from the Department of Veterans Affairs show a population of 574,584 veterans in the 11-county Philadelphia region. The next decade will challenge the National Cemetery Administration to accommodate World War II and Korean War veterans, as well as veterans from the Vietnam era. Each of our veterans deserves the honor of burial in a national cemetery. In order to best be able to honor and remember these heroes, families need access to those gravesites within a reasonable distance from their homes. The best opportunity to meet this need in the Philadelphia area is to dedicate existing federally owned property in the Valley Forge National Historical Park.

The Valley Forge National Historical Park is dedicated to the earliest American military veterans and the long winter of their suffering during the War of the American Revolution. Although no battle was fought on this land, it is nevertheless symbolic of our nation’s military valor and triumph over adversity. The bill will designate 100 acres of the 3,600 acre National Park for use as a national cemetery. The section of land north of the Schuylkill River would be the ideal location for the national cemetery. This area is historical markers and is separated from the rest of the park by the river. Dedication of this portion of the Historical Park as a national cemetery would thus add a solemn and appropriate place to honor and remember those who have served this country in the military.

Mr. Speaker, I urge swift consideration of this bill as an important and timely opportunity to honor our nation’s military veterans.
May 26, 1999

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. ORTIZ. Mr. Speaker, because of official business in my District (27th Congressional District of Texas) I was absent for rollcall votes 147–154. If I had been present for these votes, I would have voted as indicated below.

Rollcall No.—Vote: 147—“yes”; 148—“yes”; 149—“yes”; 150—“yes”; 151—“Present”; 152—“no”; 153—“no”; and 154—“no”.

CONGRATULATING THE RIDGEWOOD CHAMBER OF COMMERCE ON ITS 75TH ANNIVERSARY

HON. MARGE ROUKEMA
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Ridgewood Chamber of Commerce on its 75th anniversary as one of the leading business/civic organizations in New Jersey. The Ridgewood Chamber has played a leading role in making Ridgewood the first-rate place to live, work and raise a family that it is today. I know—I have lived most of my life in Ridgewood and raised my family there. From President Lawrence Keller through each and every business that is a member, these are people who truly care about their community.

The Ridgewood Chamber of Commerce was founded in 1898 as the Businessmen’s Association of Ridgewood, changing its name in 1924. The mission of the organization has remained the same over the years—to “develop and advance the business, professional and civic interests of Ridgewood.”

Today’s Chamber of Commerce is a voluntary organization of individuals, businesses, professionals and organizations dedicated to advancing the commercial, financial, civic and general interests of Ridgewood. The Chamber acts as a public relations counselor, representative to local government, a problem solver, information and resource center, and coordinator of business and professional programs and promotions. The Chamber promotes the maintenance of a dignified and successful business and professional district. Membership represents almost every facet of our business/professional community, including merchants, doctors, lawyers, bankers, newspaper editors, business owners/managers, civic leaders and clergy. A 10-member Board of Directors sets goals and policy carried out by the five officers—President Lawrence Keller of Koller Financial Group, Vice President Joan Groome of theYWCA of Bergen County, Treasurer Kenneth Porrka of Kenneth Porrka & Co., Secretary Sally Jones of Valley Hospital and Past President Tom Hillmann of Hillmann Electric. Executive Director Angela Caulito is responsible for day-to-day operations.

The Chamber of Commerce brings a sense of unity to our business community. Ridgewood is a regional business center, growing larger and stronger every day. The Chamber successfully pursues its mission to promote Ridgewood and its businesses through effective advertising, planned events, community service, networking and education of the public. The Chamber is true to the entrepreneurial spirit of our free enterprise system. That spirit has been and always will be at the heart of our American democracy.

The Chamber’s activities go beyond just promoting the business interests of our community. The Chamber annually sponsors Easter in Ridgewood, the Ridgewood Car Show, the Santa Parade and the Downtown for the Holidays festival. These are all programs that enrich our community.

I ask my colleagues to join me in congratulating the Ridgewood Chamber of Commerce on a successful 75 years and wishing the Chamber and its members many more years of continued success and prosperity.

TRIBUTE TO THE KANKAKEE—IROQUOIS REGIONAL PLANNING COMMISSION

HON. STEPHEN E. BUYER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. BUYER. Mr. Speaker, I rise today to give tribute to the Kankakee-Iroquois Regional Planning Commission, which for the past 25 years has improved the economics, health, and well-being of the residents in North Central Indiana.

The Kankakee-Iroquois Regional Planning Commission (KIRPC) has been an integral part in generating community and economic development opportunities for the citizens and local communities of Indiana since July 2, 1973. The KIRPC continues to be a positive influence upon the regional economic well-being by helping communities and residents in North Central Indiana maintain their economic viability.

The Commission has been instrumental in providing a means of communication between local, state, and federal government organizations and the citizens of North Central Indiana. The KIRPC monitors an Overall Economic Development Plan that helps to identify the needs of people and businesses within the community, while reducing government waste. In addition, it has been a valuable partner in helping the region’s development through such programs and services as grants-in-aid; grants administration; comprehensive planning; and forums to address local issues. The KIRPC has also helped the people in the region with transportation needs by providing the Arrowhead County Public Transit Service which provides more than 150,000 routes annually.

The KIRPC was key in helping bring Head Start to the area in 1997. The Head Start program now provides services for 122 children and supplies necessary developmental services for the children; all within an education setting.

I commend the Kankakee-Iroquois Regional Planning Commission for its unwavering support to the region by providing a wide range of services and programs. I wish the Commission continued success in its endeavor to make a difference in the lives of the citizens of Indiana.

TRIBUTE TO FIRST LIEUTENANT JAMES F. MUELLER

HON. DAVE CAMP
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. CAMP. Mr. Speaker, I rise to pay tribute to First Lieutenant James F. Mueller of Houghton Lake, Michigan, who will retire from the Michigan State Police on May 29.

I would like to draw the attention of my colleagues in the U.S. House of Representatives and my constituents in the 4th Congressional District to First Lieutenant Mueller’s distinguished career.

For three decades, First Lieutenant James F. Mueller has served his country and his community. Soon after graduating from Valparaiso University in Indiana, he enlisted in the U.S. Army and fought for his country in the fields of Vietnam, earning numerous service awards.

He returned home in 1971 and began his career with the Michigan State Police. In 1987, he was promoted to First Lieutenant at Houghton Lake Post #75. He soon became more than a state trooper to the residents of northern Michigan; he became a role model to young children and a key figure in the creation of the D.A.R.E. drug use prevention program in local schools.

In addition to his professional career, First Lieutenant James F. Mueller’s extensive personal community service proves his dedication to his neighbors. He is a member of the Lions and Kiwanis, has served in the United Way and Houghton Lake Merchant’s Association and has served on the board of directors for the St. John’s Lutheran Church, the River House Shelter and Roscommon County 911.

On June 26, a banquet will be held for First Lieutenant Mueller at the Houghton Lake Elks’ Club. He will be joined by his colleagues, who honor him for his career; many friends and neighbors who will wish him well; and his wife, Holly; son, Michael; and daughters Laura, Shannon and Kristen.

I join them in thanking him for his years of service and add my personal best wishes to him in his future endeavors.

CONGRATULATIONS ON THE RESTORATION OF DEMOCRACY IN NIGERIA

HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. SAXTON. Mr. Speaker, it is not often at this particularly troubled era in world affairs that we can take time to celebrate a major advance in freedom and democracy. However, on May 29th we may do just that, as Nigeria, the most populous state and largest economy
in Africa, moves firmly back into the camp of democratic nations. On May 29th, President Olusegun Obasanjo will become President of Nigeria, thus ending a decade of political transition in democratic elections in February. President Obasanjo assumes the leadership of more than 120 million Nigerians, and he will be assisted in this task by a democratically elected bicameral Assembly, elected state assemblies and elected state governors, in a political system which now mirrors the United States’ own democratic process.

The new government in Abuja is determined to develop Nigeria’s democracy and to participate in helping to make Africa a viable arena for peace, prosperity and the rule of law. As the first African head of state to visit the United States under President Clinton, Mr. Obasanjo’s trip follows the successful international conference in Paris on the Future of Western Sahara. It is a fitting time to reflect on President Obasanjo’s historic commitment to the advancement of a democratic and prosperous Nigeria. After all, Nigeria is the most populous African state and home to more than 120 million Nigerians, and he will be as invested in this task by a democratically elected bicameral Assembly, elected state assemblies and elected state governors, in a political system which now mirrors the United States’ own democratic process.

The new government in Abuja is determined to develop Nigeria’s democracy and to participate in helping to make Africa a viable arena for peace, prosperity and the rule of law. As the first African head of state to visit the United States under President Clinton, Mr. Obasanjo’s trip follows the successful international conference in Paris on the Future of Western Sahara. It is a fitting time to reflect on President Obasanjo’s historic commitment to the advancement of a democratic and prosperous Nigeria. After all, Nigeria is the most populous African state and home to more than 120 million Nigerians, and he will be as

Mr. Speaker, we need to send our congratulations today to President Obasanjo, and all of the officials elected to the two houses of Nige- ria’s Federal Assembly, and to the newly elected State Assemblymen, and State Gov- ernors, and to the elected municipal officials. This is a great watershed for Nigeria, a great day for Africa, and a great opportunity for us to participate in helping to make Africa a vi- brant, democratic and self-sustaining continent and a healthy part of the world trading system.

PERSONAL EXPLANATION

HON. MICHAEL BILIRAKIS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. BILIRAKIS. Mr. Speaker, on May 20, 1999, I missed the vote on the motion to con- cur in the Senate amendment to H.R. 4, the National Missile Defense Act of 1999, because I was unavoidably detained. Had I been present, I would have voted “aye.”

Tribute to Chancellor Hilda Richards

HON. PETER J. VISCLOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to an ex- ceptionally dedicated, compassionate, and dis- tinguished member of Indiana’s First Congres- sional District, Chancellor Hilda Richards of Gary, Indiana. After serving as Chancellor of Indiana University Northwest for six years, Chancellor Hilda Richards will be retiring next month. On June 5, 1999, Chancellor Richards will be honored with a formal salute for her service, dedication, and leadership at an Innsbrook Country Club in Merrillville, Indiana.

Chancellor Hilda Richards was born in St. John’s, British Honduras. Chancellor Hilda Richards received her Diplomas in Nursing from St. John’s School of Nursing in 1956 and continued her education in New York City, New York, where she graduated cum laude from Hunter College with a Bachelor of Science degree in 1961. Chancellor Richards continued her education at Columbia University, where she received her Masters in Education in 1965, Masters of Public Administration in 1971, and her Doctorate of Education in 1976. Chancellor Richards understands that a solid educational foundation will challenge one’s mind, empower one’s sense of well-being, and rekindle one’s heart, with a com- mitment to values and beliefs essential to be- coming and being a whole individual. In the words of Chancellor Hilda Richards herself, “I knew I wanted to make a difference—and I needed a good education to do that. My per- sonality would not allow it to be any other way.” Chancellor Richards has continued to challenge herself by doing post-doctoral work at Harvard University.

Chancellor Hilda Richards began her profes- sional life as a staff nurse at Payne Whitney Clinic of New York Hospital in 1956. Four years later she became an instructor of nurs- ing in the Department of Psychiatry at City Hospital in New York, where she rose to the position of head nurse in the Department of Psychiatry. From 1971 to 1976 she served as the Director of Nursing Programs and Chair of the Health Science Division at Medgar Evers College in New York City, and from 1976–1979 she served as the Associate Dean of Academic Affairs for Medgar Evers College. Chancellor Richards continued her profes- sional career as Dean of the College of Health and Human Services at Ohio University in Athens, Ohio. Before coming to Indiana University Northwest to serve as Chancellor, she served as Provost and Vice President for Academic Affairs at Indiana University of Pennsylvania from 1986–1993.

Though extremely dedicated to her aca- demic work, Chancellor Hilda Richards self- lessly gives her free time and energy to her community. Chancellor Richards is a life mem- ber of the National Association for the Ad- vancement of Colored People and a member of the American Nurses Association. She also serves as a board member in several organi- zations in Northwest Indiana, including: The Gary Education Development Foundation, Inc.; Tradewinds Rehabilitation Center, Inc.; Boys and Girls Club of Northwest Indiana; WYIN-Channel 56, and the Northwest Indiana Forum. Additionally, Hilda Richards has volun- teered countless hours of service to the Times Newspaper Editorial Advisory Board, the Indi- ana Youth Institute, and The Methodist Hos- pital.

Mr. Speaker, I ask that you and I extend our heartfelt gratitude to Chancellor Hilda Richards for her dedication, service, and leadership to the students and faculty of Indiana University Northwest, as well as the people of the First Congressional Dis- trict. Northwest Indiana’s community has cer- tainly benefited by her tireless service and uncompromising dedication displayed by Chancellor Hilda Richards.

A Tribute to American Service Men and Women

HON. CARRIE P. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to America’s servicemen and women for their heroic sacrifices made to preserve freedom. With the upcoming observ- ance of Memorial Day, the United States re- members countless heroes, who gave their lives for freedom at all costs that we honor at this solemn Memorial Day holiday. Senator Robert Kennedy once wrote: “Every time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million different centers of energy and daring, those ripples build a cur- rent that can sweep down the mightiest walls of oppression and resistance.”

President Reagan once mentioned that we don’t have to look in history books to find he- roes; heroes are all around us, in every Amer- ican city and town, as well as in the towns of our Allies. On Memorial Day, I pause to pay tribute to such heroes as the late Tom O’Connor of Quebec, Canada, who, as a young Cana- dian paratrooper, landed in Normandy, France, on June 6, 1944, fought in the dread- ful Falaise Gap during the following Battle of Normandy, was severely wounded by machine gun fire, and spent the rest of the war in a German hospital.

I pay tribute to John J. McDonough who, as a reliable young seaman in the U.S. Army Air Corps, served the Allies in the China-Burma-India Theater of Operations. At the same time, his teenage brother, Thomas J. McDonough, was a faithful seaman in the U.S. Navy who

Is there anything else you need to know or discuss based on this text?
saw action in the South Pacific in the Invasion of the Philippines and in the Battle of Okinawa, among other designs. I am truly proud to pay tribute to Mr. James Clark, Sr., of Bowie, Maryland, who, as a teenager in the U.S. Navy before World War II, was on duty in Pearl Harbor on the morning of December 7, 1941, and raced to his battle station during the surprise Japanese attack on the American fleet. Young Mr. Clark defended his nation that Sunday morning with the valor and spirit that we solemnly honor on Memorial Day and on June 6.

I pay tribute to Corporal Francis McDonough of Bowie, aged 20 in 1944, who, with 10,000 other young American soldiers, boarded the English liner, Aquitania, in New York Harbor on January 29, 1944. The ship had been refitted into a troop ship, was as swift as the German U-boats, and sailed unescorted without convoy protection on a risky voyage across the cold North Atlantic.

Once fully loaded with troops, Aquitania steamed out of New York Harbor. Corporal McDonough and other soldiers lined in the decks of the huge liner and stared at the Statue of Liberty until it disappeared from view. For much of the first three days of the journey, a Navy seaplane, the PBY Catalina, watched for enemy submarines as it accompanied Aquitania to the extent of the plane’s range of fuel. The PBY signaled the ship with its findings, and finally had to turn back as the liner sailed beyond the perimeter of the plane’s range. After a harrowing voyage, the U.S. troops disembarked safely in Scotland a week later.

Several months later, after hazardous amphibious training off of England’s coast at Slapton Sands, the Allies launched the invasion of Europe against Nazi enslavement, on D-Day, June 6, 1944, landing on five code-named beaches in occupied Normandy, D-Day, June 6, 1944. It is a privilege to pay tribute to the Americans who love freedom that we honor on Memorial Day and on the 55th anniversary of D-Day.

This legislation addresses the dangerous lack of adequate safety infrastructure, such as crossing gates, at highway and railroad grade crossings across the country. At many grade crossings, the only safety infrastructure between motorists and oncoming trains is a stop sign or a crossbuck. In my state of Alabama, only about 30 percent of the grade crossings are signalized with gates, lights, or bells. All too often, the end result of this lack of adequate safety infrastructure is a tragic accident in which someone is horribly injured or killed. Nevertheless, the end result of this lack of adequate safety infrastructure is a tragic accident in which someone is horribly injured or killed. Last year alone, 428 people died in accidents at railroad grade crossings. Indeed, my home state of Alabama leads the nation in terms of vehicle train crashes.

These statistics are appalling and unacceptable, especially when we have the resources and know how to greatly reduce them. That’s why I’ve joined with my colleagues, BILL LIPINSKI, in introducing RSAFE. This legislation would invest $150 million to approximately $275 million for the next 5 years.

As Senator Robert Kennedy later noted, such an American current was capable of sweeping down the mightiest walls of oppression and resistance. It is this spirit of Americans who love freedom that we honor on Memorial Day and on the 55th anniversary of D-Day, June 6, 1944. It is a privilege to pay tribute to American soldiers, sailors, and airmen of all wars who have given the noble example of handing over their country not less ut even greater and better than they received it.
COMMENDATION OF MR. H. BEECHER HICKS III, WHITE HOUSE FELLOW FROM CHARLOTTE, NORTH CAROLINA

HON. MELVIN L. WATT
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. WATT of North Carolina. Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. H. Beecher Hicks III for his service to the White House Fellowship this year.

Mr. Hicks earned his BA in marketing from Morehouse College and MBA from the University of North Carolina Kenan-Flagler Business School. He is an investment banker with Bank of America Corporation (formerly NationsBank Corporation) where he serves as Vice President and provides mergers and acquisitions advice to middle-market companies. While serving as assistant to the chairman of NationsBank, Mr. Hicks led the formation of the bank’s venture development program and proposed a $30 million equity-investment company focusing on urban communities. He also helped start The Investment Group of Charlotte, which invests in local firms and real estate projects and provides technical aid to entrepreneurs. Beyond his success in the private sector, Mr. Hicks serves on the Board of Directors of the Charlotte-Mecklenburg Development Corporation and works with students at Johnson C. Smith University.

Mr. Hicks was selected as one of 17 individuals nationwide to receive the White House Fellowship for 1998–1999. The fellowship allows outstanding citizens to participate in a once-in-a-lifetime experience by working hand-in-hand with leaders in government. Applications are chosen based on demonstration of excellence in community service, academic achievement, leadership and professional experience. It is the nation’s most prestigious fellowship for public service and leadership development.

As a White House fellow, Mr. Hicks has been assigned to the Corporation for National Service. In that capacity, he serves as Director of the AmeriCorps Promise Fellows Program, where he is responsible for implementing a partnership program between the AmeriCorps and America’s Promise, which was founded by former White House Fellow General Colin Powell. Mr. Hicks also evaluates the effectiveness of the investment strategies for the $400 million National Community Service Trust. His other responsibilities include developing an effort to better link the Corporation with AmeriCorps members, developing a clearer national identity for the program and working with senior management on organizational, management accountability and cultural issues.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. H. Beecher Hicks III for his service to the White House Fellows Program—a rare honor. I applaud his selection and wish him much continued success.

EXTENSIONS OF REMARKS
IN MEMORY OF BILL SCOTT
HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 1999

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform my colleagues of the passing of a remarkable resident of my 20th Congressional District in New York.

Bill Scott, a resident of Rockland County, NY, for over fifty years, passed away earlier this week at the age of 72. With his passing, New York State has lost one of its distinguished citizens.

Bill Scott helped found the N.A.A.C.P. chapter in Spring Valley, New York, back in 1951—nearly fifty years ago. It is an interesting fact that Bill felt compelled to do so because he believed that the existing N.A.A.C.P. chapter in Rockland County was not vigilant enough in pursuing discrimination and injustice against African Americans.

Ironically, years later, in the 1960’s Bill broke away from the N.A.A.C.P. chapter that he had founded because he believe that more militant times demanded a more militant response. Accordingly, he founded the Rockland chapter of the Congress of Racial Equality (CORE). But, he soon left that organization also, because he believed their national leadership had come to espouse Black separatism—a philosophy Bill could not abide. Bill devoted his life to equality between the races, but at no time did he condone separation of the races which he viewed as self-defeating.

Throughout the fifties and the sixties, Bill organized marches, sat ins, and demonstrations to integrate the police forces, the Y.M.C.A., and other institutions in Rockland County which, regrettably, were not color blind at that time. It is hard for our young people today to fully understand how ingrained racism was in our society just a few short decades ago. Nor are younger generations aware that by no means was racial segregation restricted to the south. I can recall from my own experiences as an N.A.A.C.P. member in the 1950’s that quite often we were considered too “radical” for our times, even in New York State.

Thanks to people such as Bill Scott in Rockland, who were courageous enough to speak out and to act at a time when it was not popular, we are well on the road today to a society where all are truly equal, although we still have a long way to go.

Bill Scott hosted a popular television show on cable, “Black Perspectives,” which made him a household word in Rockland during the last few decades of his life. I was honored to be his guest on several broadcasts and, like his viewership, I never ceased to marvel at his enthusiasm, his knowledge, and his commitment.

Bill Scott, a native of New Jersey, moved to Rockland County, NY, when he was stationed at Camp Shanks during World War II. In the over half century that he called Rockland home, he made a genuine impact upon his neighbors and his community. Bill will truly be missed, and we extend our sympathy and condolences to his widow Barbara, his three sons, two daughters, and ten grandchildren, and to his family, friends, loved ones and admirers who appreciated the gifts of this truly caring leader.

SENATE COMMITTEE MEETINGS
Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 27, 1999 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED
June 8
9:30 a.m.
Armed Services
To hold hearings on the nominations of General Eric K. Shinseki, USA, for appointment to the grade and for appointment as Chief of Staff, United States Army, and Lieutenant General James L. Jones, Jr., USMC, to be general and for appointment as Commandant of the Marine Corps.

June 9
9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on the implementation of the Transportation Equity Act for the 21st century.

Indian Affairs
To hold hearings on S. 338, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy’s Reservation; and S. 944, to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

2 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council’s Framework Process.

May 26, 1999

SD-406

SD-485

SD-366
May 26, 1999

JUNE 10
9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the report of the National Recreation Lakes Study Commission.
SD–366

10 a.m.
Judiciary
Business meeting to markup S. 467, to restate and improve section 7A of the Clayton Act; and S. 606, for the relief of Global Exploration and Development Corporation, Kerr-Mcgee Corporation, and Kerr-Mcgee Chemical, LLC (successor to Kerr-McGee Chemical Corporation).

JUNE 17
9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on mergers and consolidations in the communications industry.
SD–226

Environment and Public Works
To hold hearings on S. 533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S. 872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.
SD–406

SEPTEMBER 28
9:30 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans’ Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building